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110TH CONGRESS
2D SESSION**H. R. 5959**

IN THE SENATE OF THE UNITED STATES

JULY 17, 2008

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2009”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified Schedule of Authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.
- Sec. 105. Limitation on the use of covert action funds.
- Sec. 106. Prohibition on use of funds to implement “5 and out” program of the Federal Bureau of Investigation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

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

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
- Sec. 303. Multi-level security clearances.
- Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
- Sec. 305. Annual personnel level assessments for the intelligence community.
- Sec. 306. Comprehensive report on intelligence community contractors.
- Sec. 307. Report on proposed pay for performance intelligence community personnel management system.
- Sec. 308. Report on plans to increase diversity within the intelligence community.
- Sec. 309. Report on security clearance determinations.
- Sec. 310. Sense of Congress regarding the need for a robust workforce.

Subtitle B—Other Matters

- Sec. 311. Restriction on conduct of intelligence activities.
- Sec. 312. Clarification of definition of intelligence community under the National Security Act of 1947.
- Sec. 313. Modification of availability of funds for different intelligence activities.
- Sec. 314. Protection of certain national security information.
- Sec. 315. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 316. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
- Sec. 317. Incorporation of reporting requirements.
- Sec. 318. Repeal of certain reporting requirements.
- Sec. 319. Enhancement of critical skills training program.
- Sec. 320. Comprehensive national cybersecurity initiative advisory panel.
- Sec. 321. Exception to alternative fuel procurement requirement.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
- Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 403. Additional duties of the Director of Science and Technology.
- Sec. 404. Leadership and location of certain offices and officials.
- Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.
- Sec. 406. Semiannual reports on nuclear programs of Iran, Syria, and North Korea.
- Sec. 407. Title of Chief Information Officer of the Intelligence Community.
- Sec. 408. Inspector General of the Intelligence Community.
- Sec. 409. Annual report on foreign language proficiency in the intelligence community.
- Sec. 410. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
- Sec. 411. National intelligence estimate on weapons of mass destruction in Syria.
- Sec. 412. Report on intelligence resources dedicated to Iraq and Afghanistan.
- Sec. 413. Ombudsman for intelligence community security clearances.
- Sec. 414. Security clearance reciprocity.
- Sec. 415. Report on international traffic in arms regulations.
- Sec. 416. Report on nuclear trafficking.
- Sec. 417. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
- Sec. 418. Memorandum to holders of National Intelligence Estimate on Iran.
- Sec. 419. National Intelligence Estimate on production and sale of narcotics in support of international terrorism.

Subtitle B—Central Intelligence Agency

- Sec. 421. Review of covert action programs by Inspector General of the Central Intelligence Agency.
- Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.
- Sec. 423. Technical amendments relating to titles of certain Central Intelligence Agency positions.
- Sec. 424. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
- Sec. 425. Prohibition on the use of private contractors for interrogations involving persons in the custody or control of the Central Intelligence Agency.
- Sec. 426. Report on activities of the Central Intelligence Agency in Argentina.

Subtitle C—Defense Intelligence Components

- Sec. 431. Integration of the Counterintelligence Field Activity into the Defense Intelligence Agency.

Subtitle D—Other Elements

- Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
- Sec. 442. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

- Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 502. Amendments to the National Security Act of 1947.
- Sec. 503. Report on financial intelligence on terrorist assets.
- Sec. 504. Notice of intelligence regarding North Korea and China.
- Sec. 505. Sense of Congress regarding use of intelligence resources.
- Sec. 506. Sense of Congress regarding Colombian paramilitary organizations.
- Sec. 507. Jihadists.

Subtitle B—Technical Amendments

- Sec. 511. Technical amendment to the Central Intelligence Agency Act of 1949.
- Sec. 512. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 513. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
- Sec. 514. Technical amendments to the National Security Act of 1947.
- Sec. 515. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 516. Technical amendments to the Executive Schedule.
- Sec. 517. Technical amendments relating to the National Geospatial-Intelligence Agency.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2009 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

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

10 (2) The Central Intelligence Agency.

11 (3) The Department of Defense.

12 (4) The Defense Intelligence Agency.

13 (5) The National Security Agency.

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

17 (7) The Coast Guard.

18 (8) The Department of State.

19 (9) The Department of the Treasury.

20 (10) The Department of Energy.

21 (11) The Department of Justice.

22 (12) The Federal Bureau of Investigation.

23 (13) The Drug Enforcement Administration.

24 (14) The National Reconnaissance Office.

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

3 (16) The Department of Homeland Security.

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

5 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
6 LEVELS.—The amounts authorized to be appropriated
7 under section 101 and, subject to section 103, the author-
8 ized personnel ceilings as of September 30, 2009, for the
9 conduct of the intelligence activities of the elements listed
10 in paragraphs (1) through (16) of section 101, are those
11 specified in the classified Schedule of Authorizations pre-
12 pared to accompany the conference report on the bill H.R.
13 5959 of the One Hundred Tenth Congress.

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

22 (c) EARMARKS.—

23 (1) IN GENERAL.—Nothing in the classified
24 Schedule of Authorizations, the joint explanatory
25 statement to accompany the conference report on

1 the bill H.R. 5959 of the One Hundred Tenth Con-
2 gress, or the classified annex to this Act, shall be
3 construed to authorize or require the expenditure of
4 funds for an earmarked purpose.

5 (2) **EARMARKED PURPOSE DEFINED.**—In this
6 subsection, the term “earmarked purpose” means a
7 provision or report language included primarily at
8 the request of a Member, Delegate, Resident Com-
9 missioner of the House of Representatives or a Sen-
10 ator providing, authorizing, or recommending a spe-
11 cific amount of discretionary budget authority, credit
12 authority, or other spending authority for a contract,
13 loan, loan guarantee, grant, loan authority, or other
14 expenditure with or to an entity, or targeted to a
15 specific State, locality, or Congressional district,
16 other than through a statutory or administrative for-
17 mula-driven or competitive award process.

18 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

19 (a) **AUTHORITY FOR INCREASES.**—With the approval
20 of the Director of the Office of Management and Budget,
21 the Director of National Intelligence may authorize em-
22 ployment of civilian personnel in excess of the number au-
23 thorized for fiscal year 2009 by the classified Schedule of
24 Authorizations referred to in section 102(a) if the Director
25 of National Intelligence determines that such action is

1 necessary to the performance of important intelligence
2 functions, except that the number of personnel employed
3 in excess of the number authorized under such section may
4 not, for any element of the intelligence community, exceed
5 3 percent of the number of civilian personnel authorized
6 under such Schedule for such element.

7 (b) NOTICE TO CONGRESSIONAL INTELLIGENCE
8 COMMITTEES.—The Director of National Intelligence
9 shall notify the congressional intelligence committees in
10 writing at least 15 days prior to each exercise of an au-
11 thority described in subsection (a).

12 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
13 **COUNT.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for the Intelligence Commu-
16 nity Management Account of the Director of National In-
17 telligence for fiscal year 2009 the sum of \$648,842,000.
18 Within such amount, funds identified in the classified
19 Schedule of Authorizations referred to in section 102(a)
20 for advanced research and development shall remain avail-
21 able until September 30, 2010.

22 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
23 ments within the Intelligence Community Management
24 Account of the Director of National Intelligence are au-
25 thorized 772 full-time or full-time equivalent personnel as

1 of September 30, 2009. Personnel serving in such ele-
2 ments may be permanent employees of the Office of the
3 Director of National Intelligence or personnel detailed
4 from other elements of the United States Government.

5 (c) CONSTRUCTION OF AUTHORITIES.—The authori-
6 ties available to the Director of National Intelligence
7 under section 103 are also available to the Director for
8 the adjustment of personnel levels within the Intelligence
9 Community Management Account.

10 (d) CLASSIFIED AUTHORIZATIONS.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—In
12 addition to amounts authorized to be appropriated
13 for the Intelligence Community Management Ac-
14 count by subsection (a), there are authorized to be
15 appropriated for the Community Management Ac-
16 count for fiscal year 2009 such additional amounts
17 as are specified in the classified Schedule of Author-
18 izations referred to in section 102(a). Such addi-
19 tional amounts for advanced research and develop-
20 ment shall remain available until September 30,
21 2010.

22 (2) AUTHORIZATION OF PERSONNEL.—In addi-
23 tion to the personnel authorized by subsection (b)
24 for elements of the Intelligence Community Manage-
25 ment Account as of September 30, 2009, there are

1 authorized such additional personnel for the Com-
2 munity Management Account as of that date as are
3 specified in the classified Schedule of Authorizations
4 referred to in section 102(a).

5 **SEC. 105. LIMITATION ON THE USE OF COVERT ACTION**
6 **FUNDS.**

7 (a) IN GENERAL.—Not more than 25 percent of the
8 funds authorized to be appropriated by this Act for the
9 National Intelligence Program for covert actions may be
10 obligated or expended until the date on which each mem-
11 ber of the congressional intelligence committees has been
12 fully and currently briefed on all authorizations for covert
13 actions in effect on April 24, 2008.

14 (b) COVERT ACTION DEFINED.—In this section, the
15 term “covert action” has the meaning given the term in
16 section 503(g) of the National Security Act of 1947 (50
17 U.S.C. 413b(e)).

18 **SEC. 106. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**
19 **“5 AND OUT” PROGRAM OF THE FEDERAL BU-**
20 **REAU OF INVESTIGATION.**

21 None of the funds authorized to be appropriated in
22 this Act may be used to implement the program of the
23 Federal Bureau of Investigation requiring the mandatory
24 reassignment of a supervisor of the Bureau after such su-

1 pervisor serves in a management position for 5 years
2 (commonly known as the “5 and out” program).

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

7 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated for the Cen-
9 tral Intelligence Agency Retirement and Disability Fund
10 for fiscal year 2009 the sum of \$279,200,000.

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

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

1 **TITLE III—GENERAL INTEL-**
2 **LIGENCE COMMUNITY MAT-**
3 **TERS**

4 **Subtitle A—Personnel Matters**

5 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
6 **BENEFITS AUTHORIZED BY LAW.**

7 Appropriations authorized by this Act for salary, pay,
8 retirement, and other benefits for Federal employees may
9 be increased by such additional or supplemental amounts
10 as may be necessary for increases in such compensation
11 or benefits authorized by law.

12 **SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**
13 **DETAILS TO ELEMENTS OF THE INTEL-**
14 **LIGENCE COMMUNITY.**

15 Except as provided in section 113 of the National Se-
16 curity Act of 1947 (50 U.S.C. 404h) and section
17 904(g)(2) of the Counterintelligence Enhancement Act of
18 2002 (title IX of Public Law 107–306; 50 U.S.C.
19 402e(g)(2)) and notwithstanding any other provision of
20 law, in any fiscal year after fiscal year 2008 an officer
21 or employee of the United States or member of the Armed
22 Forces may be detailed to the staff of an element of the
23 intelligence community funded through the Community
24 Management Account from another element of the United
25 States Government on a reimbursable or nonreimbursable

1 basis, as jointly agreed to by the Director of National In-
2 telligence and the head of the detailing element (or the
3 designees of such officials), for a period not to exceed 2
4 years.

5 **SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.**

6 (a) IN GENERAL.—Section 102A of the National Se-
7 curity Act of 1947 (50 U.S.C. 403–1) is amended by add-
8 ing at the end the following new subsection:

9 “(s) MULTI-LEVEL SECURITY CLEARANCES.—The
10 Director of National Intelligence shall be responsible for
11 ensuring that the elements of the intelligence community
12 adopt a multi-level security clearance approach in order
13 to enable the intelligence community to make more effec-
14 tive and efficient use of persons proficient in foreign lan-
15 guages or with cultural, linguistic, or other subject matter
16 expertise that is critical to national security.”.

17 (b) IMPLEMENTATION.—The Director of National In-
18 telligence shall issue guidelines to the intelligence commu-
19 nity on the implementation of subsection (s) of section
20 102A of the National Security Act of 1947, as added by
21 subsection (a), not later than 90 days after the date of
22 the enactment of this Act.

1 **SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON**
2 **COMMON CARRIERS FOR INTELLIGENCE**
3 **COLLECTION PERSONNEL.**

4 (a) DELEGATION OF AUTHORITY.—Section 116(b) of
5 the National Security Act of 1947 (50 U.S.C. 404k(b))
6 is amended—

7 (1) by inserting “(1)” before “The Director”;

8 (2) in paragraph (1), as designated by para-
9 graph (1) of this subsection, by striking “may only
10 delegate” and all that follows and inserting “may
11 delegate the authority in subsection (a) to the head
12 of any other element of the intelligence commu-
13 nity.”; and

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

16 “(2) The head of an element of the intelligence com-
17 munity to whom the authority in subsection (a) is dele-
18 gated pursuant to paragraph (1) may further delegate
19 such authority to such senior officials of such element as
20 are specified in guidelines prescribed by the Director of
21 National Intelligence for purposes of this paragraph.”.

22 (b) SUBMISSION OF GUIDELINES TO CONGRESS.—
23 Not later than 6 months after the date of the enactment
24 of this Act, the Director of National Intelligence shall pre-
25 scribe and submit to the congressional intelligence com-
26 mittees the guidelines referred to in paragraph (2) of sec-

1 tion 116(b) of the National Security Act of 1947, as added
2 by subsection (a).

3 **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
4 **THE INTELLIGENCE COMMUNITY.**

5 (a) IN GENERAL.—Title V of the National Security
6 Act of 1947 (50 U.S.C. 413 et seq.) is amended by insert-
7 ing after section 506A the following new section:

8 “ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE
9 INTELLIGENCE COMMUNITY

10 “SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The
11 Director of National Intelligence shall, in consultation
12 with the head of the element of the intelligence community
13 concerned, prepare an annual personnel level assessment
14 for such element of the intelligence community that as-
15 sesses the personnel levels for each such element for the
16 fiscal year following the fiscal year in which the assess-
17 ment is submitted.

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

23 “(c) CONTENTS.—Each assessment required by sub-
24 section (a) submitted during a fiscal year shall contain,
25 at a minimum, the following information for the element
26 of the intelligence community concerned:

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

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

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

9 “(4) The number of personnel positions re-
10 quested for the upcoming fiscal year.

11 “(5) The numerical and percentage increase or
12 decrease of such number as compared to the number
13 of personnel positions of the current fiscal year.

14 “(6) The numerical and percentage increase or
15 decrease of such number as compared to the number
16 of personnel positions during the prior 5 fiscal years.

17 “(7) The best estimate of the number and costs
18 of contractors to be funded by the element for the
19 upcoming fiscal year.

20 “(8) The numerical and percentage increase or
21 decrease of such costs of contractors as compared to
22 the best estimate of the costs of contractors of the
23 current fiscal year.

24 “(9) The numerical and percentage increase or
25 decrease of such costs of contractors as compared to

1 the cost of contractors, and the number of contrac-
2 tors, during the prior 5 fiscal years.

3 “(10) A written justification for the requested
4 personnel and contractor levels.

5 “(11) The number of intelligence collectors and
6 analysts employed or contracted by each element of
7 the intelligence community.

8 “(12) A list of all contractors that have been
9 the subject of an investigation completed by the In-
10 spector General of any element of the intelligence
11 community during the preceding fiscal year, or are
12 or have been the subject of an investigation by such
13 an Inspector General during the current fiscal year.

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

17 “(A) internal infrastructure to support the
18 requested personnel and contractor levels;

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

21 “(C) funding to support the administrative
22 and operational activities of the requested per-
23 sonnel levels.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in the first section of that Act is amended by inserting

1 after the item relating to section 506A the following new
2 item:

“Sec. 506B. Annual personnel level assessment for the intelligence community.”.

3 **SEC. 306. COMPREHENSIVE REPORT ON INTELLIGENCE**
4 **COMMUNITY CONTRACTORS.**

5 (a) REQUIREMENT FOR REPORT.—Not later than
6 November 1, 2008, the Director of National Intelligence
7 shall submit to the congressional intelligence committees
8 a report describing the use of personal services contracts
9 across the intelligence community, the impact of such con-
10 tractors on the intelligence community workforce, plans
11 for conversion of contractor employment into government
12 employment, and the accountability mechanisms that gov-
13 ern the performance of such contractors.

14 (b) CONTENT.—

15 (1) IN GENERAL.—The report submitted under
16 subsection (a) shall include—

17 (A) a description of any relevant regula-
18 tions or guidance issued by the Director of Na-
19 tional Intelligence or the head of an element of
20 the intelligence community relating to minimum
21 standards required regarding the hiring, train-
22 ing, security clearance, and assignment of con-
23 tract personnel and how those standards may

1 differ from those for government employees per-
2 forming substantially similar functions;

3 (B) an identification of contracts where the
4 contractor is performing a substantially similar
5 functions to a government employee;

6 (C) an assessment of costs incurred or sav-
7 ings achieved by awarding contracts for the per-
8 formance of such functions referred to in sub-
9 paragraph (B) instead of using full-time em-
10 ployees of the elements of the intelligence com-
11 munity to perform such functions;

12 (D) an assessment of the appropriateness
13 of using contractors to perform the activities
14 described in paragraph (2);

15 (E) an estimate of the number of con-
16 tracts, and the number of personnel working
17 under such contracts, related to the perform-
18 ance of activities described in paragraph (2);

19 (F) a comparison of the compensation of
20 contract employees and government employees
21 performing substantially similar functions;

22 (G) an analysis of the attrition of govern-
23 ment personnel for contractor positions that
24 provide substantially similar functions;

1 (H) a description of positions that will be
2 converted from contractor employment to gov-
3 ernment employment;

4 (I) an analysis of the oversight and ac-
5 countability mechanisms applicable to personal
6 services contracts awarded for intelligence ac-
7 tivities by each element of the intelligence com-
8 munity during fiscal years 2006 and 2007;

9 (J) an analysis of procedures in use in the
10 intelligence community for conducting oversight
11 of contractors to ensure identification and pros-
12 ecution of criminal violations, financial waste,
13 fraud, or other abuses committed by contractors
14 or contract personnel; and

15 (K) an identification of best practices for
16 oversight and accountability mechanisms appli-
17 cable to personal services contracts.

18 (2) ACTIVITIES.—Activities described in this
19 paragraph are the following:

20 (A) Intelligence collection.

21 (B) Intelligence analysis.

22 (C) Covert actions, including rendition, de-
23 tention, and interrogation activities.

1 **SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE**
2 **INTELLIGENCE COMMUNITY PERSONNEL**
3 **MANAGEMENT SYSTEM.**

4 (a) PROHIBITION ON PAY FOR PERFORMANCE UNTIL
5 REPORT.—The Director of National Intelligence and the
6 head of an element of the intelligence community may not
7 implement a plan that provides compensation to personnel
8 of that element of the intelligence community based on
9 performance until the date that is 45 days after the date
10 on which the Director of National Intelligence submits a
11 report for that element under subsection (b).

12 (b) REPORT.—The Director of National Intelligence
13 shall submit to Congress a report on performance-based
14 compensation for each element of the intelligence commu-
15 nity, including, with respect to each such element—

16 (1) a description of a proposed employee advi-
17 sory group to advise management on the implemen-
18 tation and management of a pay for performance
19 system in that element, including the scope of re-
20 sponsibility of the group and the plan for the ele-
21 ment for ensuring diversity in the selection of mem-
22 bers of the advisory group;

23 (2) a certification that all managers who will
24 participate in setting performance standards and
25 pay pool administration have been trained on the im-

1 plementing guidance of the system and the criteria
2 upon which the certification is granted; and

3 (3) a description of an external appeals mecha-
4 nism for employees who wish to appeal pay decisions
5 to someone outside the management chain of the ele-
6 ment employing such employee.

7 **SEC. 308. REPORT ON PLANS TO INCREASE DIVERSITY**
8 **WITHIN THE INTELLIGENCE COMMUNITY.**

9 (a) **REQUIREMENT FOR REPORT.**—Not later than
10 November 1, 2008, the Director of National Intelligence,
11 in coordination with the heads of the elements of the intel-
12 ligence community, shall submit to the congressional intel-
13 ligence committees a report on the plans of each element
14 to increase diversity within the intelligence community.

15 (b) **CONTENT.**—The report required by subsection
16 (a) shall include specific implementation plans to increase
17 diversity within each element of the intelligence commu-
18 nity, including—

19 (1) specific implementation plans for each such
20 element designed to achieve the goals articulated in
21 the strategic plan of the Director of National Intel-
22 ligence on equal employment opportunity and diver-
23 sity;

1 (2) specific plans and initiatives for each such
2 element to increase recruiting and hiring of diverse
3 candidates;

4 (3) specific plans and initiatives for each such
5 element to improve retention of diverse Federal em-
6 ployees at the junior, midgrade, senior, and manage-
7 ment levels;

8 (4) a description of specific diversity awareness
9 training and education programs for senior officials
10 and managers of each such element; and

11 (5) a description of performance metrics to
12 measure the success of carrying out the plans, initia-
13 tives, and programs described in paragraphs (1)
14 through (4).

15 **SEC. 309. REPORT ON SECURITY CLEARANCE DETERMINA-**
16 **TIONS.**

17 (a) IN GENERAL.—Title V of the National Security
18 Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding
19 at the end the following new section:

20 “REPORT ON SECURITY CLEARANCE DETERMINATIONS

21 “SEC. 508. Not later than February 1 of each year,
22 the Director of the Office of Management and Budget
23 shall submit to Congress a report on security clearance
24 determinations completed or ongoing during the preceding
25 fiscal year that have taken longer than 1 year to complete.

26 Such report shall include—

1 the intellectual capital and technical capabilities nec-
2 essary to identify and respond to potential threats;
3 and

4 (3) the Director of National Intelligence should
5 work cooperatively with other agencies of the Fed-
6 eral Government responsible for programs related to
7 space and the aerospace industry to develop and im-
8 plement policies, including those with an emphasis
9 on improving science, technology, engineering, and
10 mathematics education at all levels, to sustain and
11 expand the diverse workforce available to the intel-
12 ligence community.

13 **Subtitle B—Other Matters**

14 **SEC. 311. RESTRICTION ON CONDUCT OF INTELLIGENCE** 15 **ACTIVITIES.**

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

20 **SEC. 312. CLARIFICATION OF DEFINITION OF INTEL-** 21 **LIGENCE COMMUNITY UNDER THE NATIONAL** 22 **SECURITY ACT OF 1947.**

23 Subparagraph (L) of section 3(4) of the National Se-
24 curity Act of 1947 (50 U.S.C. 401a(4)) is amended by
25 striking “other” the second place it appears.

1 **SEC. 313. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
2 **DIFFERENT INTELLIGENCE ACTIVITIES.**

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

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

9 **SEC. 314. PROTECTION OF CERTAIN NATIONAL SECURITY**
10 **INFORMATION.**

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

13 (1) DISCLOSURE OF AGENT AFTER ACCESS TO
14 INFORMATION IDENTIFYING AGENT.—Subsection (a)
15 of section 601 of the National Security Act of 1947
16 (50 U.S.C. 421) is amended by striking “ten years”
17 and inserting “15 years”.

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

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

1 **SEC. 316. REPORT ON COMPLIANCE WITH THE DETAINEE**
2 **TREATMENT ACT OF 2005 AND RELATED PRO-**
3 **VISIONS OF THE MILITARY COMMISSIONS**
4 **ACT OF 2006.**

5 (a) **REPORT REQUIRED.**—Not later than November
6 1, 2008, the Director of National Intelligence shall submit
7 to the congressional intelligence committees a comprehen-
8 sive report on all measures taken by the Office of the Di-
9 rector of National Intelligence and by each element, if any,
10 of the intelligence community with relevant responsibilities
11 to comply with the provisions of the Detainee Treatment
12 Act of 2005 (title X of division A of Public Law 109–
13 148; 119 Stat. 2739) and related provisions of the Mili-
14 tary Commissions Act of 2006 (Public Law 109–366; 120
15 Stat. 2600).

16 (b) **ELEMENTS.**—The report required by subsection
17 (a) shall include the following:

18 (1) A description of the detention or interroga-
19 tion methods, if any, that have been determined to
20 comply with section 1003 of the Detainee Treatment
21 Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd)
22 and section 6 of the Military Commissions Act of
23 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (in-
24 cluding the amendments made by such section 6),
25 and, with respect to each such method—

1 (A) an identification of the official making
2 such determination; and

3 (B) a statement of the basis for such de-
4 termination.

5 (2) A description of the detention or interroga-
6 tion methods, if any, the use of which has been dis-
7 continued pursuant to the Detainee Treatment Act
8 of 2005 or the Military Commission Act of 2006,
9 and, with respect to each such method—

10 (A) an identification of the official making
11 the determination to discontinue such method;
12 and

13 (B) a statement of the basis for such de-
14 termination.

15 (3) A description of any actions that have been
16 taken to implement section 1004 of the Detainee
17 Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.
18 2000dd-1), and, with respect to each such action—

19 (A) an identification of the official taking
20 such action; and

21 (B) a statement of the basis for such ac-
22 tion.

23 (4) Any other matters that the Director con-
24 siders necessary to fully and currently inform the
25 congressional intelligence committees about the im-

1 plementation of the Detainee Treatment Act of 2005
2 and related provisions of the Military Commissions
3 Act of 2006.

4 (5) An appendix containing—

5 (A) all guidelines for the application of the
6 Detainee Treatment Act of 2005 and related
7 provisions of the Military Commissions Act of
8 2006 to the detention or interrogation activi-
9 ties, if any, of any element of the intelligence
10 community; and

11 (B) all legal justifications of the Depart-
12 ment of Justice, including any office thereof,
13 about the meaning or application of the De-
14 tainee Treatment Act of 2005 or related provi-
15 sions of the Military Commissions Act of 2006
16 with respect to the detention or interrogation
17 activities, if any, of any element of the intel-
18 ligence community.

19 (c) FORM.—The report required by subsection (a)
20 shall be submitted in classified form.

21 (d) SUBMISSION TO THE CONGRESSIONAL ARMED
22 SERVICES COMMITTEES.—To the extent that the report
23 required by subsection (a) addresses an element of the in-
24 telligence community within the Department of Defense,
25 that portion of the report, and any associated material

1 that is necessary to make that portion understandable,
2 shall also be submitted by the Director of National Intel-
3 ligence to the congressional armed services committees.

4 (e) CONGRESSIONAL ARMED SERVICES COMMITTEE
5 DEFINED.—In this section, the term “congressional
6 armed services committees” means—

7 (1) the Committee on Armed Services of the
8 Senate; and

9 (2) the Committee on Armed Services of the
10 House of Representatives.

11 **SEC. 317. INCORPORATION OF REPORTING REQUIRE-**
12 **MENTS.**

13 Each requirement to submit a report to the congres-
14 sional intelligence committees that is included in the clas-
15 sified annex to this Act is hereby incorporated into this
16 Act and is hereby made a requirement in law.

17 **SEC. 318. REPEAL OF CERTAIN REPORTING REQUIRE-**
18 **MENTS.**

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

22 (1) by striking “(1)”; and

23 (2) by striking paragraph (2).

24 (b) REPORT AND CERTIFICATION UNDER TERRORIST
25 IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343

1 of the Intelligence Authorization Act for Fiscal Year 2003
2 (50 U.S.C. 404n-2) is amended—

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

4 (2) by redesignating subsections (e), (f), (g),
5 and (h) as subsections (d), (e), (f), and (g), respec-
6 tively.

7 (c) ANNUAL REPORT ON COUNTERDRUG INTEL-
8 LIGENCE MATTERS.—Section 826 of the Intelligence Au-
9 thorization Act for Fiscal Year 2003 (Public Law 107-
10 306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

11 (d) CONFORMING AMENDMENTS.—Section 507(a)(2)
12 of the National Security Act of 1947 (50 U.S.C.
13 415b(a)(2)) is amended by striking subparagraph (D).

14 **SEC. 319. ENHANCEMENT OF CRITICAL SKILLS TRAINING**
15 **PROGRAM.**

16 (a) NATIONAL SECURITY AGENCY.—Subsection (e)
17 of section 16 of the National Security Agency Act of 1959
18 (50 U.S.C. 402 note) is amended by striking “(1) When
19 an employee” and all that follows through “(2) Agency
20 efforts” and inserting “Agency efforts”.

21 (b) OTHER ELEMENTS OF THE INTELLIGENCE COM-
22 MUNITY.—

23 (1) IN GENERAL.—The National Security Act
24 of 1947 is amended by inserting after section 1021
25 (50 U.S.C. 441m) the following new section:

1 “INTELLIGENCE COMMUNITY ACQUISITION OF CRITICAL
2 SKILLS

3 “SEC. 1022. (a) IN GENERAL.—The head of an ap-
4 propriate department may assign civilian employees of an
5 element of the intelligence community that is a component
6 of such appropriate department as students at accredited
7 professional, technical, and other institutions of higher
8 learning for training at the undergraduate level in skills
9 critical to effective performance of the mission of such ele-
10 ment of the intelligence community.

11 “(b) PAYMENT OF EXPENSES.—The head of an ap-
12 propriate department may pay, directly or by reimburse-
13 ment to employees, expenses incident to assignments
14 under subsection (a), in any fiscal year only to the extent
15 that appropriated funds are available for such purpose.

16 “(c) ELIGIBILITY.—

17 “(1) IN GENERAL.—To be eligible for assign-
18 ment under subsection (a), an employee of an ele-
19 ment of the intelligence community must agree in
20 writing—

21 “(A) to continue in the service of such ele-
22 ment for the period of the assignment and to
23 complete the educational course of training for
24 which the employee is assigned;

1 “(B) to continue in the service of such ele-
2 ment following completion of the assignment for
3 a period of one-and-a-half years for each year
4 of the assignment or part thereof;

5 “(C) to reimburse the United States for
6 the total cost of education (excluding the em-
7 ployee’s pay and allowances) provided under
8 this section to the employee if, prior to the em-
9 ployee’s completing the educational course of
10 training for which the employee is assigned, the
11 assignment or the employee’s employment with
12 such element is terminated either by such ele-
13 ment due to misconduct by the employee or by
14 the employee voluntarily; and

15 “(D) to reimburse the United States if,
16 after completing the educational course of
17 training for which the employee is assigned, the
18 employee’s employment with such element is
19 terminated either by such element due to mis-
20 conduct by the employee or by the employee vol-
21 untarily, prior to the employee’s completion of
22 the service obligation period described in sub-
23 paragraph (B), in an amount that bears the
24 same ratio to the total cost of the education
25 (excluding the employee’s pay and allowances)

1 provided to the employee as the unserved por-
2 tion of the service obligation period described in
3 subparagraph (B) bears to the total period of
4 the service obligation described in subparagraph
5 (B).

6 “(2) DEBT OWING THE UNITED STATES.—Sub-
7 ject to paragraph (3), the obligation to reimburse
8 the United States under an agreement described in
9 paragraph (1), including interest due on such obliga-
10 tion, is for all purposes a debt owing the United
11 States.

12 “(3) REIMBURSEMENT.—

13 “(A) BANKRUPTCY.—A discharge in bank-
14 ruptcy under title 11, United States Code, shall
15 not release a person from an obligation to reim-
16 burse the United States required under an
17 agreement described in paragraph (1) if the
18 final decree of the discharge in bankruptcy is
19 issued within five years after the last day of the
20 combined period of service obligation described
21 in subparagraphs (A) and (B) of paragraph (1).

22 “(B) RELEASE.—The head of an appro-
23 priate department may release a person, in
24 whole or in part, from the obligation to reim-
25 burse the United States under an agreement

1 described in paragraph (1) when, in the discre-
2 tion of such head of an appropriate department,
3 such head of an appropriate department deter-
4 mines that equity or the interests of the United
5 States so require.

6 “(C) MONTHLY PAYMENTS.—The head of
7 an appropriate department shall permit an em-
8 ployee assigned under this section who, prior to
9 commencing a second academic year of such as-
10 signment, voluntarily terminates the assignment
11 or the employee’s employment with the element
12 of the intelligence community that is a compo-
13 nent of such appropriate department, to satisfy
14 the employee’s obligation under an agreement
15 described in paragraph (1) to reimburse the
16 United States by reimbursement according to a
17 schedule of monthly payments which results in
18 completion of reimbursement by a date five
19 years after the date of termination of the as-
20 signment or employment or earlier at the option
21 of the employee.

22 “(d) RECRUITMENT.—Efforts by an element of the
23 intelligence community to recruit individuals at edu-
24 cational institutions for participation in the undergraduate
25 training program established by this section shall be made

1 openly and according to the common practices of univer-
2 sities and employers recruiting at such institutions.

3 “(e) INAPPLICATION OF PROVISIONS ON TRAIN-
4 ING.—Chapter 41 of title 5 and subsections (a) and (b)
5 of section 3324 of title 31, United States Code, shall not
6 apply with respect to this section.

7 “(f) REGULATIONS.—A head of the appropriate de-
8 partment assigning employees in accordance with this sec-
9 tion may issue such regulations as such head of the appro-
10 priate department considers necessary to carry out this
11 section.

12 “(g) RULES OF CONSTRUCTION.—

13 “(1) COMPONENT.—For purposes of this sec-
14 tion—

15 “(A) the Office of the Director of National
16 Intelligence shall be considered a component of
17 such Office; and

18 “(B) the Central Intelligence Agency shall
19 be considered a component of such Agency.

20 “(2) REQUIRED EDUCATION PROGRAMS.—Noth-
21 ing in this section shall be construed to modify, af-
22 fect, or supercede any provision of law requiring or
23 otherwise authorizing or providing for a training
24 program described in this section.

1 “(h) APPROPRIATE DEPARTMENT DEFINED.—In this
2 section, the term ‘appropriate department’ means—

3 “(1) with respect to the Office of the Director
4 of National Intelligence, the Office of the Director of
5 National Intelligence;

6 “(2) with respect to the Central Intelligence
7 Agency, Central Intelligence Agency; and

8 “(3) with respect to an element of the intel-
9 ligence community other than the Office of the Di-
10 rector of National Intelligence and the Central Intel-
11 ligence Agency, the department of the Federal Gov-
12 ernment of which such element of the intelligence
13 community is a component.”.

14 (2) CONFORMING AMENDMENT.—The table of
15 contents in the first section of the National Security
16 Act of 1947 (50 U.S.C. 401 et seq.) is amended by
17 inserting after the item relating to section 1021 the
18 following new item:

“Sec. 1022. Intelligence community acquisition of critical skills.”.

19 **SEC. 320. COMPREHENSIVE NATIONAL CYBERSECURITY**
20 **INITIATIVE ADVISORY PANEL.**

21 Not later than February 1, 2009, the President shall
22 submit to Congress a report on options for creating an
23 advisory panel comprised of representatives of Congress,
24 the Executive Branch, and the private sector to make pol-
25 icy and procedural recommendations for—

1 (1) information security for the Federal Gov-
2 ernment;

3 (2) critical infrastructure;

4 (3) the authorities, roles, responsibilities of the
5 intelligence community, Department of Homeland
6 Security, and Department of Defense for purposes
7 of supporting the Comprehensive National
8 Cybersecurity Initiative as described in National Se-
9 curity Policy Directive 54/Homeland Security Policy
10 Directive 23 entitled “Cybersecurity Policy” signed
11 by the President on January 8, 2008; and

12 (4) other matters related to paragraphs (1)
13 through (3) as the President considers appropriate.

14 **SEC. 321. EXCEPTION TO ALTERNATIVE FUEL PROCURE-**
15 **MENT REQUIREMENT.**

16 Section 526(a) of the Energy Independence and Se-
17 curity Act of 2007 (42 U.S.C. 17142(a)) does not prohibit
18 an element of the intelligence community from entering
19 into a contract to purchase a generally available fuel that
20 is not an alternative or synthetic fuel or predominantly
21 produced from a nonconventional petroleum source, if—

22 (1) the contract does not specifically require the
23 contractor to provide an alternative or synthetic fuel
24 or fuel from a nonconventional petroleum source;

1 (2) the purpose of the contract is not to obtain
2 an alternative or synthetic fuel or fuel from a non-
3 conventional petroleum source; and

4 (3) the contract does not provide incentives for
5 a refinery upgrade or expansion to allow a refinery
6 to use or increase its use of fuel from a nonconven-
7 tional petroleum source.

8 **TITLE IV—MATTERS RELATING**
9 **TO ELEMENTS OF THE INTEL-**
10 **LIGENCE COMMUNITY**

11 **Subtitle A—Office of the Director**
12 **of National Intelligence**

13 **SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION**
14 **OF THE OFFICE OF THE DIRECTOR OF NA-**
15 **TIONAL INTELLIGENCE.**

16 Section 103(e) of the National Security Act of 1947
17 (50 U.S.C. 403–3(e)) is amended—

18 (1) by striking “WITH” and inserting “OF
19 HEADQUARTERS WITH HEADQUARTERS OF”;

20 (2) by inserting “the headquarters of” before
21 “the Office”; and

22 (3) by striking “any other element” and insert-
23 ing “the headquarters of any other element”.

1 **SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
2 **INTELLIGENCE ON THE TRANSPORTATION**
3 **SECURITY OVERSIGHT BOARD.**

4 Subparagraph (F) of section 115(b)(1) of title 49,
5 United States Code, is amended to read as follows:

6 “(F) The Director of National Intel-
7 ligence.”.

8 **SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF**
9 **SCIENCE AND TECHNOLOGY.**

10 Section 103E of the National Security Act of 1947
11 (50 U.S.C. 403–3e) is amended—

12 (1) in subsection (c)—

13 (A) by redesignating paragraph (5) as
14 paragraph (7);

15 (B) in paragraph (4), by striking “and” at
16 the end; and

17 (C) by inserting after paragraph (4) the
18 following:

19 “(5) assist the Director in establishing goals for
20 basic, applied, and advanced research to meet the
21 technology needs of the intelligence community;

22 “(6) submit to the congressional intelligence
23 committees an annual report on the science and
24 technology strategy of the Director that shows re-
25 sources mapped to the goals of the intelligence com-
26 munity; and”;

1 (2) in subsection (d)(3)—

2 (A) in subparagraph (A)—

3 (i) by inserting “and prioritize” after
4 “coordinate”; and

5 (ii) by striking “; and” and inserting
6 “;”;

7 (B) by redesignating subparagraph (B) as
8 subparagraph (C); and

9 (C) by inserting after subparagraph (A)
10 the following new subparagraph:

11 “(B) identify basic, advanced, and applied
12 research programs to be executed by elements
13 of the intelligence community; and”.

14 **SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OF-**
15 **FICES AND OFFICIALS.**

16 (a) NATIONAL COUNTER PROLIFERATION CEN-
17 TER.—Section 119A(a) of the National Security Act of
18 1947 (50 U.S.C. 404o–1(a)) is amended—

19 (1) by striking “(a) ESTABLISHMENT.—Not
20 later than 18 months after the date of the enact-
21 ment of the National Security Intelligence Reform
22 Act of 2004, the” and inserting the following:

23 “(a) IN GENERAL.—

24 “(1) ESTABLISHMENT.—The”; and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(2) DIRECTOR.—The head of the National
4 Counter Proliferation Center shall be the Director of
5 the National Counter Proliferation Center, who shall
6 be appointed by the Director of National Intel-
7 ligence.

8 “(3) LOCATION.—The National Counter Pro-
9 liferation Center shall be located within the Office of
10 the Director of National Intelligence.”.

11 (b) OFFICERS.—Section 103(c) of that Act (50
12 U.S.C. 403–3(c)) is amended—

13 (1) by redesignating paragraph (9) as para-
14 graph (13); and

15 (2) by inserting after paragraph (8) the fol-
16 lowing new paragraphs:

17 “(9) The Chief Information Officer of the Intel-
18 ligence Community.

19 “(10) The Inspector General of the Intelligence
20 Community.

21 “(11) The Director of the National
22 Counterterrorism Center.

23 “(12) The Director of the National Counter
24 Proliferation Center.”.

1 **SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
2 **THE DATA CENTER ENERGY EFFICIENCY RE-**
3 **PORTS.**

4 (a) PLAN.—The Director of National Intelligence
5 shall develop a plan to implement the recommendations
6 of the report submitted to Congress under section 1 of
7 the Act entitled “An Act to study and promote the use
8 of energy efficient computer servers in the United States”
9 (Public Law 109–431; 120 Stat. 2920) across the intel-
10 ligence community.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than November 1,
13 2008, the Director of National Intelligence shall
14 submit to the congressional intelligence committees a
15 report containing the plan developed under sub-
16 section (a).

17 (2) FORM.—The report under paragraph (1)
18 shall be submitted in unclassified form, but may
19 contain a classified annex.

20 **SEC. 406. SEMIANNUAL REPORTS ON NUCLEAR PROGRAMS**
21 **OF IRAN, SYRIA, AND NORTH KOREA.**

22 (a) REPORTS.—

23 (1) IN GENERAL.—Title V of the National Se-
24 curity Act of 1947 (50 U.S.C. 413 et seq.), as
25 amended by title III, is further amended by adding
26 at the end the following new section:

1 “SEMIANNUAL REPORTS ON THE NUCLEAR PROGRAMS OF
2 IRAN, SYRIA, AND NORTH KOREA

3 “SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not
4 less frequently than every 180 days, the Director of Na-
5 tional Intelligence shall submit to the congressional intel-
6 ligence committees a report on the intentions and capabili-
7 ties of the Islamic Republic of Iran, the Syrian Arab Re-
8 public, and the Democratic People’s Republic of Korea,
9 with regard to the nuclear programs of each such country.

10 “(b) CONTENT.—Each report submitted under sub-
11 section (a) shall include, with respect to the Islamic Re-
12 public of Iran, the Syrian Arab Republic, and the Demo-
13 cratic People’s Republic of Korea—

14 “(1) an assessment of nuclear weapons pro-
15 grams of each such country;

16 “(2) an evaluation, consistent with existing re-
17 porting standards and practices, of the sources upon
18 which the intelligence used to prepare the assess-
19 ment described in paragraph (1) is based, including
20 the number of such sources and an assessment of
21 the reliability of each such source;

22 “(3) a summary of any intelligence related to
23 any such program gathered or developed since the
24 previous report was submitted under subsection (a),

1 including intelligence collected from both open and
2 clandestine sources for each such country; and

3 “(4) a discussion of any dissents, caveats, gaps
4 in knowledge, or other information that would re-
5 duce confidence in the assessment described in para-
6 graph (1).

7 “(c) NATIONAL INTELLIGENCE ESTIMATE.—The Di-
8 rector of National Intelligence may submit a National In-
9 telligence Estimate on the intentions and capabilities of
10 the Islamic Republic of Iran, the Syrian Arab Republic,
11 or the Democratic People’s Republic of Korea in lieu of
12 a report required by subsection (a) for that country.

13 “(d) FORM.—Each report submitted under sub-
14 section (a) may be submitted in classified form.”.

15 (2) APPLICABILITY DATE.—The first report re-
16 quired to be submitted under section 509 of the Na-
17 tional Security Act of 1947, as added by paragraph
18 (1), shall be submitted not later than 30 days after
19 the date of the enactment of this Act.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents in the first section of the National Security Act of
22 1947 (50 U.S.C. 401 et seq.) is amended by inserting
23 after the item relating to section 508 the following new
24 item:

“Sec. 509. Semiannual reports on the nuclear programs of Iran, Syria, and
North Korea.”.

1 **SEC. 407. TITLE OF CHIEF INFORMATION OFFICER OF THE**
2 **INTELLIGENCE COMMUNITY.**

3 Section 103G of the National Security Act of 1947
4 (50 U.S.C. 403–3g) is amended—

5 (1) in subsection (a), by inserting “of the Intel-
6 ligence Community” after “Chief Information Offi-
7 cer”;

8 (2) in subsection (b), by inserting “of the Intel-
9 ligence Community” after “Chief Information Offi-
10 cer”;

11 (3) in subsection (c), by inserting “of the Intel-
12 ligence Community” after “Chief Information Offi-
13 cer”; and

14 (4) in subsection (d), by inserting “of the Intel-
15 ligence Community” after “Chief Information Offi-
16 cer”.

17 **SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE**
18 **COMMUNITY.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Title I of the National Secu-
21 rity Act of 1947 (50 U.S.C. 402 et seq.) is amended
22 by inserting after section 103G the following new
23 section:

1 “(A) problems and deficiencies relating to
2 matters within the responsibility and authority
3 of the Director of National Intelligence; and

4 “(B) the necessity for, and the progress of,
5 corrective actions; and

6 “(4) in the manner prescribed by this section,
7 ensure that the congressional intelligence committees
8 are kept similarly informed of—

9 “(A) significant problems and deficiencies
10 relating to matters within the responsibility and
11 authority of the Director of National Intel-
12 ligence; and

13 “(B) the necessity for, and the progress of,
14 corrective actions.

15 “(c) INSPECTOR GENERAL OF INTELLIGENCE COM-
16 MUNITY.—(1) There is an Inspector General of the Intel-
17 ligence Community, who shall be the head of the Office
18 of the Inspector General of the Intelligence Community,
19 who shall be appointed by the President, by and with the
20 advice and consent of the Senate.

21 “(2) The nomination of an individual for appointment
22 as Inspector General shall be made—

23 “(A) without regard to political affiliation;

24 “(B) solely on the basis of integrity, compliance
25 with the security standards of the intelligence com-

1 munity, and prior experience in the field of intel-
2 ligence or national security; and

3 “(C) on the basis of demonstrated ability in ac-
4 counting, financial analysis, law, management anal-
5 ysis, public administration, or auditing.

6 “(3) The Inspector General shall report directly to
7 and be under the general supervision of the Director of
8 National Intelligence.

9 “(4) The Inspector General may be removed from of-
10 fice only by the President. The President shall imme-
11 diately communicate in writing to the congressional intel-
12 ligence committees the reasons for the removal of any indi-
13 vidual from the position of Inspector General.

14 “(d) DUTIES AND RESPONSIBILITIES.—Subject to
15 subsections (g) and (h), it shall be the duty and responsi-
16 bility of the Inspector General of the Intelligence Commu-
17 nity—

18 “(1) to provide policy direction for, and to plan,
19 conduct, supervise, and coordinate independently,
20 the investigations, inspections, and audits relating to
21 matters within the responsibility and authority of
22 the Director of National Intelligence to ensure they
23 are conducted efficiently and in accordance with ap-
24 plicable law and regulations;

1 “(2) to keep the Director of National Intel-
2 ligence fully and currently informed concerning vio-
3 lations of law and regulations, violations of civil lib-
4 erties and privacy, fraud and other serious problems,
5 abuses, and deficiencies that may occur in matters
6 within the responsibility and authority of the Direc-
7 tor, and to report the progress made in imple-
8 menting corrective action;

9 “(3) to take due regard for the protection of in-
10 telligence sources and methods in the preparation of
11 all reports issued by the Inspector General, and, to
12 the extent consistent with the purpose and objective
13 of such reports, take such measures as may be ap-
14 propriate to minimize the disclosure of intelligence
15 sources and methods described in such reports; and

16 “(4) in the execution of the duties and respon-
17 sibilities under this section, to comply with generally
18 accepted government auditing standards.

19 “(e) LIMITATIONS ON ACTIVITIES.—(1) The Director
20 of National Intelligence may prohibit the Inspector Gen-
21 eral of the Intelligence Community from initiating, car-
22 rying out, or completing any investigation, inspection, or
23 audit if the Director determines that such prohibition is
24 necessary to protect vital national security interests of the
25 United States.

1 “(2) If the Director exercises the authority under
2 paragraph (1), the Director shall submit an appropriately
3 classified statement of the reasons for the exercise of such
4 authority within 7 days to the congressional intelligence
5 committees.

6 “(3) The Director shall advise the Inspector General
7 at the time a report under paragraph (2) is submitted,
8 and, to the extent consistent with the protection of intel-
9 ligence sources and methods, provide the Inspector Gen-
10 eral with a copy of such report.

11 “(4) The Inspector General may submit to the con-
12 gressional intelligence committees any comments on a re-
13 port of which the Inspector General has notice under para-
14 graph (3) that the Inspector General considers appro-
15 priate.

16 “(f) AUTHORITIES.—(1) The Inspector General of
17 the Intelligence Community shall have direct and prompt
18 access to the Director of National Intelligence when nec-
19 essary for any purpose pertaining to the performance of
20 the duties of the Inspector General.

21 “(2)(A) The Inspector General shall have access to
22 any employee, or any employee of a contractor, of any ele-
23 ment of the intelligence community whose testimony is
24 needed for the performance of the duties of the Inspector
25 General.

1 “(B) The Inspector General shall have direct access
2 to all records, reports, audits, reviews, documents, papers,
3 recommendations, or other material which relate to the
4 programs and operations with respect to which the Inspec-
5 tor General has responsibilities under this section.

6 “(C) The level of classification or compartmentation
7 of information shall not, in and of itself, provide a suffi-
8 cient rationale for denying the Inspector General access
9 to any materials under subparagraph (B).

10 “(D) Failure on the part of any employee, or any em-
11 ployee of a contractor, of any element of the intelligence
12 community to cooperate with the Inspector General shall
13 be grounds for appropriate administrative actions by the
14 Director or, on the recommendation of the Director, other
15 appropriate officials of the intelligence community, includ-
16 ing loss of employment or the termination of an existing
17 contractual relationship.

18 “(3) The Inspector General is authorized to receive
19 and investigate complaints or information from any person
20 concerning the existence of an activity constituting a viola-
21 tion of laws, rules, or regulations, or mismanagement,
22 gross waste of funds, abuse of authority, or a substantial
23 and specific danger to the public health and safety. Once
24 such complaint or information has been received from an
25 employee of the Federal Government—

1 “(A) the Inspector General shall not disclose
2 the identity of the employee without the consent of
3 the employee, unless the Inspector General deter-
4 mines that such disclosure is unavoidable during the
5 course of the investigation or the disclosure is made
6 to an official of the Department of Justice respon-
7 sible for determining whether a prosecution should
8 be undertaken; and

9 “(B) no action constituting a reprisal, or threat
10 of reprisal, for making such complaint may be taken
11 by any employee in a position to take such actions,
12 unless the complaint was made or the information
13 was disclosed with the knowledge that it was false
14 or with willful disregard for its truth or falsity.

15 “(4) The Inspector General shall have authority to
16 administer to or take from any person an oath, affirma-
17 tion, or affidavit, whenever necessary in the performance
18 of the duties of the Inspector General, which oath, affir-
19 mation, or affidavit when administered or taken by or be-
20 fore an employee of the Office of the Inspector General
21 of the Intelligence Community designated by the Inspector
22 General shall have the same force and effect as if adminis-
23 tered or taken by, or before, an officer having a seal.

24 “(5)(A) Except as provided in subparagraph (B), the
25 Inspector General is authorized to require by subpoena the

1 production of all information, documents, reports, an-
2 swers, records, accounts, papers, and other data and docu-
3 mentary evidence necessary in the performance of the du-
4 ties and responsibilities of the Inspector General.

5 “(B) In the case of departments, agencies, and other
6 elements of the United States Government, the Inspector
7 General shall obtain information, documents, reports, an-
8 swers, records, accounts, papers, and other data and evi-
9 dence for the purpose specified in subparagraph (A) using
10 procedures other than by subpoenas.

11 “(C) The Inspector General may not issue a subpoena
12 for, or on behalf of, any other element of the intelligence
13 community, including the Office of the Director of Na-
14 tional Intelligence.

15 “(D) In the case of contumacy or refusal to obey a
16 subpoena issued under this paragraph, the subpoena shall
17 be enforceable by order of any appropriate district court
18 of the United States.

19 “(g) COORDINATION AMONG INSPECTORS GENERAL
20 OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of
21 a matter within the jurisdiction of the Inspector General
22 of the Intelligence Community that may be subject to an
23 investigation, inspection, or audit by both the Inspector
24 General of the Intelligence Community and an Inspector
25 General, whether statutory or administrative, with over-

1 sight responsibility for an element or elements of the intel-
2 ligence community, the Inspector General of the Intel-
3 ligence Community and such other Inspector or Inspectors
4 General shall expeditiously resolve the question of which
5 Inspector General shall conduct such investigation, inspec-
6 tion, or audit.

7 “(B) In attempting to resolve a question under sub-
8 paragraph (A), the Inspectors General concerned may re-
9 quest the assistance of the Intelligence Community Inspec-
10 tors General Forum established under subparagraph (C).
11 In the event of a dispute between an Inspector General
12 within an agency or department of the United States Gov-
13 ernment and the Inspector General of the Intelligence
14 Community that has not been resolved with the assistance
15 of the Forum, the Inspectors General shall submit the
16 question to the Director of National Intelligence and the
17 head of the agency or department for resolution.

18 “(C) There is established the Intelligence Community
19 Inspectors General Forum which shall consist of all statu-
20 tory or administrative Inspectors General with oversight
21 responsibility for an element or elements of the intelligence
22 community. The Inspector General of the Intelligence
23 Community shall serve as the chair of the Forum. The
24 Forum shall have no administrative authority over any In-
25 spector General, but shall serve as a mechanism for in-

1 forming its members of the work of individual members
2 of the Forum that may be of common interest and dis-
3 cussing questions about jurisdiction or access to employ-
4 ees, employees of a contractor, records, audits, reviews,
5 documents, recommendations, or other materials that may
6 involve or be of assistance to more than one of its mem-
7 bers.

8 “(2) The Inspector General conducting an investiga-
9 tion, inspection, or audit covered by paragraph (1) shall
10 submit the results of such investigation, inspection, or
11 audit to any other Inspector General, including the Inspec-
12 tor General of the Intelligence Community, with jurisdic-
13 tion to conduct such investigation, inspection, or audit
14 who did not conduct such investigation, inspection, or
15 audit.

16 “(h) STAFF AND OTHER SUPPORT.—(1) The Inspec-
17 tor General of the Intelligence Community shall be pro-
18 vided with appropriate and adequate office space at cen-
19 tral and field office locations, together with such equip-
20 ment, office supplies, maintenance services, and commu-
21 nications facilities and services as may be necessary for
22 the operation of such offices.

23 “(2)(A) Subject to applicable law and the policies of
24 the Director of National Intelligence, the Inspector Gen-
25 eral shall select, appoint, and employ such officers and em-

1 ployees as may be necessary to carry out the functions
2 of the Inspector General. The Inspector General shall en-
3 sure that any officer or employee so selected, appointed,
4 or employed has security clearances appropriate for the
5 assigned duties of such officer or employee.

6 “(B) In making selections under subparagraph (A),
7 the Inspector General shall ensure that such officers and
8 employees have the requisite training and experience to
9 enable the Inspector General to carry out the duties of
10 the Inspector General effectively.

11 “(C) In meeting the requirements of this paragraph,
12 the Inspector General shall create within the Office of the
13 Inspector General of the Intelligence Community a career
14 cadre of sufficient size to provide appropriate continuity
15 and objectivity needed for the effective performance of the
16 duties of the Inspector General.

17 “(3)(A) Subject to the concurrence of the Director,
18 the Inspector General may request such information or as-
19 sistance as may be necessary for carrying out the duties
20 and responsibilities of the Inspector General from any de-
21 partment, agency, or other element of the United States
22 Government.

23 “(B) Upon request of the Inspector General for infor-
24 mation or assistance under subparagraph (A), the head
25 of the department, agency, or element concerned shall, in-

1 sofar as is practicable and not in contravention of any ex-
2 isting statutory restriction or regulation of the depart-
3 ment, agency, or element, furnish to the Inspector Gen-
4 eral, or to an authorized designee, such information or as-
5 sistance.

6 “(C) The Inspector General of the Intelligence Com-
7 munity may, upon reasonable notice to the head of any
8 element of the intelligence community, conduct, as author-
9 ized by this section, an investigation, inspection, or audit
10 of such element and may enter into any place occupied
11 by such element for purposes of the performance of the
12 duties of the Inspector General.

13 “(i) REPORTS.—(1)(A) The Inspector General of the
14 Intelligence Community shall, not later than January 31
15 and July 31 of each year, prepare and submit to the Di-
16 rector of National Intelligence a classified, and, as appro-
17 priate, unclassified semiannual report summarizing the ac-
18 tivities of the Office of the Inspector General of the Intel-
19 ligence Community during the immediately preceding 6-
20 month period ending December 31 (of the preceding year)
21 and June 30, respectively. The Inspector General of the
22 Intelligence Community shall provide any portion of the
23 report involving a component of a department of the
24 United States Government to the head of that department

1 simultaneously with submission of the report to the Direc-
2 tor of National Intelligence.

3 “(B) Each report under this paragraph shall include,
4 at a minimum, the following:

5 “(i) A list of the title or subject of each inves-
6 tigation, inspection, or audit conducted during the
7 period covered by such report, including a summary
8 of the progress of each particular investigation, in-
9 spection, or audit since the preceding report of the
10 Inspector General under this paragraph.

11 “(ii) A description of significant problems,
12 abuses, and deficiencies relating to the administra-
13 tion and implementation of programs and operations
14 of the intelligence community, and in the relation-
15 ships between elements of the intelligence commu-
16 nity, identified by the Inspector General during the
17 period covered by such report.

18 “(iii) A description of the recommendations for
19 corrective or disciplinary action made by the Inspec-
20 tor General during the period covered by such report
21 with respect to significant problems, abuses, or defi-
22 ciencies identified in clause (ii).

23 “(iv) A statement whether or not corrective or
24 disciplinary action has been completed on each sig-
25 nificant recommendation described in previous semi-

1 annual reports, and, in a case where corrective ac-
2 tion has been completed, a description of such cor-
3 rective action.

4 “(v) A certification whether or not the Inspec-
5 tor General has had full and direct access to all in-
6 formation relevant to the performance of the func-
7 tions of the Inspector General.

8 “(vi) A description of the exercise of the sub-
9 poena authority under subsection (f)(5) by the In-
10 spector General during the period covered by such
11 report.

12 “(vii) Such recommendations as the Inspector
13 General considers appropriate for legislation to pro-
14 mote economy, efficiency, and effectiveness in the
15 administration and implementation of matters within
16 the responsibility and authority of the Director of
17 National Intelligence, and to detect and eliminate
18 fraud and abuse in such matters.

19 “(C) Not later than the 30 days after the date of
20 receipt of a report under subparagraph (A), the Director
21 shall transmit the report to the congressional intelligence
22 committees together with any comments the Director con-
23 siders appropriate. The Director shall transmit to the
24 committees of the Senate and of the House of Representa-
25 tives with jurisdiction over a department of the United

1 States Government any portion of the report involving a
2 component of such department simultaneously with sub-
3 mission of the report to the congressional intelligence com-
4 mittees.

5 “(2)(A) The Inspector General shall report imme-
6 diately to the Director whenever the Inspector General be-
7 comes aware of particularly serious or flagrant problems,
8 abuses, or deficiencies relating to matters within the re-
9 sponsibility and authority of the Director of National In-
10 telligence.

11 “(B) The Director shall transmit to the congressional
12 intelligence committees each report under subparagraph
13 (A) within 7 calendar days of receipt of such report, to-
14 gether with such comments as the Director considers ap-
15 propriate. The Director shall transmit to the committees
16 of the Senate and of the House of Representatives with
17 jurisdiction over a department of the United States Gov-
18 ernment any portion of each report under subparagraph
19 (A) that involves a problem, abuse, or deficiency related
20 to a component of such department simultaneously with
21 transmission of the report to the congressional intelligence
22 committees.

23 “(3) In the event that—

24 “(A) the Inspector General is unable to resolve
25 any differences with the Director affecting the exe-

1 cution of the duties or responsibilities of the Inspec-
2 tor General;

3 “(B) an investigation, inspection, or audit car-
4 ried out by the Inspector General focuses on any
5 current or former intelligence community official
6 who—

7 “(i) holds or held a position in an element
8 of the intelligence community that is subject to
9 appointment by the President, whether or not
10 by and with the advice and consent of the Sen-
11 ate, including such a position held on an acting
12 basis;

13 “(ii) holds or held a position in an element
14 of the intelligence community, including a posi-
15 tion held on an acting basis, that is appointed
16 by the Director of National Intelligence; or

17 “(iii) holds or held a position as head of an
18 element of the intelligence community or a posi-
19 tion covered by subsection (b) or (c) of section
20 106;

21 “(C) a matter requires a report by the Inspec-
22 tor General to the Department of Justice on possible
23 criminal conduct by a current or former official de-
24 scribed in subparagraph (B);

1 “(D) the Inspector General receives notice from
2 the Department of Justice declining or approving
3 prosecution of possible criminal conduct of any cur-
4 rent or former official described in subparagraph
5 (B); or

6 “(E) the Inspector General, after exhausting all
7 possible alternatives, is unable to obtain significant
8 documentary information in the course of an inves-
9 tigation, inspection, or audit,
10 the Inspector General shall immediately notify and submit
11 a report on such matter to the congressional intelligence
12 committees.

13 “(4) Pursuant to title V, the Director shall submit
14 to the congressional intelligence committees any report or
15 findings and recommendations of an investigation, inspec-
16 tion, or audit conducted by the office which has been re-
17 quested by the Chairman or Vice Chairman or Ranking
18 Minority Member of either committee.

19 “(5)(A) An employee of an element of the intelligence
20 community, an employee assigned or detailed to an ele-
21 ment of the intelligence community, or an employee of a
22 contractor to the intelligence community who intends to
23 report to Congress a complaint or information with respect
24 to an urgent concern may report such complaint or infor-
25 mation to the Inspector General.

1 “(B) Not later than the end of the 14-calendar day
2 period beginning on the date of receipt from an employee
3 of a complaint or information under subparagraph (A),
4 the Inspector General shall determine whether the com-
5 plaint or information appears credible. Upon making such
6 a determination, the Inspector General shall transmit to
7 the Director a notice of that determination, together with
8 the complaint or information.

9 “(C) Upon receipt of a transmittal from the Inspector
10 General under subparagraph (B), the Director shall, with-
11 in 7 calendar days of such receipt, forward such trans-
12 mittal to the congressional intelligence committees, to-
13 gether with any comments the Director considers appro-
14 priate.

15 “(D)(i) If the Inspector General does not find cred-
16 ible under subparagraph (B) a complaint or information
17 submitted under subparagraph (A), or does not transmit
18 the complaint or information to the Director in accurate
19 form under subparagraph (B), the employee (subject to
20 clause (ii)) may submit the complaint or information to
21 Congress by contacting either or both of the congressional
22 intelligence committees directly.

23 “(ii) An employee may contact the intelligence com-
24 mittees directly as described in clause (i) only if the em-
25 ployee—

1 “(I) before making such a contact, furnishes to
2 the Director, through the Inspector General, a state-
3 ment of the employee’s complaint or information and
4 notice of the employee’s intent to contact the con-
5 gressional intelligence committees directly; and

6 “(II) obtains and follows from the Director,
7 through the Inspector General, direction on how to
8 contact the intelligence committees in accordance
9 with appropriate security practices.

10 “(iii) A member or employee of 1 of the congressional
11 intelligence committees who receives a complaint or infor-
12 mation under clause (i) does so in that member or employ-
13 ee’s official capacity as a member or employee of such
14 committee.

15 “(E) The Inspector General shall notify an employee
16 who reports a complaint or information to the Inspector
17 General under this paragraph of each action taken under
18 this paragraph with respect to the complaint or informa-
19 tion. Such notice shall be provided not later than 3 days
20 after any such action is taken.

21 “(F) An action taken by the Director or the Inspector
22 General under this paragraph shall not be subject to judi-
23 cial review.

24 “(G) In this paragraph, the term ‘urgent concern’
25 means any of the following:

1 “(i) A serious or flagrant problem, abuse, viola-
2 tion of law or Executive order, or deficiency relating
3 to the funding, administration, or operation of an in-
4 telligence activity involving classified information,
5 but does not include differences of opinions con-
6 cerning public policy matters.

7 “(ii) A false statement to Congress, or a willful
8 withholding from Congress, on an issue of material
9 fact relating to the funding, administration, or oper-
10 ation of an intelligence activity.

11 “(iii) An action, including a personnel action
12 described in section 2302(a)(2)(A) of title 5, United
13 States Code, constituting reprisal or threat of re-
14 prisal prohibited under subsection (f)(3)(B) of this
15 section in response to an employee’s reporting an ur-
16 gent concern in accordance with this paragraph.

17 “(H) In support of this paragraph, Congress makes
18 the findings set forth in paragraphs (1) through (6) of
19 section 701(b) of the Intelligence Community Whistle-
20 blower Protection Act of 1998 (title VII of Public Law
21 105–272; 5 U.S.C. App. 8H note).

22 “(6) In accordance with section 535 of title 28,
23 United States Code, the Inspector General shall report to
24 the Attorney General any information, allegation, or com-
25 plaint received by the Inspector General relating to viola-

1 tions of Federal criminal law that involves a program or
2 operation of an element of the intelligence community, or
3 in the relationships between the elements of the intel-
4 ligence community, consistent with such guidelines as may
5 be issued by the Attorney General pursuant to subsection
6 (b)(2) of such section. A copy of each such report shall
7 be furnished to the Director.

8 “(j) SEPARATE BUDGET ACCOUNT.—The Director of
9 National Intelligence shall, in accordance with procedures
10 to be issued by the Director in consultation with the con-
11 gressional intelligence committees, include in the National
12 Intelligence Program budget a separate account for the
13 Office of Inspector General of the Intelligence Community.

14 “(k) CONSTRUCTION OF DUTIES REGARDING ELE-
15 MENTS OF INTELLIGENCE COMMUNITY.—Except as re-
16 solved pursuant to subsection (g), the performance by the
17 Inspector General of the Intelligence Community of any
18 duty, responsibility, or function regarding an element of
19 the intelligence community shall not be construed to mod-
20 ify or effect the duties and responsibilities of any other
21 Inspector General, whether statutory or administrative,
22 having duties and responsibilities relating to such ele-
23 ment.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents in the first section of the National Security

1 Act of 1947 is amended by inserting after the item
2 relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”.

3 (b) REPEAL OF SUPERSEDED AUTHORITY TO ES-
4 TABLISH POSITION.—Section 8K of the Inspector General
5 Act of 1978 (5 U.S.C. App.) is repealed.

6 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
7 5315 of title 5, United States Code, is amended by adding
8 at the end the following new item:

9 “Inspector General of the Intelligence Commu-
10 nity.”.

11 **SEC. 409. ANNUAL REPORT ON FOREIGN LANGUAGE PRO-**
12 **FICIENCY IN THE INTELLIGENCE COMMU-**
13 **NITY.**

14 (a) REPORT.—

15 (1) IN GENERAL.—Title V of the National Se-
16 curity Act of 1947 (50 U.S.C. 413 et seq.), as
17 amended by section 406 of this Act, is further
18 amended by adding at the end the following new sec-
19 tion:

20 “REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE
21 INTELLIGENCE COMMUNITY

22 “SEC. 510. Not later than February 1 of each year,
23 the Director of National Intelligence shall submit to the
24 congressional intelligence committees a report on the pro-
25 ficiency in foreign languages and, if appropriate, in foreign

1 dialects of each element of the intelligence community, in-
2 cluding—

3 “(1) the number of positions authorized for
4 such element that require foreign language pro-
5 ficiency and the level of proficiency required;

6 “(2) an estimate of the number of such posi-
7 tions that each element will require during the 5-
8 year period beginning on the date of the submission
9 of the report;

10 “(3) the number of positions authorized for
11 such element that require foreign language pro-
12 ficiency that are filled by—

13 “(A) military personnel; and

14 “(B) civilian personnel;

15 “(4) the number of applicants for positions in
16 such element in the previous fiscal year that indi-
17 cated foreign language proficiency, including the for-
18 eign language indicated and the proficiency level;

19 “(5) the number of persons hired by such ele-
20 ment with foreign language proficiency, including
21 the foreign language and proficiency level;

22 “(6) the number of personnel of such element
23 currently attending foreign language training, in-
24 cluding the provider of such training;

1 “(7) a description of such element’s efforts to
2 recruit, hire, train, and retain personnel that are
3 proficient in a foreign language;

4 “(8) an assessment of methods and models for
5 basic, advanced, and intensive foreign language
6 training;

7 “(9) for each foreign language and, where ap-
8 propriate, dialect of a foreign language—

9 “(A) the number of positions of such ele-
10 ment that require proficiency in the foreign lan-
11 guage or dialect;

12 “(B) the number of personnel of such ele-
13 ment that are serving in a position that re-
14 quires proficiency in the foreign language or
15 dialect to perform the primary duty of the posi-
16 tion;

17 “(C) the number of personnel of such ele-
18 ment that are serving in a position that does
19 not require proficiency in the foreign language
20 or dialect to perform the primary duty of the
21 position;

22 “(D) the number of personnel of such ele-
23 ment rated at each level of proficiency of the
24 Interagency Language Roundtable;

1 “(E) whether the number of personnel at
2 each level of proficiency of the Interagency
3 Language Roundtable meets the requirements
4 of such element;

5 “(F) the number of personnel serving or
6 hired to serve as linguists for such element that
7 are not qualified as linguists under the stand-
8 ards of the Interagency Language Roundtable;

9 “(G) the number of personnel hired to
10 serve as linguists for such element during the
11 preceding calendar year;

12 “(H) the number of personnel serving as
13 linguists that discontinued serving such element
14 during the preceding calendar year;

15 “(I) the percentage of work requiring lin-
16 guistic skills that is fulfilled by an ally of the
17 United States; and

18 “(J) the percentage of work requiring lin-
19 guistic skills that is fulfilled by contractors;

20 “(10) an assessment of the foreign language ca-
21 pacity and capabilities of the intelligence community
22 as a whole;

23 “(11) recommendations for eliminating required
24 reports relating to foreign-language proficiency that

1 the Director of National Intelligence considers out-
2 dated or no longer relevant; and

3 “(12) an assessment of the feasibility of em-
4 ploying foreign nationals lawfully present in the
5 United States who have previously worked as trans-
6 lators or interpreters for the Armed Forces or an-
7 other department or agency of the Federal Govern-
8 ment in Iraq or Afghanistan to meet the critical lan-
9 guage needs of such element.”.

10 (2) REPORT DATE.—Section 507(a)(1) of such
11 Act (50 U.S.C. 415b(a)(1)) is amended—

12 (A) by redesignating subparagraph (N) as
13 subparagraph (J); and

14 (B) by adding at the end the following new
15 subparagraph:

16 “(K) The annual report on foreign language
17 proficiency in the intelligence community required by
18 section 510.”.

19 (b) CONFORMING AMENDMENT.—The table of con-
20 tents in the first section of such Act is further amended
21 by inserting after the item relating to section 509 the fol-
22 lowing new item:

“Sec. 510. Report on foreign language proficiency in the intelli-
gence community.”.

1 **SEC. 410. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
2 **THE OFFICE OF THE NATIONAL COUNTER-**
3 **INTELLIGENCE EXECUTIVE.**

4 (a) REPEAL OF CERTAIN AUTHORITIES.—Section
5 904 of the Counterintelligence Enhancement Act of 2002
6 (title IX of Public Law 107–306; 50 U.S.C. 402e) is
7 amended—

8 (1) by striking subsections (d), (h), (i), and (j);
9 and

10 (2) by redesignating subsections (e), (f), (g),
11 (k), (l), and (m) as subsections (d), (e), (f), (g), (h),
12 and (i), respectively; and

13 (3) in subsection (f), as redesignated by para-
14 graph (2), by striking paragraphs (3) and (4).

15 (b) CONFORMING AMENDMENTS.—Such section 904
16 is further amended—

17 (1) in subsection (d), as redesignated by sub-
18 section (a)(2) of this section, by striking “subsection
19 (f)” each place it appears in paragraphs (1) and (2)
20 and inserting “subsection (e)”; and

21 (2) in subsection (e), as so redesignated—

22 (A) in paragraph (1), by striking “sub-
23 section (e)(1)” and inserting “subsection
24 (d)(1)”; and

1 (B) in paragraph (2), by striking “sub-
2 section (e)(2)” and inserting “subsection
3 (d)(2)”.

4 **SEC. 411. NATIONAL INTELLIGENCE ESTIMATE ON WEAP-**
5 **ONS OF MASS DESTRUCTION IN SYRIA.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Director of National
8 Intelligence shall submit to Congress a National Intel-
9 ligence Estimate on the history, status, and projected de-
10 velopment of any weapons of mass destruction develop-
11 ment program undertaken by the Government of Syria,
12 or by any person on behalf of the Government of Syria.

13 (b) FORM.—The National Intelligence Estimate re-
14 quired under subsection (a) may be submitted in classified
15 form.

16 **SEC. 412. REPORT ON INTELLIGENCE RESOURCES DEDI-**
17 **CATED TO IRAQ AND AFGHANISTAN.**

18 Not later than 120 days after the date of the enact-
19 ment of this Act, the Director of National Intelligence
20 shall submit to the congressional intelligence committees
21 a report on intelligence collection and analysis resources
22 dedicated to Iraq and Afghanistan during fiscal years
23 2007 and 2008. Such report shall include detailed infor-
24 mation on fiscal, human, technical, and other intelligence
25 collection and analysis resources.

1 **SEC. 413. OMBUDSMAN FOR INTELLIGENCE COMMUNITY**
2 **SECURITY CLEARANCES.**

3 (a) IN GENERAL.—Title I of the National Security
4 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-
5 ing after section 103H, as added by section 409 of this
6 Act, the following new section:

7 “OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY
8 CLEARANCES

9 “SEC. 103I. (a) APPOINTMENT.—The Director of
10 National Intelligence shall appoint an ombudsman for in-
11 telligence community security clearances.

12 “(b) PROVISION OF INFORMATION.—The head of an
13 element of the intelligence community shall provide a per-
14 son applying for a security clearance through or in coordi-
15 nation with such element with contact information for the
16 ombudsman appointed under subsection (a).

17 “(c) REPORT.—Not later than November 1 of each
18 year, the ombudsman appointed under subsection (a) shall
19 submit to the congressional intelligence committees a re-
20 port containing—

21 “(1) the number of persons applying for a secu-
22 rity clearance who have contacted the ombudsman
23 during the preceding 12 months; and

24 “(2) a summary of the concerns, complaints,
25 and questions received by the ombudsman from per-
26 sons applying for security clearances.”.

1 (b) APPOINTMENT DATE.—The Director of National
2 Intelligence shall appoint an ombudsman for intelligence
3 community security clearances under section 103I(a) of
4 the National Security Act of 1947, as added by subsection
5 (a), not later than 60 days after the date of the enactment
6 of this Act.

7 (c) CONFORMING AMENDMENT.—The table of con-
8 tents in the first section of the National Security Act of
9 1947 is further amended by inserting after the item relat-
10 ing to section 103H the following new item:

“Sec. 103I. Ombudsman for intelligence community security clearances.”.

11 **SEC. 414. SECURITY CLEARANCE RECIPROCITY.**

12 (a) AUDIT.—The Inspector General of the Intel-
13 ligence Community shall conduct an audit of the reci-
14 procity of security clearances in the intelligence commu-
15 nity.

16 (b) REPORT.—Not later than 60 days after the date
17 of the enactment of this Act, the Inspector General of the
18 Intelligence Community shall submit to the congressional
19 intelligence committees a report containing the results of
20 the audit conducted under subsection (a). Such report
21 shall include an assessment of the time required to obtain
22 a reciprocal security clearance for—

23 (1) an employee of an element of the intel-
24 ligence community detailed to another element of the
25 intelligence community;

1 (b) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (c) INTERNATIONAL TRAFFIC IN ARMS REGULA-
5 TIONS DEFINED.—The term “International Traffic in
6 Arms Regulations” means those regulations contained in
7 parts 120 through 130 of title 22, Code of Federal Regu-
8 lations (or successor regulations).

9 **SEC. 416. REPORT ON NUCLEAR TRAFFICKING.**

10 (a) REPORT.—Not later than February 1, 2009, the
11 Director of National Intelligence shall submit to the con-
12 gressional intelligence committees, the Committee on
13 Armed Services and the Committee on Foreign Affairs of
14 the House of Representatives, and the Committee on
15 Armed Services and the Committee on Foreign Relations
16 of the Senate a report on the illicit trade of nuclear and
17 radiological material and equipment.

18 (b) CONTENTS.—The report submitted under sub-
19 section (a) shall include, for a period of time including
20 at least the preceding three years—

21 (1) details of all known or suspected cases of
22 the illicit sale, transfer, brokering, or transport of
23 nuclear or radiological material or equipment useful
24 for the production of nuclear or radiological material
25 or nuclear explosive devices;

1 (2) an assessment of the countries that rep-
2 resent the greatest risk of nuclear trafficking activi-
3 ties; and

4 (3) a discussion of any dissents, caveats, gaps
5 in knowledge, or other information that would re-
6 duce confidence in the assessment referred to in
7 paragraph (2).

8 (c) FORM.—The report under subsection (a) may be
9 submitted in classified form, but shall include an unclassi-
10 fied summary.

11 **SEC. 417. STUDY ON REVOKING PENSIONS OF PERSONS**
12 **WHO COMMIT UNAUTHORIZED DISCLOSURES**
13 **OF CLASSIFIED INFORMATION.**

14 (a) STUDY.—The Director of National Intelligence
15 shall conduct a study on the feasibility of revoking the
16 pensions of personnel in the intelligence community who
17 commit unauthorized disclosures of classified information,
18 including whether revoking such pensions is feasible under
19 existing law or under the administrative authority of the
20 Director of National Intelligence or any other head of an
21 element of the intelligence community.

22 (b) REPORT.—Not later than 90 days after the date
23 of the enactment of this Act, the Director of National In-
24 telligence shall submit to the congressional intelligence

1 committees a report containing the results of the study
2 conducted under subsection (a).

3 **SEC. 418. MEMORANDUM TO HOLDERS OF NATIONAL IN-**
4 **TELLIGENCE ESTIMATE ON IRAN.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Director of National Intelligence
7 shall issue a memorandum to holders of the National In-
8 telligence Estimate entitled “Iran: Nuclear Intentions and
9 Capabilities” regarding any intelligence on the nuclear
10 program of Iran that has been gathered or emerged since
11 the publication of such National Intelligence Estimate in
12 October 2007.

13 **SEC. 419. NATIONAL INTELLIGENCE ESTIMATE ON PRO-**
14 **DUCTION AND SALE OF NARCOTICS IN SUP-**
15 **PORT OF INTERNATIONAL TERRORISM.**

16 Not later than 1 year after the date of the enactment
17 of this Act, the Director of National Intelligence shall sub-
18 mit to Congress a National Intelligence Estimate on the
19 production and sale of narcotics in support of inter-
20 national terrorism, including the support the Taliban and
21 al Qaeda receive from the sale of narcotics (particularly
22 heroin) and the shift in production from opium to hashish
23 in Afghanistan.

1 minated or suspended if such covert action was ter-
2 minated or suspended prior to the last audit of such
3 covert action conducted by the Inspector General
4 and has not been restarted after the date on which
5 such audit was completed.

6 “(3) REPORT.—Not later than 60 days after
7 the completion of an audit conducted pursuant to
8 paragraph (1), the Inspector General of the Central
9 Intelligence Agency shall submit to the congressional
10 intelligence committees a report containing the re-
11 sults of such audit.”.

12 (b) CONFORMING AMENDMENTS.—Title V of the Na-
13 tional Security Act of 1947 (50 U.S.C. 413 et seq.) is
14 amended—

15 (1) in section 501(f) (50 U.S.C. 413(f)), by
16 striking “503(e)” and inserting “503(g)”;

17 (2) in section 502(a)(1) (50 U.S.C.
18 413b(a)(1)), by striking “503(e)” and inserting
19 “503(g)”;

20 (3) in section 504(c) (50 U.S.C. 414(c)), by
21 striking “503(e)” and inserting “503(g)”.

1 **SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CEN-**
2 **TRAL INTELLIGENCE AGENCY OF REQUIRE-**
3 **MENT FOR ANNUAL REPORT ON PROGRESS**
4 **IN AUDITABLE FINANCIAL STATEMENTS.**

5 Section 114A of the National Security Act of 1947
6 (50 U.S.C. 404i-1) is amended by striking “the Director
7 of the Central Intelligence Agency,”.

8 **SEC. 423. TECHNICAL AMENDMENTS RELATING TO TITLES**
9 **OF CERTAIN CENTRAL INTELLIGENCE AGEN-**
10 **CY POSITIONS.**

11 Section 17(d)(3)(B)(ii) of the Central Intelligence
12 Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is
13 amended—

14 (1) in subclause (I), by striking “Executive Di-
15 rector” and inserting “Associate Deputy Director”;

16 (2) in subclause (II), by striking “Deputy Di-
17 rector for Operations” and inserting “Director of
18 the National Clandestine Service”;

19 (3) in subclause (III), by striking “Deputy Di-
20 rector for Intelligence” and inserting “Director of
21 Intelligence”;

22 (4) in subclause (IV), by striking “Deputy Di-
23 rector for Administration” and inserting “Director
24 of Support”; and

1 (1) IN GENERAL.—The Director of the Central
2 Intelligence Agency may request, and the Director of
3 National Intelligence may grant, a written waiver of
4 the requirement under subsection (a) if the Director
5 of the Central Intelligence Agency determines that—

6 (A) no employee of the Federal Govern-
7 ment is—

8 (i) capable of performing such interro-
9 gation; and

10 (ii) available to perform such interro-
11 gation; and

12 (B) such interrogation is in the national
13 interest of the United States and requires the
14 use of a contractor.

15 (2) CLARIFICATION OF APPLICABILITY OF CER-
16 TAIN LAWS.—Any contractor conducting an interro-
17 gation pursuant to a waiver under paragraph (1)
18 shall be subject to all laws on the conduct of interro-
19 gations that would apply if an employee of the Fed-
20 eral Government were conducting the interrogation.

21 **SEC. 426. REPORT ON ACTIVITIES OF THE CENTRAL INTEL-**
22 **LIGENCE AGENCY IN ARGENTINA.**

23 (a) IN GENERAL.—Not later than 270 days after the
24 date of the enactment of this Act, the Director of the Cen-
25 tral Intelligence Agency shall submit to the appropriate

1 congressional committees a report containing the fol-
2 lowing:

3 (1) A description of any information in the pos-
4 session of the intelligence community with respect to
5 the following events in the Republic of Argentina:

6 (A) The accession to power by the Military
7 of the Republic of Argentina in 1976.

8 (B) Violations of human rights committed
9 by officers or agents of the Argentine military
10 and security forces.

11 (C) Operation Condor and the fate of Ar-
12 gentine people targeted, abducted, or killed dur-
13 ing such Operation, including Argentine chil-
14 dren born in captivity whose status remains un-
15 known.

16 (2) All information that may lead to the dis-
17 covery of the Argentine children born in captivity
18 whose status remains unknown.

19 (3) A compilation of information referred to in
20 paragraphs (1) and (2) that has been declassified.

21 (b) UPDATE OF COMPILATION.—Not later than 1
22 year after the date on which the report required under
23 subsection (a) is submitted, and annually thereafter for
24 three years, the Director of the Central Intelligence Agen-
25 cy shall submit to the appropriate congressional commit-

1 tees an update of the compilation referred to in subsection
2 (a)(3).

3 (c) FORM.—The report required under subsection (a)
4 shall be submitted in unclassified form, but may include
5 a classified annex.

6 (d) DEFINITION.—In this section, the term “appro-
7 priate congressional committees” means the Permanent
8 Select Committee on Intelligence and the Committee on
9 Appropriations of the House of Representatives and the
10 Select Committee on Intelligence and the Committee on
11 Appropriations of the Senate.

12 **Subtitle C—Defense Intelligence** 13 **Components**

14 **SEC. 431. INTEGRATION OF THE COUNTERINTELLIGENCE** 15 **FIELD ACTIVITY INTO THE DEFENSE INTEL-** 16 **LIGENCE AGENCY.**

17 (a) REPORT.—Not later than November 1, 2008, the
18 Under Secretary of Defense for Intelligence shall submit
19 to the congressional intelligence and armed services com-
20 mittees a report outlining the process by which the Coun-
21 terintelligence Field Activity is to be integrated into the
22 Defense Intelligence Agency. Such report shall include—

23 (1) a description of the nature of any law en-
24 forcement authorities to be delegated to the Defense
25 Intelligence Agency;

1 (2) the authority under which the delegation of
2 authority referred to in paragraph (1) would occur;
3 and

4 (3) the guidelines for the implementation of
5 such law enforcement authorities.

6 (b) CONGRESSIONAL INTELLIGENCE AND ARMED
7 SERVICES COMMITTEES.—In this section, the term “con-
8 gressional intelligence and armed services committees”
9 means—

10 (1) the Permanent Select Committee on Intel-
11 ligence of the House of Representatives;

12 (2) the Select Committee on Intelligence of the
13 Senate; and

14 (3) the Committees on Armed Services of the
15 House of Representatives and the Senate.

16 **Subtitle D—Other Elements**

17 **SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD** 18 **AND DRUG ENFORCEMENT ADMINISTRATION** 19 **AS ELEMENTS OF THE INTELLIGENCE COM-** 20 **MUNITY.**

21 Section 3(4) of the National Security Act of 1947 (50
22 U.S.C. 401a(4)) is amended—

23 (1) in subparagraph (H)—

24 (A) by inserting “the Coast Guard,” after
25 “the Marine Corps,”; and

1 (B) by inserting “the Drug Enforcement
2 Administration,” after “the Federal Bureau of
3 Investigation,”; and

4 (2) in subparagraph (K), by striking “, includ-
5 ing the Office of Intelligence of the Coast Guard”.

6 **SEC. 442. REPORT ON TRANSFORMATION OF THE INTEL-**
7 **LIGENCE CAPABILITIES OF THE FEDERAL**
8 **BUREAU OF INVESTIGATION.**

9 Not later than 120 days after the date of the enact-
10 ment of this Act, the Director of the Federal Bureau of
11 Investigation shall submit to the congressional intelligence
12 committees a report describing the Director’s long term
13 vision for transforming the intelligence capabilities of the
14 Bureau and the progress of the internal reforms of the
15 Bureau intended to achieve that vision. Such report shall
16 include—

17 (1) the direction, strategy, and goals for trans-
18 forming the intelligence capabilities of the Bureau;

19 (2) a description of what the fully functional in-
20 telligence and national security functions of the Bu-
21 reau should entail;

22 (3) a candid assessment of the effect of internal
23 reforms at the Bureau and whether such reforms
24 have moved the Bureau towards achieving the goals

1 of the Director for the intelligence and national se-
2 curity functions of the Bureau; and

3 (4) an assessment of how well the Bureau per-
4 forms tasks that are critical to the effective func-
5 tioning of the Bureau as an intelligence agency, in-
6 cluding—

7 (A) identifying new intelligence targets
8 within the scope of the national security func-
9 tions of the Bureau, outside the parameters of
10 an existing case file or ongoing investigation;

11 (B) collecting intelligence domestically, in-
12 cluding collection through human and technical
13 sources;

14 (C) recruiting human sources;

15 (D) training Special Agents to spot, assess,
16 recruit, and handle human sources;

17 (E) working collaboratively with other Fed-
18 eral departments and agencies to jointly collect
19 intelligence on domestic counterterrorism and
20 counterintelligence targets;

21 (F) producing a common intelligence pic-
22 ture of domestic threats to the national security
23 of the United States;

24 (G) producing high quality and timely in-
25 telligence analysis;

1 (H) integrating intelligence analysts into
2 its intelligence collection operations; and

3 (I) sharing intelligence information with
4 intelligence community partners.

5 **TITLE V—OTHER MATTERS**
6 **Subtitle A—General Intelligence**
7 **Matters**

8 **SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE**
9 **REVIEW OF THE RESEARCH AND DEVELOP-**
10 **MENT PROGRAMS OF THE UNITED STATES IN-**
11 **TELLIGENCE COMMUNITY.**

12 (a) EXTENSION.—

13 (1) IN GENERAL.—Subsection (a) of section
14 1007 of the Intelligence Authorization Act for Fiscal
15 Year 2003 (Public Law 107–306; 116 Stat. 2442)
16 is amended by striking “September 1, 2004” and in-
17 serting “December 31, 2009”.

18 (2) EFFECTIVE DATE.—Subject to paragraph
19 (3), the amendment made by paragraph (1) shall
20 take effect as if included in the enactment of such
21 section 1007.

22 (3) COMMISSION MEMBERSHIP.—

23 (A) IN GENERAL.—The membership of the
24 National Commission for the Review of the Re-
25 search and Development Programs of the

1 United States Intelligence Community estab-
2 lished under subsection (a) of section 1002 of
3 such Act (Public Law 107–306; 116 Stat.
4 2438) (referred to in this section as the “Com-
5 mission”) shall be considered vacant and new
6 members shall be appointed in accordance with
7 such section 1002, as amended by subpara-
8 graph (B).

9 (B) TECHNICAL AMENDMENT.—Paragraph
10 (1) of section 1002(b) of such Act is amended
11 by striking “The Deputy Director of Central
12 Intelligence for Community Management.” and
13 inserting “The Principal Deputy Director of
14 National Intelligence.”.

15 (4) CLARIFICATION OF DUTIES.—Section
16 1002(i) of such Act is amended in the matter pre-
17 ceding paragraph (1) by striking “including—” and
18 inserting “including advanced research and develop-
19 ment programs and activities. Such review shall in-
20 clude—”.

21 (b) FUNDING.—

22 (1) IN GENERAL.—Of the amounts authorized
23 to be appropriated by this Act for the Intelligence
24 Community Management Account, the Director of
25 National Intelligence shall make \$2,000,000 avail-

1 able to the Commission to carry out title X of the
2 Intelligence Authorization Act for Fiscal Year 2003
3 (Public Law 107–306; 116 Stat. 2437).

4 (2) AVAILABILITY.—Amounts made available to
5 the Commission pursuant to paragraph (1) shall re-
6 main available until expended.

7 **SEC. 502. AMENDMENTS TO THE NATIONAL SECURITY ACT**
8 **OF 1947.**

9 (a) GENERAL CONGRESSIONAL OVERSIGHT.—Sec-
10 tion 501(a) of the National Security Act of 1947 (50
11 U.S.C. 413(a)) is amended by adding at the end the fol-
12 lowing new paragraph:

13 “(3) In carrying out paragraph (1), the President
14 shall provide to the congressional intelligence committees
15 all information necessary to assess the lawfulness, effec-
16 tiveness, cost, benefit, intelligence gain, budgetary author-
17 ity, and risk of an intelligence activity, including—

18 “(A) the legal authority under which the intel-
19 ligence activity is being or was conducted;

20 “(B) any legal issues upon which guidance was
21 sought in carrying out or planning the intelligence
22 activity, including dissenting legal views;

23 “(C) any specific operational concerns arising
24 from the intelligence activity, including the risk of
25 disclosing intelligence sources or methods;

1 “(D) the likelihood that the intelligence activity
2 will exceed the planned or authorized expenditure of
3 funds or other resources; and

4 “(E) the likelihood that the intelligence activity
5 will fail.”.

6 (b) REPORTING ON ACTIVITIES OTHER THAN COV-
7 ERT ACTIONS.—Section 502 of such Act (50 U.S.C. 413a)
8 is amended by adding at the end the following new sub-
9 section:

10 “(d) DISTRIBUTION OF INFORMATION.—

11 “(1) REQUEST.—Information or material pro-
12 vided in accordance with subsection (a) shall be
13 made available to each member of the congressional
14 intelligence committees, unless the President re-
15 quests that access to the information or material be
16 limited after determining that limiting such access is
17 essential to meet extraordinary circumstances affect-
18 ing vital interests of the United States. A request
19 under this paragraph and the extraordinary cir-
20 cumstances referred to in this paragraph shall be de-
21 tailed in writing to the Chair and ranking minority
22 member of the congressional intelligence committees.

23 “(2) DISTRIBUTION.—If the President submits
24 a request under paragraph (1), the Chair and rank-
25 ing minority member of each congressional intel-

1 ligence committee may jointly determine whether
2 and how to limit access to the information or mate-
3 rial within such committee. If the Chair and ranking
4 minority member of such committee are unable to
5 agree on whether or how to limit such access, access
6 to the information or material will be limited. Any
7 information or material to which access is limited
8 shall subsequently be made available to each member
9 of the congressional intelligence communities at the
10 earliest possible time and shall include a detailed
11 statement of the reasons for not providing prior ac-
12 cess.”.

13 (c) APPROVAL OF COVERT ACTIONS.—Section 503(d)
14 of the National Security Act of 1947 (50 U.S.C. 413b(d))
15 is amended—

16 (1) by striking “(d) The President” and insert-
17 ing “(d)(1) The President”; and

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

20 “(2) For purposes of this subsection, an activity shall
21 constitute a ‘significant undertaking’ if the activity—

22 “(A) involves the potential for loss of life;

23 “(B) requires an expansion of existing authori-
24 ties, including authorities relating to research, devel-
25 opment, or operations;

1 “(C) results in the expenditure of significant
2 funds or other resources;

3 “(D) requires notification under section 504;

4 “(E) gives rise to a significant risk of disclosing
5 intelligence sources or methods; or

6 “(F) could cause serious damage to the diplo-
7 matic relations of the United States if such activity
8 were disclosed without authorization.”.

9 **SEC. 503. REPORT ON FINANCIAL INTELLIGENCE ON TER-**
10 **RORIST ASSETS.**

11 (a) ANNUAL REPORTS.—Section 118 of the National
12 Security Act of 1947 (50 U.S.C. 404m) is amended—

13 (1) in the heading, by striking “SEMIANNUAL”
14 and inserting “ANNUAL”; and

15 (2) in subsection (a)—

16 (A) in the heading, by striking “SEMI-
17 ANNUAL” and inserting “ANNUAL”;

18 (B) in the matter preceding paragraph

19 (1)—

20 (i) by striking “semiannual basis” and
21 inserting “annual basis”; and

22 (ii) by striking “preceding six-month
23 period” and inserting “preceding year”;

24 (C) by striking paragraph (2); and

1 (D) by redesignating paragraphs (3) and
2 (4) as paragraphs (2) and (3), respectively.

3 (b) CONFORMING AMENDMENT.—Section 507 of the
4 National Security Act of 1947 (50 U.S.C. 415b) is amend-
5 ed—

6 (1) in subsection (a)(1), by adding at the end
7 the following new subparagraph:

8 “(L) The annual report on financial intelligence
9 on terrorist assets required by section 118.”; and

10 (2) in subsection (b), by striking paragraph (6).

11 **SEC. 504. NOTICE OF INTELLIGENCE REGARDING NORTH**
12 **KOREA AND CHINA.**

13 Section 501 of the National Security Act of 1947 (50
14 U.S.C. 413) is amended—

15 (1) by redesignating subsection (f) as sub-
16 section (g); and

17 (2) by inserting after subsection (e) the fol-
18 lowing new subsection:

19 “(f) A notification to the congressional intelligence
20 committees regarding intelligence information relating to
21 North Korea or China after all or part of the information
22 has been communicated to the governments of North
23 Korea or China, respectively, shall not be construed to ful-
24 fill the duty under this title to keep the congressional intel-

1 ligence committees fully and currently informed of the in-
2 telligence activities of the United States.”.

3 **SEC. 505. SENSE OF CONGRESS REGARDING USE OF INTEL-**
4 **LIGENCE RESOURCES.**

5 It is the sense of Congress that the resources author-
6 ized under this Act should not be diverted from human
7 intelligence collection and other intelligence programs de-
8 signed to combat al Qaeda in order to study global climate
9 change.

10 **SEC. 506. SENSE OF CONGRESS REGARDING COLOMBIAN**
11 **PARAMILITARY ORGANIZATIONS.**

12 It is the sense of Congress that—

13 (1) the permanent defeat of the Revolutionary
14 Armed Forces of Columbia (FARC), United Self-De-
15 fense Forces of Colombia (AUC), National Libera-
16 tion Army (ELN), and other Colombian paramilitary
17 organizations is in the national interest of the
18 United States;

19 (2) the Colombian operation that liberated
20 Americans Keith Stansell, Marc Gonsalves, and
21 Thomas Howes and Ingrid Betancourt and 11 other
22 Colombian hostages from the FARC on July 2,
23 2008, demonstrated the professionalism of Colom-
24 bian security forces and intelligence operatives;

1 (3) intelligence and other cooperation by the
2 United States has played a key role in developing
3 and reinforcing the capabilities of the Government of
4 Colombia to address terrorist and narcoterrorist
5 threats;

6 (4) intelligence and other cooperation by the
7 United States has significantly contributed to the
8 continued success of the Government of Colombia in
9 impacting the capabilities of terrorist and
10 narcoterrorist groups that have threatened the na-
11 tional security of Colombia and the United States;
12 and

13 (5) it is critical that such assistance continue in
14 order to support the Government of Colombia in its
15 efforts to continue to capitalize on those successes.

16 **SEC. 507. JIHADISTS.**

17 None of the funds authorized to be appropriated by
18 this Act may be used to prohibit or discourage the use
19 of the words or phrases “jihadist”, “jihad”, “Islamofas-
20 cism”, “caliphate”, “Islamist”, or “Islamic terrorist” by
21 or within the intelligence community or the Federal Gov-
22 ernment.

1 **Subtitle B—Technical Amendments**

2 **SEC. 511. TECHNICAL AMENDMENT TO THE CENTRAL IN-** 3 **TELLIGENCE AGENCY ACT OF 1949.**

4 Section 5(a)(1) of the Central Intelligence Agency
5 Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking
6 “authorized under paragraphs (2) and (3) of section
7 102(a), subsections (c)(7) and (d) of section 103, sub-
8 sections (a) and (g) of section 104, and section 303 of
9 the National Security Act of 1947 (50 U.S.C. 403(a)(2),
10 (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and insert-
11 ing “authorized under section 104A of the National Secu-
12 rity Act of 1947 (50 U.S.C. 403–4a)”.

13 **SEC. 512. TECHNICAL AMENDMENTS RELATING TO THE** 14 **MULTIYEAR NATIONAL INTELLIGENCE PRO-** 15 **GRAM.**

16 (a) **IN GENERAL.**—Subsection (a) of section 1403 of
17 the National Defense Authorization Act for Fiscal Year
18 1991 (50 U.S.C. 404b) is amended—

19 (1) in the heading, by striking “FOREIGN”; and

20 (2) by striking “foreign” each place it appears.

21 (b) **RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-**
22 **TELLIGENCE.**—That section is further amended—

23 (1) in subsections (a) and (c), by striking “Di-
24 rector of Central Intelligence” and inserting “Direc-
25 tor of National Intelligence”; and

1 (2) in subsection (b), by inserting “of National
2 Intelligence” after “Director”.

3 (c) CONFORMING AMENDMENT.—The heading of
4 that section is amended to read as follows:

5 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
6 **GRAM.”.**

7 **SEC. 513. TECHNICAL CLARIFICATION OF CERTAIN REF-**
8 **ERENCES TO JOINT MILITARY INTELLIGENCE**
9 **PROGRAM AND TACTICAL INTELLIGENCE**
10 **AND RELATED ACTIVITIES.**

11 Section 102A of the National Security Act of 1947
12 (50 U.S.C. 403–1) is amended—

13 (1) in subsection (c)(3)(A), by striking “annual
14 budgets for the Joint Military Intelligence Program
15 and for Tactical Intelligence and Related Activities”
16 and inserting “annual budget for the Military Intel-
17 ligence Program or any successor program or pro-
18 grams”; and

19 (2) in subsection (d)(1)(B), by striking “Joint
20 Military Intelligence Program” and inserting “Mili-
21 tary Intelligence Program or any successor program
22 or programs”.

1 **SEC. 514. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
2 **CURITY ACT OF 1947.**

3 The National Security Act of 1947 (50 U.S.C. 401
4 et seq.) is amended as follows:

5 (1) In section 102A (50 U.S.C. 403–1)—

6 (A) in subsection (d)—

7 (i) in paragraph (3), by striking “sub-
8 paragraph (A)” in the matter preceding
9 subparagraph (A) and inserting “para-
10 graph (1)(A)”;

11 (ii) in paragraph (5)(A), by striking
12 “or personnel” in the matter preceding
13 clause (i); and

14 (iii) in paragraph (5)(B), by striking
15 “or agency involved” in the second sen-
16 tence and inserting “involved or the Direc-
17 tor of the Central Intelligence Agency (in
18 the case of the Central Intelligence Agen-
19 cy)”;

20 (B) in subsection (l)(2)(B), by striking
21 “section” and inserting “paragraph”; and

22 (C) in subsection (n), by inserting “AND
23 OTHER” after “ACQUISITION”.

24 (2) In section 119(c)(2)(B) (50 U.S.C.
25 404o(c)(2)(B)), by striking “subsection (h)” and in-
26 serting “subsection (i)”.

1 (3) In section 705(e)(2)(D)(i) (50 U.S.C.
2 432c(e)(2)(D)(i)), by striking “responsible” and in-
3 serting “responsive”.

4 **SEC. 515. TECHNICAL AMENDMENTS TO THE INTEL-**
5 **LIGENCE REFORM AND TERRORISM PREVEN-**
6 **TION ACT OF 2004.**

7 (a) AMENDMENTS TO NATIONAL SECURITY INTEL-
8 LIGENCE REFORM ACT OF 2004.—The National Security
9 Intelligence Reform Act of 2004 (title I of Public Law
10 108–458; 118 Stat. 3643) is amended as follows:

11 (1) In section 1016(e)(10)(B) (6 U.S.C.
12 485(e)(10)(B)), by striking “Attorney General” the
13 second place it appears and inserting “Department
14 of Justice”.

15 (2) In section 1071(e), by striking “(1)”.

16 (3) In section 1072(b), in the subsection head-
17 ing by inserting “AGENCY” after “INTELLIGENCE”.

18 (b) OTHER AMENDMENTS TO INTELLIGENCE RE-
19 FORM AND TERRORISM PREVENTION ACT OF 2004.—The
20 Intelligence Reform and Terrorism Prevention Act of
21 2004 (Public Law 108–458; 118 Stat. 3638) is amended
22 as follows:

23 (1) In section 2001 (28 U.S.C. 532 note)—

24 (A) in subsection (c)(1), by inserting “of”
25 before “an institutional culture”;

1 (B) in subsection (e)(2), by striking “the
2 National Intelligence Director in a manner con-
3 sistent with section 112(e)” and inserting “the
4 Director of National Intelligence in a manner
5 consistent with applicable law”; and

6 (C) in subsection (f), by striking “shall,”
7 in the matter preceding paragraph (1) and in-
8 serting “shall”.

9 (2) In section 2006 (28 U.S.C. 509 note)—

10 (A) in paragraph (2), by striking “the
11 Federal” and inserting “Federal”; and

12 (B) in paragraph (3), by striking “the spe-
13 cific” and inserting “specific”.

14 **SEC. 516. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
15 **SCHEDULE.**

16 (a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
17 of title 5, United States Code, is amended by striking the
18 item relating to the Director of Central Intelligence and
19 inserting the following new item:

20 “Director of the Central Intelligence Agency.”.

21 (b) EXECUTIVE SCHEDULE LEVEL III.—Section
22 5314 of title 5, United States Code, is amended by strik-
23 ing the item relating to the Deputy Directors of Central
24 Intelligence and inserting the following new item:

1 “Deputy Director of the Central Intelligence
2 Agency.”.

3 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
4 5315 of title 5, United States Code, is amended by strik-
5 ing the item relating to the General Counsel of the Office
6 of the National Intelligence Director and inserting the fol-
7 lowing new item:

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

10 **SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE NA-**
11 **TIONAL GEOSPATIAL-INTELLIGENCE AGEN-**
12 **CY.**

13 (a) TITLE 5.—Title 5, United States Code, is amend-
14 ed by striking “National Imagery and Mapping Agency”
15 each place it appears and inserting “National Geospatial-
16 Intelligence Agency”.

17 (b) TITLE 44.—Title 44, United States Code, is
18 amended—

19 (1) in section 1336—

20 (A) in the heading, by striking “**Na-**
21 **tional Imagery and Mapping Agency**”
22 and inserting “**National Geospatial-Intel-**
23 **ligence Agency**”; and

24 (B) by striking “National Imagery and
25 Mapping Agency” each place it appears and in-

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110TH CONGRESS
2^D SESSION
H. R. 5959

AN ACT

To authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

JULY 17, 2008

Received; read twice and placed on the calendar