

**Calendar No. 222**

110TH CONGRESS  
1ST SESSION

**S. 1538**

**[Report No. 110–75]**

**[Report No. 110–92]**

To authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MAY 31, 2007

Mr. ROCKEFELLER, from the Select Committee on Intelligence, reported under authority of the order of the Senate of May 25, 2007, the following original bill; which was read twice and placed on the calendar

JUNE 4, 2007

Referred to the Committee on Armed Services pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session

JUNE 15, 2007

Referred to the Committee on Armed Services pursuant to S. Res. 445, 108th Congress, for an additional 5 days of session

JUNE 26, 2007

Reported by Mr. LEVIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To authorize appropriations for fiscal year 2008 for the

intelligence and intelligence-related activities of the United States Government, the Intelligence 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 2008”.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.  
 Sec. 102. Classified schedule of authorizations.  
 Sec. 103. Personnel level adjustments.  
 Sec. 104. Intelligence Community Management Account.  
 Sec. 105. Incorporation of reporting requirements.  
 Sec. 106. Development and acquisition program.  
 Sec. 107. Availability to public of certain intelligence funding information.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
 DISABILITY SYSTEM

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

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE  
 COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.  
 Sec. 302. Restriction on conduct of intelligence activities.  
 Sec. 303. Clarification of definition of intelligence community under the Na-  
 tional Security Act of 1947.  
 Sec. 304. Delegation of authority for travel on common carriers for intelligence  
 collection personnel.  
 Sec. 305. Modification of availability of funds for different intelligence activi-  
 ties.  
 Sec. 306. Increase in penalties for disclosure of undercover intelligence officers  
 and agents.

- Sec. 307. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 308. Public Interest Declassification Board.
- Sec. 309. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.
- Sec. 310. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
- Sec. 311. Terms of service of Program Manager for the Information Sharing Environment and the Information Sharing Council.
- Sec. 312. Improvement of notification of Congress regarding intelligence activities of the United States Government.
- Sec. 313. Additional limitation on availability of funds for intelligence and intelligence-related activities.
- Sec. 314. Vulnerability assessments of major systems.
- Sec. 315. Annual personnel level assessments for the intelligence community.
- Sec. 316. Business enterprise architecture and business system modernization for the intelligence community.
- Sec. 317. Reports on the acquisition of major systems.
- Sec. 318. Excessive cost growth of major systems.
- Sec. 319. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 320. Submittal to Congress of certain President's Daily Briefs on Iraq.
- Sec. 321. National intelligence estimate on global climate change.
- Sec. 322. Repeal of certain reporting requirements.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Requirements for accountability reviews by the Director of National Intelligence.
- Sec. 402. Additional authorities of the Director of National Intelligence on intelligence information sharing.
- Sec. 403. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
- Sec. 404. Additional administrative authority of the Director of National Intelligence.
- Sec. 405. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.
- Sec. 406. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
- Sec. 407. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
- Sec. 408. Title of Chief Information Officer of the Intelligence Community.
- Sec. 409. Reserve for Contingencies of the Office of the Director of National Intelligence.
- Sec. 410. Inspector General of the Intelligence Community.
- Sec. 411. Leadership and location of certain offices and officials.
- Sec. 412. National Space Intelligence Office.
- Sec. 413. Operational files in the Office of the Director of National Intelligence.

- Sec. 414. Repeal of certain authorities relating to the Office of the National Counter-intelligence Executive.
- Sec. 415. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
- Sec. 416. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 417. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

#### Subtitle B—Central Intelligence Agency

- Sec. 421. Director and Deputy Director 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. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
- Sec. 424. Technical amendments relating to titles of certain Central Intelligence Agency positions.
- Sec. 425. Availability of the Executive Summary of the report on Central Intelligence Agency accountability regarding the terrorist attacks of September 11, 2001.
- Sec. 426. Director of National Intelligence report on retirement benefits for former employees of Air America.

#### Subtitle C—Defense Intelligence Components

- Sec. 431. Enhancements of National Security Agency training program.
- Sec. 432. Codification of authorities of National Security Agency protective personnel.
- Sec. 433. Inspector general matters.
- Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
- Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
- Sec. 436. Security clearances in the National Geospatial-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. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

### TITLE V—OTHER MATTERS

- Sec. 501. Technical amendments to the National Security Act of 1947.
- Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
- Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 507. Technical amendments to the Executive Schedule.

Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

Sec. 509. Other technical amendments relating to responsibility of the Director of National Intelligence as head of the intelligence community.

# **TITLE I—INTELLIGENCE ACTIVITIES**

## **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

1 (12) The National Reconnaissance Office.

2 (13) The National Geospatial-Intelligence Agen-  
3 cy.

4 (14) The Coast Guard.

5 (15) The Department of Homeland Security.

6 (16) The Drug Enforcement Administration.

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

8 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
9 LEVELS.—The amounts authorized to be appropriated  
10 under section 101, and the authorized personnel levels (ex-  
11 pressed as full-time equivalent positions) as of September  
12 30, 2008, for the conduct of the intelligence and intel-  
13 ligence-related activities of the elements listed in such sec-  
14 tion, are those specified in the classified Schedule of Au-  
15 thorizations prepared to accompany the conference report  
16 on the bill \_\_\_\_\_ of the One Hundred Tenth Congress.

17 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
18 THORIZATIONS.—The Schedule of Authorizations shall be  
19 made available to the Committees on Appropriations of  
20 the Senate and House of Representatives and to the Presi-  
21 dent. The President shall provide for suitable distribution  
22 of the Schedule, or of appropriate portions of the Sched-  
23 ule, within the executive branch.

1 **SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.**

2 (a) **AUTHORITY FOR ADJUSTMENTS.**—With the ap-  
3 proval of the Director of the Office of Management and  
4 Budget, the Director of National Intelligence may author-  
5 ize employment of civilian personnel in excess of the num-  
6 ber of authorized full-time equivalent positions for fiscal  
7 year 2008 under section 102 when the Director of Na-  
8 tional Intelligence determines that such action is necessary  
9 to the performance of important intelligence functions, ex-  
10 cept that the number of personnel employed in excess of  
11 the number authorized under such section may not, for  
12 any element of the intelligence community, exceed 5 per-  
13 cent of the number of civilian personnel authorized under  
14 such section for such element.

15 (b) **AUTHORITY FOR CONVERSION OF ACTIVITIES**  
16 **PERFORMED BY CONTRACTORS.**—In addition to the au-  
17 thority in subsection (a), upon a determination by the  
18 head of an element in the intelligence community that ac-  
19 tivities currently being performed by contractor employees  
20 should be performed by government employees, the con-  
21 currence of the Director of National Intelligence in such  
22 determination, and the approval of the Director of the Of-  
23 fice of Management and Budget, the Director of National  
24 Intelligence may authorize employment of additional full-  
25 time equivalent personnel in such element of the intel-

1   ligence community equal to the number of full-time equiv-  
 2   alent contractor employees performing such activities.

3       (c) NOTICE TO INTELLIGENCE COMMITTEES.—The  
 4   Director of National Intelligence shall notify the Select  
 5   Committee on Intelligence of the Senate and the Perma-  
 6   nent Select Committee on Intelligence of the House of  
 7   Representatives in writing at least 15 days before each  
 8   exercise of the authority in subsection (a) or (b).

9   **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
 10                   **COUNT.**

11       (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
 12   authorized to be appropriated for the Intelligence Commu-  
 13   nity Management Account of the Director of National In-  
 14   telligence for fiscal year 2008 the sum of \$715,076,000.  
 15   Within such amount, funds identified in the classified  
 16   Schedule of Authorizations referred to in section 102(a)  
 17   for advanced research and development shall remain avail-  
 18   able until September 30, 2009.

19       (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
 20   ments within the Intelligence Community Management  
 21   Account of the Director of National Intelligence are au-  
 22   thorized 1768 full-time equivalent personnel as of Sep-  
 23   tember 30, 2008. Personnel serving in such elements may  
 24   be permanent employees of the Intelligence Community



1 Management Account or personnel detailed from other ele-  
2 ments of the United States Government.

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

8 (d) CLASSIFIED AUTHORIZATIONS.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
10 addition to amounts authorized to be appropriated  
11 for the Intelligence Community Management Ac-  
12 count by subsection (a), there are also authorized to  
13 be appropriated for the Intelligence Community  
14 Management Account for fiscal year 2008 such addi-  
15 tional amounts as are specified in the classified  
16 Schedule of Authorizations referred to in section  
17 102(a). Such additional amounts for research and  
18 development shall remain available until September  
19 30, 2009.

20 (2) AUTHORIZATION OF PERSONNEL.—In addi-  
21 tion to the personnel authorized by subsection (b)  
22 for elements of the Intelligence Community Manage-  
23 ment Account as of September 30, 2008, there are  
24 also authorized such additional personnel for such

1 elements as of that date as are specified in the clas-  
2 sified Schedule of Authorizations.

3 **SEC. 105. INCORPORATION OF REPORTING REQUIRE-**  
4 **MENTS.**

5 (a) IN GENERAL.—Each requirement to submit a re-  
6 port to the congressional intelligence committees that is  
7 included in the joint explanatory statement to accompany  
8 the conference report on the bill \_\_\_\_\_ of the One Hun-  
9 dred Tenth Congress, or in the classified annex to this  
10 Act, is hereby incorporated into this Act, and is hereby  
11 made a requirement in law.

12 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES  
13 DEFINED.—In this section, the term “congressional intel-  
14 ligence committees” means—

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

17 (2) the Permanent Select Committee on Intel-  
18 ligence of the House of Representatives.

19 **SEC. 106. DEVELOPMENT AND ACQUISITION PROGRAM.**

20 Of the funds appropriated for the National Intel-  
21 ligence Program for fiscal year 2008, and of funds cur-  
22 rently available for obligation for any prior fiscal year, the  
23 Director of National Intelligence shall transfer not less  
24 than the amount specified in the classified annex to the  
25 Office of the Director of National Intelligence to fund the

1 development and acquisition of the program specified in  
2 the classified annex. The funds as so transferred shall be  
3 available without fiscal year limitation.

4 **SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**  
5 **LIGENCE FUNDING INFORMATION.**

6 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—  
7 The President shall disclose to the public for each fiscal  
8 year after fiscal year 2008 the aggregate amount of appro-  
9 priations requested by the President for such fiscal year  
10 for the National Intelligence Program.

11 (b) AMOUNTS AUTHORIZED AND APPROPRIATED  
12 EACH FISCAL YEAR.—Congress shall disclose to the pub-  
13 lic for each fiscal year after fiscal year 2007 the aggregate  
14 amount of funds authorized to be appropriated, and the  
15 aggregate amount of funds appropriated, by Congress for  
16 such fiscal year for the National Intelligence Program.

17 **TITLE II—CENTRAL INTEL-**  
18 **LIGENCE AGENCY RETIRE-**  
19 **MENT AND DISABILITY SYS-**  
20 **TEM**

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated for the Cen-  
23 tral Intelligence Agency Retirement and Disability Fund  
24 for fiscal year 2008 the sum of \$262,500,000.

1 **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RE-**  
2 **TIREMENT PROVISION OF CENTRAL INTEL-**  
3 **LIGENCE AGENCY RETIREMENT ACT.**

4 Section 235(b)(1)(A) of the Central Intelligence  
5 Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is  
6 amended by striking “receiving compensation under the  
7 Senior Intelligence Service pay schedule at the rate” and  
8 inserting “who is at the Senior Intelligence Service rank”.

9 **TITLE III—INTELLIGENCE AND**  
10 **GENERAL INTELLIGENCE**  
11 **COMMUNITY MATTERS**

12 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
13 **BENEFITS AUTHORIZED BY LAW.**

14 Appropriations authorized by this Act for salary, pay,  
15 retirement, and other benefits for Federal employees may  
16 be increased by such additional or supplemental amounts  
17 as may be necessary for increases in such compensation  
18 or benefits authorized by law.

19 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
20 **ACTIVITIES.**

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

1 **SEC. 303. CLARIFICATION OF DEFINITION OF INTEL-**  
 2 **LIGENCE COMMUNITY UNDER THE NATIONAL**  
 3 **SECURITY ACT OF 1947.**

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

7 **SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON**  
 8 **COMMON CARRIERS FOR INTELLIGENCE**  
 9 **COLLECTION PERSONNEL.**

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

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

14 (2) in paragraph (1), by striking “may only del-  
 15 egate” and all that follows and inserting “may dele-  
 16 gate the authority in subsection (a) to the head of  
 17 any other element of the intelligence community.”;  
 18 and

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

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

1 (b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not  
 2 later than six months after the date of the enactment of  
 3 this Act, the Director of National Intelligence shall pre-  
 4 scribe and submit to the congressional intelligence com-  
 5 mittees the guidelines referred to in paragraph (2) of sec-  
 6 tion 116(b) of the National Security Act of 1947, as added  
 7 by subsection (a).

8 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
 9 DEFINED.—In this section, the term “congressional intel-  
 10 ligence committees” means—

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

13 (2) the Permanent Select Committee on Intel-  
 14 ligence of the House of Representatives.

15 **SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR**  
 16 **DIFFERENT INTELLIGENCE ACTIVITIES.**

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

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

1 **SEC. 306. INCREASE IN PENALTIES FOR DISCLOSURE OF**  
2 **UNDERCOVER INTELLIGENCE OFFICERS AND**  
3 **AGENTS.**

4 (a) DISCLOSURE OF AGENT AFTER ACCESS TO IN-  
5 FORMATION IDENTIFYING AGENT.—Subsection (a) of sec-  
6 tion 601 of the National Security Act of 1947 (50 U.S.C.  
7 421) is amended by striking “ten years” and inserting “15  
8 years”.

9 (b) DISCLOSURE OF AGENT AFTER ACCESS TO CLAS-  
10 SIFIED INFORMATION.—Subsection (b) of such section is  
11 amended by striking “five years” and inserting “ten  
12 years”.

13 **SEC. 307. EXTENSION TO INTELLIGENCE COMMUNITY OF**  
14 **AUTHORITY TO DELETE INFORMATION**  
15 **ABOUT RECEIPT AND DISPOSITION OF FOR-**  
16 **EIGN GIFTS AND DECORATIONS.**

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

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

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

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

9       **SEC. 308. PUBLIC INTEREST DECLASSIFICATION BOARD.**

10       The Public Interest Declassification Act of 2000 (50  
 11 U.S.C. 435 note) is amended—

12               (1) in section 704(e)—

13                       (A) by striking “If requested” and insert-  
 14 ing the following:

15                       “(1) IN GENERAL.—If requested”; and

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

17                       “(2) AUTHORITY OF BOARD.—Upon receiving a  
 18 congressional request described in section 703(b)(5),  
 19 the Board may conduct the review and make the  
 20 recommendations described in that section, regard-  
 21 less of whether such a review is requested by the  
 22 President.

23                       “(3) REPORTING.—Any recommendations sub-  
 24 mitted to the President by the Board under section  
 25 703(b)(5), shall be submitted to the chairman and



1 ranking member of the committee of Congress that  
 2 made the request relating to such recommenda-  
 3 tions.”; and

4 (2) in section 710(b), by striking “8 years after  
 5 the date of the enactment of this Act” and inserting  
 6 “on December 31, 2012”.

7 **SEC. 309. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE**  
 8 **DETAILS TO ELEMENTS OF THE INTEL-**  
 9 **LIGENCE COMMUNITY.**

10 (a) IN GENERAL.—Except as provided in section 113  
 11 of the National Security Act of 1947 (50 U.S.C. 404h)  
 12 and section 904(g)(2) of the Counterintelligence Enhance-  
 13 ment Act of 2002 (title IX of Public Law 107–306; 50  
 14 U.S.C. 402c(g)(2)) and notwithstanding any other provi-  
 15 sion of law, in any fiscal year after fiscal year 2007 an  
 16 officer or employee of the United States or member of the  
 17 Armed Forces may be detailed to the staff of an element  
 18 of the intelligence community funded through the Commu-  
 19 nity Management Account from another element of the  
 20 United States Government on a reimbursable or non-reim-  
 21 bursable basis, as jointly agreed to by the Director of Na-  
 22 tional Intelligence and the head of the detailing element  
 23 (or the designees of such officials), for a period not to  
 24 exceed three years.

1 (b) ELEMENT OF THE INTELLIGENCE COMMUNITY  
 2 DEFINED.—In this section, the term “element of the intel-  
 3 ligence community” means an element of the intelligence  
 4 community listed in or designated under section 3(4) of  
 5 the National Security Act of 1947 (50 U.S.C. 401a(4)).

6 **SEC. 310. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**  
 7 **ON COMPLIANCE WITH THE DETAINEE**  
 8 **TREATMENT ACT OF 2005 AND RELATED PRO-**  
 9 **VISIONS OF THE MILITARY COMMISSIONS**  
 10 **ACT OF 2006.**

11 (a) REPORT REQUIRED.—Not later than September  
 12 1, 2007, the Director of National Intelligence shall submit  
 13 to the ~~congressional intelligence committees~~ *appropriate*  
 14 *committees of Congress* a comprehensive report on all  
 15 measures taken by the Office of the Director of National  
 16 Intelligence and by each element, if any, of the intelligence  
 17 community with relevant responsibilities to comply with  
 18 the provisions of the Detainee Treatment Act of 2005  
 19 (title X of division A of Public Law 109–148) and related  
 20 provisions of the Military Commissions Act of 2006 (Pub-  
 21 lic Law 109–366).

22 (b) ELEMENTS.—The report required by subsection  
 23 (a) shall include the following:

24 (1) A description of the detention or interroga-  
 25 tion methods, if any, that have been determined to

1       comply with section 1003 of the Detainee Treatment  
2       Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd)  
3       and section 6 of the Military Commissions Act of  
4       2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (in-  
5       cluding the amendments made by such section 6),  
6       and, with respect to each such method—

7               (A) an identification of the official making  
8               such determination; and

9               (B) a statement of the basis for such de-  
10              termination.

11       (2) A description of the detention or interroga-  
12       tion methods, if any, whose use has been discon-  
13       tinued pursuant to the Detainee Treatment Act of  
14       2005 or the Military Commission Act of 2006, and,  
15       with respect to each such method—

16              (A) an identification of the official making  
17              the determination to discontinue such method;  
18              and

19              (B) a statement of the basis for such de-  
20              termination.

21       (3) A description of any actions that have been  
22       taken to implement section 1004 of the Detainee  
23       Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.  
24       2000dd–1), and, with respect to each such action—

1 (A) an identification of the official taking  
2 such action; and

3 (B) a statement of the basis for such ac-  
4 tion.

5 (4) Any other matters that the Director con-  
6 sider necessary to fully and currently inform the  
7 ~~congressional intelligence committees~~ *appropriate*  
8 *committees of Congress* about the implementation of  
9 the Detainee Treatment Act of 2005 and related  
10 provisions of the Military Commissions Act of 2006.

11 (5) An appendix containing—

12 (A) all guidelines for the application of the  
13 Detainee Treatment Act of 2005 and related  
14 provisions of the Military Commissions Act of  
15 2006 to the detention or interrogation activi-  
16 ties, if any, of any element of the intelligence  
17 community; and

18 (B) all legal justifications of any office or  
19 official of the Department of Justice about the  
20 meaning or application of Detainee Treatment  
21 Act of 2005 or related provisions of the Military  
22 Commissions Act of 2006 with respect to the  
23 detention or interrogation activities, if any, of  
24 any element of the intelligence community.

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

3 (d) DEFINITIONS.—In this section:

4 ~~(1) 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 of~~  
 9 ~~the House of Representatives.~~

10 (1) *The term “appropriate committees of Con-*  
 11 *gress” means—*

12 *(A) the Committee on Armed Services and*  
 13 *the Select Committee on Intelligence of the Sen-*  
 14 *ate; and*

15 *(B) the Committee on Armed Services and*  
 16 *the Permanent Select Committee on Intelligence*  
 17 *of the House of Representatives.*

18 (2) The term “element of the intelligence com-  
 19 munity” means the elements of the intelligence com-  
 20 munity specified in or designated under section 3(4)  
 21 of the National Security Act of 1947 (50 U.S.C.  
 22 401a(4)).

1 **SEC. 311. TERMS OF SERVICE OF PROGRAM MANAGER FOR**  
2 **THE INFORMATION SHARING ENVIRONMENT**  
3 **AND THE INFORMATION SHARING COUNCIL.**

4 Section 1016 of the National Security Intelligence  
5 Reform Act of 2004 (title I of Public Law 108–458; 6  
6 U.S.C. 485) is amended—

7 (1) in subsection (f)(1), by striking “during the  
8 two-year period beginning on the date of designation  
9 under this paragraph unless sooner” and inserting  
10 “until”; and

11 (2) in subsection (g)(1), by striking “during the  
12 two-year period beginning on the date of the initial  
13 designation of the program manager by the Presi-  
14 dent under subsection (f)(1), unless sooner” and in-  
15 serting “until”.

16 **SEC. 312. IMPROVEMENT OF NOTIFICATION OF CONGRESS**  
17 **REGARDING INTELLIGENCE ACTIVITIES OF**  
18 **THE UNITED STATES GOVERNMENT.**

19 (a) NOTICE ON INFORMATION NOT DISCLOSED.—

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

23 (A) by redesignating subsections (b) and  
24 (c) as subsections (c) and (d), respectively; and

25 (B) by inserting after subsection (a) the  
26 following new subsection (b):

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

2 “(1) If the Director of National Intelligence or  
3 the head of a department, agency, or other entity of  
4 the United States Government does not provide in-  
5 formation required by subsection (a) in full or to all  
6 the members of the congressional intelligence com-  
7 mittees, and requests that such information not be  
8 provided, the Director shall, in a timely fashion, no-  
9 tify such committees of the determination not to  
10 provide such information in full or to all members  
11 of such committees. Such notice shall be submitted  
12 in writing in a classified form, include a statement  
13 of the reasons for such determination and descrip-  
14 tion that provides the main features of the intel-  
15 ligence activities covered by such determination, and  
16 contain no restriction on access to this notice by all  
17 members of the committee.

18 “(2) Nothing in this subsection shall be con-  
19 strued as authorizing less than full and current dis-  
20 closure to all the members of the Select Committee  
21 on Intelligence of the Senate and the Permanent Se-  
22 lect Committee on Intelligence of the House of Rep-  
23 resentatives of any information necessary to keep all  
24 the members of such committees fully and currently

1 informed on all intelligence activities covered by this  
2 section.”.

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

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

8 (1) FORM AND CONTENT OF CERTAIN RE-  
9 PORTS.—Subsection (b) of section 503 of such Act  
10 (50 U.S.C. 413b) is amended—

11 (A) by redesignating paragraphs (1) and  
12 (2) as subparagraphs (A) and (B), respectively;

13 (B) by inserting “(1)” after “(b)”;

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

16 “(2) Any report relating to a covert action that  
17 is submitted to the congressional intelligence com-  
18 mittees for the purposes of paragraph (1) shall be  
19 in writing, and shall contain the following:

20 “(A) A concise statement of any facts per-  
21 tinent to such report.

22 “(B) An explanation of the significance of  
23 the covert action covered by such report.”.



1           (2) NOTICE ON INFORMATION NOT DIS-  
2       CLOSED.—Subsection (c) of such section is amended  
3       by adding at the end the following new paragraph:

4           “(5) If the Director of National Intelligence or  
5       the head of a department, agency, or other entity of  
6       the United States Government does not provide in-  
7       formation required by subsection (b) in full or to all  
8       the members of the congressional intelligence com-  
9       mittees, and requests that such information not be  
10      so provided, the Director shall, in a timely fashion,  
11      notify such committees of the determination not to  
12      provide such information in full or to all members  
13      of such committees. Such notice shall be submitted  
14      in writing in a classified form, include a statement  
15      of the reasons for such determination and a descrip-  
16      tion that provides the main features of the covert ac-  
17      tion covered by such determination, and contain no  
18      restriction on access to this notice by all members of  
19      the committee.”.

20           (3) MODIFICATION OF NATURE OF CHANGE OF  
21      COVERT ACTION TRIGGERING NOTICE REQUIRE-  
22      MENTS.—Subsection (d) of such section is amended  
23      by striking “significant” the first place it appears.

1 **SEC. 313. ADDITIONAL LIMITATION ON AVAILABILITY OF**  
2 **FUNDS FOR INTELLIGENCE AND INTEL-**  
3 **LIGENCE-RELATED ACTIVITIES.**

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

6 (1) in subsection (a), by inserting “the congres-  
7 sional intelligence committees have been fully and  
8 currently informed of such activity and if” after  
9 “only if”;

10 (2) by redesignating subsections (b), (c), (d),  
11 and (e) as subsections (c), (d), (e), and (f), respec-  
12 tively; and

13 (3) by inserting after subsection (a) the fol-  
14 lowing new subsection (b):

15 “(b) In any case in which notice to the congressional  
16 intelligence committees on an intelligence or intelligence-  
17 related activity is covered by section 502(b), or in which  
18 notice to the congressional intelligence committees on a  
19 covert action is covered by section 503(c)(5), the congres-  
20 sional intelligence committees shall be treated as being  
21 fully and currently informed on such activity or covert ac-  
22 tion, as the case may be, for purposes of subsection (a)  
23 if the requirements of such section 502(b) or 503(c)(5),  
24 as applicable, have been met.”.

1 **SEC. 314. VULNERABILITY ASSESSMENTS OF MAJOR SYS-**  
2 **TEMS.**

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

6 “VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

7 “SEC. 506B. (a) INITIAL VULNERABILITY ASSESS-  
8 MENTS.—The Director of National Intelligence shall con-  
9 duct an initial vulnerability assessment for any major sys-  
10 tem and its items of supply, that is proposed for inclusion  
11 in the National Intelligence Program. The initial vulner-  
12 ability assessment of a major system and its items of sup-  
13 ply shall, at a minimum, use an analysis-based approach  
14 to—

15 “(1) identify applicable vulnerabilities;

16 “(2) define exploitation potential;

17 “(3) examine the system’s potential effective-  
18 ness;

19 “(4) determine overall vulnerability; and

20 “(5) make recommendations for risk reduction.

21 “(b) SUBSEQUENT VULNERABILITY ASSESS-  
22 MENTS.—(1) The Director of National Intelligence shall  
23 conduct subsequent vulnerability assessments of each  
24 major system and its items of supply within the National  
25 Intelligence Program—

1           “(A) periodically throughout the life-span of the  
2       major system;

3           “(B) whenever the Director determines that a  
4       change in circumstances warrants the issuance of a  
5       subsequent vulnerability assessment; or

6           “(C) upon the request of a congressional intel-  
7       ligence committee.

8       “(2) Any subsequent vulnerability assessment of a  
9       major system and its items of supply shall, at a minimum,  
10      use an analysis-based approach and, if applicable, a test-  
11      ing-based approach, to monitor the exploitation potential  
12      of such system and reexamine the factors described in  
13      paragraphs (1) through (5) of subsection (a).

14       “(c) MAJOR SYSTEM MANAGEMENT.—The Director  
15      of National Intelligence shall give due consideration to the  
16      vulnerability assessments prepared for a given major sys-  
17      tem when developing and determining the annual consoli-  
18      dated National Intelligence Program budget.

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

1       “(2) The Director of National Intelligence shall pro-  
2 vide the congressional intelligence committees with a pro-  
3 posed schedule for subsequent vulnerability assessments of  
4 a major system under subsection (b) when providing such  
5 committees with the initial vulnerability assessment under  
6 subsection (a) of such system as required by subsection  
7 (d).

8       “(e) DEFINITIONS.—In this section:

9           “(1) The term ‘items of supply’—

10               “(A) means any individual part, compo-  
11               nent, subassembly, assembly, or subsystem inte-  
12               gral to a major system, and other property  
13               which may be replaced during the service life of  
14               the major system, including spare parts and re-  
15               plenishment parts; and

16               “(B) does not include packaging or label-  
17               ing associated with shipment or identification of  
18               items.

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

21           “(3) The term ‘vulnerability assessment’ means  
22       the process of identifying and quantifying  
23       vulnerabilities in a major system and its items of  
24       supply.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
 2 in the first section of the National Security Act of 1947  
 3 is amended by inserting after the item relating to section  
 4 506A the following:

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

5 **SEC. 315. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**  
 6 **THE INTELLIGENCE COMMUNITY.**

7 (a) IN GENERAL.—Title V of the National Security  
 8 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-  
 9 tion 314, is further amended by inserting after section  
 10 506B, as added by section 314(a), the following new sec-  
 11 tion:

12 “ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE  
 13 INTELLIGENCE COMMUNITY

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

22 “(b) SCHEDULE.—Each assessment required by sub-  
 23 section (a) shall be submitted to the congressional intel-  
 24 ligence committees not later than January 31, of each  
 25 year.

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

5           “(1) The personnel costs for the upcoming fis-  
6 cal year.

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

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

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

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

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

21          “(7) The number and costs of contractors fund-  
22 ed by the element for the upcoming fiscal year.

23          “(8) The numerical and percentage increase or  
24 decrease of such costs of contractors as compared to  
25 the costs of contractors of the current fiscal year.

1           “(9) The numerical and percentage increase or  
 2           decrease of such costs of contractors as compared to  
 3           the cost of contractors, and the number of contrac-  
 4           tors, during the prior 5 fiscal years.

5           “(10) A written justification for the requested  
 6           personnel and contractor levels.

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

10           “(A) internal infrastructure to support the  
 11           requested personnel and contractor levels;

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

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

17           (b) CLERICAL AMENDMENT.—The table of contents  
 18           in the first section of that Act, as amended by section  
 19           314(b), is further amended by inserting after the item re-  
 20           lating to section 506B, as added by section 314(b), the  
 21           following new item:

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



1 **SEC. 316. BUSINESS ENTERPRISE ARCHITECTURE AND**  
2 **BUSINESS SYSTEM MODERNIZATION FOR THE**  
3 **INTELLIGENCE COMMUNITY.**

4 (a) BUSINESS ENTERPRISE ARCHITECTURE AND  
5 BUSINESS SYSTEM MODERNIZATION.—

6 (1) IN GENERAL.—Title V of the National Se-  
7 curity Act of 1947 (50 U.S.C. 413 et seq.), as  
8 amended by sections 314 and 315, is further amend-  
9 ed by inserting after section 506C, as added by sec-  
10 tion 315(a), the following new section:

11 “INTELLIGENCE COMMUNITY BUSINESS SYSTEMS,  
12 ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION  
13 “SEC. 506D. (a) LIMITATION ON OBLIGATION OF  
14 FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYS-  
15 TEM MODERNIZATION.—(1) After April 1, 2008, no funds  
16 appropriated to any element of the intelligence community  
17 may be obligated for an intelligence community business  
18 system modernization described in paragraph (2) unless—

19 “(A) the approval authority designated by the  
20 Director of National Intelligence under subsection  
21 (c)(2) makes the certification described in paragraph  
22 (3) with respect to the intelligence community busi-  
23 ness system modernization; and

24 “(B) the certification is approved by the Intel-  
25 ligence Community Business Systems Management  
26 Committee established under subsection (f).

1       “(2) An intelligence community business system mod-  
2       ernization described in this paragraph is an intelligence  
3       community business system modernization that—

4               “(A) will have a total cost in excess of  
5       \$1,000,000; and

6               “(B) will receive more than 50 percent of the  
7       funds for such cost from amounts appropriated for  
8       the National Intelligence Program.

9       “(3) The certification described in this paragraph for  
10      an intelligence community business system modernization  
11      is a certification, made by the approval authority des-  
12      ignated by the Director under subsection (c)(2) to the In-  
13      telligence Community Business Systems Management  
14      Committee, that the intelligence community business sys-  
15      tem modernization—

16              “(A) complies with the enterprise architecture  
17      under subsection (b); or

18              “(B) is necessary—

19                      “(i) to achieve a critical national security  
20                      capability or address a critical requirement in  
21                      an area such as safety or security; or

22                      “(ii) to prevent a significant adverse effect  
23                      on a project that is needed to achieve an essen-  
24                      tial capability, taking into consideration the al-

1           ternative solutions for preventing such adverse  
2           effect.

3           “(4) The obligation of funds for an intelligence com-  
4   munity business system modernization that does not com-  
5   ply with the requirements of this subsection shall be treat-  
6   ed as a violation of section 1341(a)(1)(A) of title 31,  
7   United States Code.

8           “(b) ENTERPRISE ARCHITECTURE FOR INTEL-  
9   LIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Di-  
10   rector of National Intelligence shall, acting through the  
11   Intelligence Community Business Systems Management  
12   Committee established under subsection (f), develop and  
13   implement an enterprise architecture to cover all intel-  
14   ligence community business systems, and the functions  
15   and activities supported by such business systems. The en-  
16   terprise architecture shall be sufficiently defined to effec-  
17   tively guide, constrain, and permit implementation of  
18   interoperable intelligence community business system solu-  
19   tions, consistent with applicable policies and procedures  
20   established by the Director of the Office of Management  
21   and Budget.

22           “(2) The enterprise architecture under paragraph (1)  
23   shall include the following:

1           “(A) An information infrastructure that, at a  
2           minimum, will enable the intelligence community  
3           to—

4                   “(i) comply with all Federal accounting, fi-  
5                   nancial management, and reporting require-  
6                   ments;

7                   “(ii) routinely produce timely, accurate,  
8                   and reliable financial information for manage-  
9                   ment purposes;

10                  “(iii) integrate budget, accounting, and  
11                  program information and systems; and

12                  “(iv) provide for the systematic measure-  
13                  ment of performance, including the ability to  
14                  produce timely, relevant, and reliable cost infor-  
15                  mation.

16           “(B) Policies, procedures, data standards, and  
17           system interface requirements that apply uniformly  
18           throughout the intelligence community.

19           “(c) RESPONSIBILITIES FOR INTELLIGENCE COMMU-  
20           NITY BUSINESS SYSTEM MODERNIZATION.—(1) The Di-  
21           rector of National Intelligence shall be responsible for re-  
22           view, approval, and oversight of the planning, design, ac-  
23           quisition, deployment, operation, and maintenance of an  
24           intelligence community business system modernization if  
25           more than 50 percent of the cost of the intelligence com-

1 munity business system modernization is funded by  
 2 amounts appropriated for the National Intelligence Pro-  
 3 gram.

4 “(2) The Director shall designate one or more appro-  
 5 priate officials of the intelligence community to be respon-  
 6 sible for making certifications with respect to intelligence  
 7 community business system modernizations under sub-  
 8 section (a)(3).

9 “(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM  
 10 INVESTMENT REVIEW.—(1) The approval authority des-  
 11 ignated under subsection (c)(2) shall establish and imple-  
 12 ment, not later than March 31, 2008, an investment re-  
 13 view process for the review of the planning, design, acqui-  
 14 sition, development, deployment, operation, maintenance,  
 15 modernization, and project cost, benefits, and risks of the  
 16 intelligence community business systems for which the ap-  
 17 proval authority is responsible.

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

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

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

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

1           “(A) Review and approval by an investment re-  
2           view board (consisting of appropriate representatives  
3           of the intelligence community) of each intelligence  
4           community business system as an investment before  
5           the obligation of funds for such system.

6           “(B) Periodic review, but not less often than  
7           annually, of every intelligence community business  
8           system investment.

9           “(C) Thresholds for levels of review to ensure  
10          appropriate review of intelligence community busi-  
11          ness system investments depending on the scope,  
12          complexity, and cost of the system involved.

13          “(D) Procedures for making certifications in  
14          accordance with the requirements of subsection  
15          (a)(3).

16          “(E) Mechanisms to ensure the consistency of  
17          the investment review process with applicable guid-  
18          ance issued by the Director of National Intelligence  
19          and the Intelligence Community Business Systems  
20          Management Committee established under sub-  
21          section (f).

22          “(F) Common decision criteria, including stand-  
23          ards, requirements, and priorities, for purposes of  
24          ensuring the integration of intelligence community  
25          business systems.

1       “(e) BUDGET INFORMATION.—For each fiscal year  
 2 after fiscal year 2009, the Director of National Intel-  
 3 ligence shall include in the materials the Director submits  
 4 to Congress in support of the budget for such fiscal year  
 5 that is submitted to Congress under section 1105 of title  
 6 31, United States Code, the following information:

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

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

13                   “(A) funds for current services to operate  
 14 and maintain such system; and

15                   “(B) funds for business systems mod-  
 16 ernization identified for each specific appropria-  
 17 tion.

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

21              “(4) The certification, if any, made under sub-  
 22 section (a)(3) with respect to each such system.

23       “(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS  
 24 MANAGEMENT COMMITTEE.—(1) The Director of Na-  
 25 tional Intelligence shall establish an Intelligence Commu-

1 nity Business Systems Management Committee (in this  
2 subsection referred to as the ‘Committee’).

3 “(2) The Committee shall—

4 “(A) recommend to the Director policies and  
5 procedures necessary to effectively integrate all busi-  
6 ness activities and any transformation, reform, reor-  
7 ganization, or process improvement initiatives under-  
8 taken within the intelligence community;

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

10 “(i) the enterprise architecture developed  
11 under subsection (b); and

12 “(ii) any plans for an intelligence commu-  
13 nity business systems modernization;

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

16 “(D) be responsible for coordinating initiatives  
17 for intelligence community business system mod-  
18 ernization to maximize benefits and minimize costs  
19 for the intelligence community, and periodically re-  
20 port to the Director on the status of efforts to carry  
21 out an intelligence community business system mod-  
22 ernization;

23 “(E) ensure that funds are obligated for intel-  
24 ligence community business system modernization in  
25 a manner consistent with subsection (a); and



1           “(F) carry out such other duties as the Direc-  
2           tor shall specify.

3           “(g) RELATION TO ANNUAL REGISTRATION RE-  
4           QUIREMENTS.—Nothing in this section shall be construed  
5           to alter the requirements of section 8083 of the Depart-  
6           ment of Defense Appropriations Act, 2005 (Public Law  
7           108–287; 118 Stat. 989), with regard to information tech-  
8           nology systems (as defined in subsection (d) of such sec-  
9           tion).

10          “(h) RELATION TO DEFENSE BUSINESS SYSTEMS  
11           ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION  
12           REQUIREMENTS.—An intelligence community business  
13           system that receives more than 50 percent of its funds  
14           from amounts available for the National Intelligence Pro-  
15           gram shall be exempt from the requirements of section  
16           2222 of title 10, United States Code.

17          “(i) RELATION TO CLINGER-COHEN ACT.—(1) The  
18           Director of National Intelligence and the Chief Informa-  
19           tion Officer of the Intelligence Community shall fulfill the  
20           executive agency responsibilities in chapter 113 of title 40,  
21           United States Code, for any intelligence community busi-  
22           ness system that receives more than 50 percent of its  
23           funding from amounts appropriated for National Intel-  
24           ligence Program.

1       “(2) Any intelligence community business system cov-  
2       ered by paragraph (1) shall be exempt from the require-  
3       ments of such chapter 113 that would otherwise apply to  
4       the executive agency that contains the element of the intel-  
5       ligence community involved.

6       “(j) REPORTS.—Not later than March 15 of each of  
7       2009 through 2014, the Director of National Intelligence  
8       shall submit to the congressional intelligence committees  
9       a report on the compliance of the intelligence community  
10      with the requirements of this section. Each such report  
11      shall—

12           “(1) describe actions taken and proposed for  
13      meeting the requirements of subsection (a), includ-  
14      ing—

15           “(A) specific milestones and actual per-  
16      formance against specified performance meas-  
17      ures, and any revision of such milestones and  
18      performance measures; and

19           “(B) specific actions on the intelligence  
20      community business system modernizations sub-  
21      mitted for certification under such subsection;

22           “(2) identify the number of intelligence commu-  
23      nity business system modernizations that received a  
24      certification described in subsection (a)(3)(B); and

1           “(3) describe specific improvements in business  
2           operations and cost savings resulting from successful  
3           intelligence community business systems moderniza-  
4           tion efforts.

5           “(k) DEFINITIONS.—In this section:

6           “(1) The term ‘enterprise architecture’ has the  
7           meaning given that term in section 3601(4) of title  
8           44, United States Code.

9           “(2) The terms ‘information system’ and ‘infor-  
10          mation technology’ have the meanings given those  
11          terms in section 11101 of title 40, United States  
12          Code.

13          “(3) The term ‘intelligence community business  
14          system’ means an information system, other than a  
15          national security system, that is operated by, for, or  
16          on behalf of the intelligence community, including fi-  
17          nancial systems, mixed systems, financial data feed-  
18          er systems, the business infrastructure capabilities  
19          shared by the systems of the business enterprise ar-  
20          chitecture that build upon the core infrastructure,  
21          used to support business activities, such as acquisi-  
22          tion, financial management, logistics, strategic plan-  
23          ning and budgeting, installations and environment,  
24          and human resource management

1           “(4) The term ‘intelligence community business  
2       system modernization’ means—

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

5                   “(B) any significant modification or en-  
6       hancement of an existing intelligence commu-  
7       nity business system (other than necessary to  
8       maintain current services).

9           “(5) The term ‘national security system’ has  
10       the meaning given that term in section 3542 of title  
11       44, United States Code.”.

12           (2) CLERICAL AMENDMENT.—The table of con-  
13       tents in the first section of that Act, as amended by  
14       section 314 and 315, is further amended by insert-  
15       ing after the item relating to section 506C, as added  
16       by section 315(b) the following new item:

          “Sec. 506D. Intelligence community business systems, architecture, account-  
          ability, and modernization.”.

17       (b) IMPLEMENTATION.—

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

21                   (A) complete the delegation of responsi-  
22       bility for the review, approval, and oversight of  
23       the planning, design, acquisition, deployment,  
24       operation, maintenance, and modernization of

1 intelligence community business systems re-  
2 quired by subsection (c) of section 506D of the  
3 National Security Act of 1947 (as added by  
4 subsection (a)); and

5 (B) designate a vice chairman and per-  
6 sonnel to serve on the Intelligence Community  
7 Business System Management Committee es-  
8 tablished under subsection (f) of such section  
9 506D (as so added).

10 (2) ENTERPRISE ARCHITECTURE.—The Direc-  
11 tor shall develop the enterprise architecture required  
12 by subsection (b) of such section 506D (as so added)  
13 by not later than March 1, 2008. In so developing  
14 the enterprise architecture, the Director shall de-  
15 velop an implementation plan for the architecture,  
16 including the following:

17 (A) The acquisition strategy for new sys-  
18 tems that are expected to be needed to complete  
19 the enterprise architecture, including specific  
20 time-phased milestones, performance metrics,  
21 and a statement of the financial and non-  
22 financial resource needs.

23 (B) An identification of the intelligence  
24 community business systems in operation or  
25 planned as of December 31, 2006, that will not

1 be a part of the enterprise architecture, to-  
 2 gether with the schedule for the phased termi-  
 3 nation of the utilization of any such systems.

4 (C) An identification of the intelligence  
 5 community business systems in operation or  
 6 planned as of December 31, 2006, that will be  
 7 a part of the enterprise architecture, together  
 8 with a strategy for modifying such systems to  
 9 ensure that such systems comply with such en-  
 10 terprise architecture.

11 **SEC. 317. REPORTS ON THE ACQUISITION OF MAJOR SYS-**  
 12 **TEMS.**

13 (a) IN GENERAL.—Title V of the National Security  
 14 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-  
 15 tions 314 through 316, is further amended by inserting  
 16 after section 506D, as added by section 316(a)(1), the fol-  
 17 lowing new section:

18 “REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

19 “SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1)  
 20 The Director of National Intelligence shall submit to the  
 21 congressional intelligence committees each year, at the  
 22 same time the budget of the President for the fiscal year  
 23 beginning in such year is submitted to Congress pursuant  
 24 to section 1105 of title 31, United States Code, a separate  
 25 report on each acquisition of a major system by an ele-  
 26 ment of the intelligence community.

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

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

6           “(1) The current total anticipated acquisition  
7 cost for such system, and the history of such cost  
8 from the date the system was first included in a re-  
9 port under this section to the end of the calendar  
10 quarter immediately proceeding the submittal of the  
11 report under this section.

12           “(2) The current anticipated development  
13 schedule for the system, including an estimate of an-  
14 nual development costs until development is com-  
15 pleted.

16           “(3) The current anticipated procurement  
17 schedule for the system, including the best estimate  
18 of the Director of National Intelligence of the an-  
19 nual costs and units to be procured until procure-  
20 ment is completed.

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

23           “(5) The result of any significant test and eval-  
24 uation of such major system as of the date of the  
25 submittal of such report, or, if a significant test and

1 evaluation has not been conducted, a statement of  
2 the reasons therefor and the results of any other test  
3 and evaluation that has been conducted of such sys-  
4 tem.

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

8 “(7) The significant contracts or subcontracts  
9 related to the major system.

10 “(8) If there is any cost or schedule variance  
11 under a contract referred to in paragraph (7) since  
12 the previous report under this section, the reasons  
13 for such cost or schedule variance.

14 “(c) DETERMINATION OF INCREASE IN COSTS.—Any  
15 determination of a percentage increase in the acquisition  
16 costs of a major system for which a report is filed under  
17 this section shall be stated in terms of constant dollars  
18 from the first fiscal year in which funds are appropriated  
19 for such contract.

20 “(d) DEFINITIONS.—In this section:

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



1           “(2) The term ‘full life-cycle cost’, with respect  
 2           to the acquisition of a major system, means all costs  
 3           of development, procurement, construction, deploy-  
 4           ment, and operation and support for such program,  
 5           without regard to funding source or management  
 6           control, including costs of development and procure-  
 7           ment required to support or utilize such system.

8           “(3) The term ‘major system’, has the meaning  
 9           given that term in section 506A(e).”.

10          (b) CLERICAL AMENDMENT.—The table of contents  
 11          in the first section of that Act, as amended by sections  
 12          314 through 316, is further amended by inserting after  
 13          the item relating to section 506D, as added by section  
 14          316(a)(2), the following new item:

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

15          **SEC. 318. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

16          (a) NOTIFICATION.—Title V of the National Security  
 17          Act of 1947, as amended by sections 314 through 317,  
 18          is further amended by inserting after section 506E, as  
 19          added by section 317(a), the following new section:

20               “EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

21               “SEC. 506F. (a) COST INCREASES OF AT LEAST 20  
 22          PERCENT.—(1) On a continuing basis, and separate from  
 23          the submission of any report on a major system required  
 24          by section 506E of this Act, the Director of National Intel-  
 25          ligence shall determine if the acquisition cost of such

1 major system has increased by at least 20 percent as com-  
2 pared to the baseline cost of such major system.

3 “(2)(A) If the Director determines under paragraph  
4 (1) that the acquisition cost of a major system has in-  
5 creased by at least 20 percent, the Director shall submit  
6 to the congressional intelligence committees a written noti-  
7 fication of such determination as described in subpara-  
8 graph (B), a description of the amount of the increase in  
9 the acquisition cost of such major system, and a certifi-  
10 cation as described in subparagraph (C).

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

13 “(i) an independent cost estimate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23          “(b) COST INCREASES OF AT LEAST 40 PERCENT.—

24       (1) If the Director of National Intelligence determines  
25       that the acquisition cost of a major system has increased

1 by at least 40 percent as compared to the baseline cost  
2 of such major system, the President shall submit to the  
3 congressional intelligence committees a written certifi-  
4 cation stating that—

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

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

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

12           “(D) the management structure for the acquisi-  
13           tion of such major system is adequate to manage  
14           and control the full life-cycle cost of such major sys-  
15           tem.

16           “(2) In addition to the certification required by para-  
17           graph (1), the Director of National Intelligence shall sub-  
18           mit to the congressional intelligence committees an up-  
19           dated notification, with current accompanying informa-  
20           tion, as required by subsection (a)(2).

21           “(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1)  
22           If a written certification required under subsection  
23           (a)(2)(A) is not submitted to the congressional intelligence  
24           committees within 30 days of the determination made  
25           under subsection (a)(1), funds appropriated for the acqui-

1 sition of a major system may not be obligated for a major  
2 contract under the program. Such prohibition on the obli-  
3 gation of funds shall cease to apply at the end of the 30-  
4 day period of a continuous session of Congress that begins  
5 on the date on which Congress receives the notification  
6 required under subsection (a)(2)(A).

7 “(2) If a written certification required under sub-  
8 section (b)(1) is not submitted to the congressional intel-  
9 ligence committees within 30 days of the determination  
10 made under subsection (b)(1), funds appropriated for the  
11 acquisition of a major system may not be obligated for  
12 a major contract under the program. Such prohibition on  
13 the obligation of funds for the acquisition of a major sys-  
14 tem shall cease to apply at the end of the 30-day period  
15 of a continuous session of Congress that begins on the  
16 date on which Congress receives the notification required  
17 under subsection (b)(2).

18 “(d) DEFINITIONS.—In this section:

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

21 “(2) The term ‘baseline cost’, with respect to a  
22 major system, means the projected acquisition cost  
23 of such system on the date the contract for the de-  
24 velopment, procurement, and construction of the sys-  
25 tem is awarded.

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

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

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

7           (b) CLERICAL AMENDMENT.—The table of contents  
8           in the first section of that Act, as amended by sections  
9           314 through 317 of this Act, is further amended by insert-  
10          ing after the items relating to section 506E, as added by  
11          section 317(b), the following new item:

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

12       **SEC. 319. SUBMITTAL TO CONGRESS OF CERTAIN COURT**  
13                               **ORDERS UNDER THE FOREIGN INTEL-**  
14                               **LIGENCE SURVEILLANCE ACT OF 1978.**

15          (a) INCLUSION OF CERTAIN ORDERS IN SEMI-AN-  
16          NUAL REPORTS OF ATTORNEY GENERAL.—Subsection  
17          (a)(5) of section 601 of the Foreign Intelligence Surveil-  
18          lance Act of 1978 (50 U.S.C. 1871) is amended by strik-  
19          ing “(not including orders)” and inserting “, orders,”.

20          (b) REPORTS BY ATTORNEY GENERAL ON CERTAIN  
21          OTHER ORDERS.—That section is further amended by  
22          adding at the end the following new subsection:

23          “(c) The Attorney General shall submit to the com-  
24          mittees of Congress referred to in subsection (a)—

1           “(1) a copy of any decision, order, or opinion  
2           issued by the Foreign Intelligence Surveillance Court  
3           or the Foreign Intelligence Surveillance Court of Re-  
4           view that includes significant construction or inter-  
5           pretation of any provision of this Act, and any  
6           pleadings associated with such decision, order, or  
7           opinion, not later than 45 days after such decision,  
8           order, or opinion is issued; and

9           “(2) a copy of any such decision, order, or opin-  
10          ion, and the pleadings associated with such decision,  
11          order, or opinion, that was issued during the 5-year  
12          period ending on the date of the enactment of the  
13          Intelligence Authorization Act for Fiscal Year 2008  
14          and not previously submitted in a report under sub-  
15          section (a).”.

16 **SEC. 320. SUBMITTAL TO CONGRESS OF CERTAIN PRESI-**  
17 **DENT’S DAILY BRIEFS ON IRAQ.**

18          (a) IN GENERAL.—The Director of National Intel-  
19          ligence shall submit to the congressional intelligence com-  
20          mittees any President’s Daily Brief (PDB), or any portion  
21          of a President’s Daily Brief, of the Director of Central  
22          Intelligence during the period beginning on January 20,  
23          1997, and ending on March 19, 2003, that refers to Iraq  
24          or otherwise addresses Iraq in any fashion.



1 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES

2 DEFINED.—In this section, the term “congressional intel-  
3 ligence committees” means—

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

6 (2) the Permanent Select Committee on Intel-  
7 ligence of the House of Representatives.

8 **SEC. 321. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL**  
9 **CLIMATE CHANGE.**

10 (a) REQUIREMENT FOR NATIONAL INTELLIGENCE  
11 ESTIMATE.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), not later than 270 days after the date of  
14 the enactment of this Act, the Director of National  
15 Intelligence shall submit to Congress a National In-  
16 telligence Estimate (NIE) on the anticipated geo-  
17 political effects of global climate change and the im-  
18 plications of such effects on the national security of  
19 the United States.

20 (2) NOTICE REGARDING SUBMITTAL.—If the  
21 Director of National Intelligence determines that the  
22 National Intelligence Estimate required by para-  
23 graph (1) cannot be submitted by the date specified  
24 in that paragraph, the Director shall notify Congress  
25 and provide—

1 (A) the reasons that the National Intel-  
2 ligence Estimate cannot be submitted by such  
3 date; and

4 (B) an anticipated date for the submittal  
5 of the National Intelligence Estimate.

6 (b) CONTENT.—The Director of National Intelligence  
7 shall prepare the National Intelligence Estimate required  
8 by this section using the mid-range projections of the  
9 fourth assessment report of the Intergovernmental Panel  
10 on Climate Change—

11 (1) to assess the political, social, agricultural,  
12 and economic risks during the 30-year period begin-  
13 ning on the date of the enactment of this Act posed  
14 by global climate change for countries or regions  
15 that are—

16 (A) of strategic economic or military im-  
17 portance to the United States and at risk of  
18 significant impact due to global climate change;  
19 or

20 (B) at significant risk of large-scale hu-  
21 manitarian suffering with cross-border implica-  
22 tions as predicted on the basis of the assess-  
23 ments;

24 (2) to assess other risks posed by global climate  
25 change, including increased conflict over resources or

1       between ethnic groups, within countries or  
2       transnationally, increased displacement or forced mi-  
3       grations of vulnerable populations due to inundation  
4       or other causes, increased food insecurity, and in-  
5       creased risks to human health from infectious dis-  
6       ease;

7           (3) to assess the capabilities of the countries or  
8       regions described in subparagraph (A) or (B) of  
9       paragraph (1) to respond to adverse impacts caused  
10      by global climate change; and

11          (4) to make recommendations for further as-  
12      sessments of security consequences of global climate  
13      change that would improve national security plan-  
14      ning.

15      (c) COORDINATION.—In preparing the National In-  
16   telligence Estimate under this section, the Director of Na-  
17   tional Intelligence shall consult with representatives of the  
18   scientific community, including atmospheric and climate  
19   studies, security studies, conflict studies, economic assess-  
20   ments, and environmental security studies, the Secretary  
21   of Defense, the Secretary of State, the Administrator of  
22   the National Oceanographic and Atmospheric Administra-  
23   tion, the Administrator of the National Aeronautics and  
24   Space Administration, the Administrator of the Environ-  
25   mental Protection Agency, the Secretary of Energy, and

1 the Secretary of Agriculture, and, if appropriate, multilat-  
2 eral institutions and allies of the United States that have  
3 conducted significant research on global climate change.

4 (d) ASSISTANCE.—

5 (1) AGENCIES OF THE UNITED STATES.—In  
6 order to produce the National Intelligence Estimate  
7 required by subsection (a), the Director of National  
8 Intelligence may request any appropriate assistance  
9 from any agency, department, or other entity of the  
10 United State Government and such agency, depart-  
11 ment, or other entity shall provide the assistance re-  
12 quested.

13 (2) OTHER ENTITIES.—In order to produce the  
14 National Intelligence Estimate required by sub-  
15 section (a), the Director of National Intelligence  
16 may request any appropriate assistance from any  
17 other person or entity.

18 (3) REIMBURSEMENT.—The Director of Na-  
19 tional Intelligence is authorized to provide appro-  
20 priate reimbursement to the head of an agency, de-  
21 partment, or entity of the United States Government  
22 that provides support requested under paragraph (1)  
23 or any other person or entity that provides assist-  
24 ance requested under paragraph (2).

1           (4) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to the Di-  
3           rector of National Intelligence such sums as may be  
4           necessary to carry out this subsection.

5           (e) FORM.—The National Intelligence Estimate re-  
6           quired by this section shall be submitted in unclassified  
7           form, to the extent consistent with the protection of intel-  
8           ligence sources and methods, and include unclassified key  
9           judgments of the National Intelligence Estimate. The Na-  
10          tional Intelligence Estimate may include a classified  
11          annex.

12          (f) DUPLICATION.—If the Director of National Intel-  
13          ligence determines that a National Intelligence Estimate,  
14          or other formal, coordinated intelligence product that  
15          meets the procedural requirements of a National Intel-  
16          ligence Estimate, has been prepared that includes the con-  
17          tent required by subsection (b) prior to the date of the  
18          enactment of this Act, the Director of National Intel-  
19          ligence shall not be required to produce the National Intel-  
20          ligence Estimate required by subsection (a).

21   **SEC. 322. REPEAL OF CERTAIN REPORTING REQUIRE-**  
22                                   **MENTS.**

23          (a) ANNUAL REPORT ON INTELLIGENCE.—

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

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents in the first section of the National Security  
3           Act of 1947 is amended by striking the item relating  
4           to section 109.

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

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

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

12           (c) ANNUAL REPORT ON SAFETY AND SECURITY OF  
13           RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section  
14           114 of the National Security Act of 1947 (50 U.S.C. 404i)  
15           is amended—

16           (1) by striking subsection (a); and

17           (2) by redesignating subsections (b), (c), and  
18           (d) as subsections (a), (b), and (c), respectively.

19           (d) 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           (e) 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 (f) 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 (g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO  
 12 PROLIFERATION EFFORTS OF COUNTRIES OF PRO-  
 13 LIFERATION CONCERN.—Section 722 of the Combatting  
 14 Proliferation of Weapons of Mass Destruction Act of 1996  
 15 (50 U.S.C. 2369) is repealed.

16 (h) CONFORMING AMENDMENTS.—Section 507(a) of  
 17 the National Security Act of 1947 (50 U.S.C. 415b(a))  
 18 is amended—

19 (1) in paragraph (1)—

20 (A) by striking subparagraphs (A) and  
 21 (B); and

22 (B) by redesignating subparagraphs (C)  
 23 through (N) as subparagraphs (A) through (L),  
 24 respectively; and

25 (2) in paragraph (2)—

1 (A) by striking subparagraphs (A) and  
 2 (D);

3 (B) by redesignating subparagraphs (B)  
 4 and (C) as subparagraphs (A) and (B), respec-  
 5 tively; and

6 (C) in subparagraph (A), as redesignated  
 7 by subparagraph (B) of this paragraph, by  
 8 striking “114(c)” and inserting “114(b)”.

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

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

14 **SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS**

15 **BY THE DIRECTOR OF NATIONAL INTEL-**  
 16 **LIGENCE.**

17 (a) RESPONSIBILITY OF THE DIRECTOR OF NA-  
 18 TIONAL INTELLIGENCE.—Subsection (b) of section 102 of  
 19 the National Security Act of 1947 (50 U.S.C. 403) is  
 20 amended—

21 (1) in paragraph (2), by striking “and” at the  
 22 end;

23 (2) in paragraph (3)—

24 (A) by striking “2004,” and inserting  
 25 “2004 (50 U.S.C. 403 note),”; and



1 (B) by striking the period at the end and  
2 inserting a semicolon and “and”; and

3 (3) by inserting after paragraph (3), the fol-  
4 lowing new paragraph:

5 “(4) conduct accountability reviews of elements  
6 of the intelligence community and the personnel of  
7 such elements, if appropriate.”.

8 (b) TASKING AND OTHER AUTHORITIES.—Sub-  
9 section (f) of section 102A of such Act (50 U.S.C. 403-  
10 1) is amended—

11 (1) by redesignating paragraphs (7) and (8), as  
12 paragraphs (8) and (9), respectively; and

13 (2) by inserting after paragraph (6), the fol-  
14 lowing new paragraph:

15 “(7)(A) The Director of National Intelligence shall,  
16 if the Director determines it is necessary or if requested  
17 by a congressional intelligence committee, conduct ac-  
18 countability reviews of elements of the intelligence commu-  
19 nity or the personnel of such elements in relation to sig-  
20 nificant failures or deficiencies within the intelligence com-  
21 munity.

22 “(B) The Director of National Intelligence, in con-  
23 sultation with the Attorney General, shall establish guide-  
24 lines and procedures for conducting accountability reviews  
25 under subparagraph (A).

1       “(C) The requirements of this paragraph shall not  
 2 limit any authority of the Director of National Intelligence  
 3 under subsection (m) or with respect to supervision of the  
 4 Central Intelligence Agency.”.

5   **SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF**  
 6                   **NATIONAL INTELLIGENCE ON INTELLIGENCE**  
 7                   **INFORMATION SHARING.**

8       (a) AUTHORITIES OF THE DIRECTOR OF NATIONAL  
 9 INTELLIGENCE.—Section 102A(g)(1) of the National Se-  
 10 curity Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

11           (1) in subparagraph (E), by striking “and” at  
 12 the end;

13           (2) in subparagraph (F), by striking the period  
 14 and inserting a semicolon; and

15           (3) by adding at the end the following new sub-  
 16 paragraphs:

17           “(G) in carrying out this subsection, without re-  
 18 gard to any other provision of law (other than this  
 19 Act and the National Security Intelligence Reform  
 20 Act of 2004 (title I of Public Law 108–458)), ex-  
 21 pend funds and make funds available to other de-  
 22 partment or agencies of the United States for, and  
 23 direct the development and fielding of, systems of  
 24 common concern related to the collection, processing,

1 analysis, exploitation, and dissemination of intel-  
2 ligence information; and

3 “(H) for purposes of addressing critical gaps in  
4 intelligence information sharing or access capabili-  
5 ties, have the authority to transfer funds appro-  
6 priated for a program within the National Intel-  
7 ligence Program to a program funded by appropria-  
8 tions not within the National Intelligence Program,  
9 consistent with paragraphs (3) through (7) of sub-  
10 section (d).”.

11 (b) AUTHORITIES OF HEADS OF OTHER DEPART-  
12 MENTS AND AGENCIES.—Notwithstanding any other pro-  
13 vision of law, the head of any department or agency of  
14 the United States is authorized to receive and utilize funds  
15 made available to the department or agency by the Direc-  
16 tor of National Intelligence pursuant to section  
17 102A(g)(1) of the National Security Act of 1947 (50  
18 U.S.C. 403–1(g)(1)), as amended by subsection (a), and  
19 receive and utilize any system referred to in such section  
20 that is made available to the department or agency.

1 **SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION**  
 2 **BY THE DIRECTOR OF NATIONAL INTEL-**  
 3 **LIGENCE OF THE PROTECTION OF INTEL-**  
 4 **LIGENCE SOURCES AND METHODS.**

5 Section 102A(i)(3) of the National Security Act of  
 6 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-  
 7 fore the period the following: “, any Deputy Director of  
 8 National Intelligence, *or* the Chief Information Officer of  
 9 the Intelligence Community, ~~or the head of any element~~  
 10 ~~of the intelligence community~~”.

11 **SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF**  
 12 **THE DIRECTOR OF NATIONAL INTEL-**  
 13 **LIGENCE.**

14 Section 102A of the National Security Act of 1947  
 15 (50 U.S.C. 403–1) is amended by adding at the end the  
 16 following new subsection:

17 “(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—  
 18 (1) Notwithstanding section 1346 of title 31, United  
 19 States Code, or any other provision of law prohibiting the  
 20 interagency financing of activities described in subpara-  
 21 graph (A) or (B), upon the request of the Director of Na-  
 22 tional Intelligence, any element of the intelligence commu-  
 23 nity may use appropriated funds to support or participate  
 24 in the interagency activities of the following:

25 “(A) National intelligence centers established  
 26 by the Director under section 119B.

1           “(B) Boards, commissions, councils, commit-  
2           tees, and similar groups that are established—

3                   “(i) for a term of not more than two years;  
4                   and

5                   “(ii) by the Director.

6           “(2) No provision of law enacted after the date of  
7           the enactment of the Intelligence Authorization Act for  
8           Fiscal Year 2008 shall be construed to limit or supersede  
9           the authority in paragraph (1) unless such provision  
10          makes specific reference to the authority in that para-  
11          graph.”.

12   **SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIREC-**  
13                   **TOR OF NATIONAL INTELLIGENCE FOR**  
14                   **FLEXIBLE PERSONNEL MANAGEMENT**  
15                   **AMONG THE ELEMENTS OF THE INTEL-**  
16                   **LIGENCE COMMUNITY.**

17          Section 102A of the National Security Act of 1947  
18          (50 U.S.C. 403–1), as amended by section 404 of this Act,  
19          is further amended by adding at the end the following new  
20          subsections:

21          “(t) **AUTHORITY TO ESTABLISH POSITIONS IN EX-**  
22          **CEPTED SERVICE.**—(1) The Director of National Intel-  
23          ligence may, with the concurrence of the head of the de-  
24          partment or agency concerned and in coordination with  
25          the Director of the Office of Personnel Management—

1           “(A) convert such competitive service positions,  
2           and their incumbents, within an element of the intel-  
3           ligence community to excepted service positions as  
4           the Director of National Intelligence determines nec-  
5           essary to carry out the intelligence functions of such  
6           element; and

7           “(B) establish the classification and ranges of  
8           rates of basic pay for positions so converted, not-  
9           withstanding otherwise applicable laws governing the  
10          classification and rates of basic pay for such posi-  
11          tions.

12          “(2)(A) At the request of the Director of National  
13          Intelligence, the head of a department or agency may es-  
14          tablish new positions in the excepted service within an ele-  
15          ment of such department or agency that is part of the  
16          intelligence community if the Director determines that  
17          such positions are necessary to carry out the intelligence  
18          functions of such element.

19          “(B) The Director of National Intelligence may es-  
20          tablish the classification and ranges of rates of basic pay  
21          for any position established under subparagraph (A), not-  
22          withstanding otherwise applicable laws governing the clas-  
23          sification and rates of basic pay for such positions

24          “(3) The head of the department or agency concerned  
25          is authorized to appoint individuals for service in positions

1 converted under paragraph (1) or established under para-  
2 graph (2) without regard to the provisions of chapter 33  
3 of title 5, United States Code, governing appointments in  
4 the competitive service, and to fix the compensation of  
5 such individuals within the applicable ranges of rates of  
6 basic pay established by the Director of National Intel-  
7 ligence.

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

12 “(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—

13 (1) Notwithstanding any pay limitation established under  
14 any other provision of law applicable to employees in ele-  
15 ments of the intelligence community, the Director of Na-  
16 tional Intelligence may, in consultation with the Director  
17 of the Office of Personnel Management and the Director  
18 of the Office of Management and Budget, grant authority  
19 to fix the rate of basic pay for one or more positions within  
20 the intelligence community at a rate in excess of any appli-  
21 cable limitation, subject to the provisions of this sub-  
22 section. The exercise of authority so granted is at the dis-  
23 cretion of the head of the department or agency employing  
24 the individual in a position covered by such authority, sub-  
25 ject to the provisions of this subsection and any conditions

1 established by the Director of National Intelligence when  
2 granting such authority.

3 “(2) Authority under this subsection may be granted  
4 or exercised—

5 “(A) only with respect to a position which re-  
6 quires an extremely high level of expertise and is  
7 critical to successful accomplishment of an impor-  
8 tant mission; and

9 “(B) only to the extent necessary to recruit or  
10 retain an individual exceptionally well qualified for  
11 the position.

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

18 “(4) A rate of basic pay may not be fixed under this  
19 subsection at a rate greater than the rate payable for level  
20 I of the Executive Schedule under section 5311 of title  
21 5, United States Code, except upon written approval of  
22 the President in response to a request by the Director of  
23 National Intelligence or as otherwise authorized by law.



1       “(5) Any grant of authority under this subsection for  
2 a position shall terminate at the discretion of the Director  
3 of National Intelligence.

4       “(v) EXTENSION OF FLEXIBLE PERSONNEL MAN-  
5 AGEMENT AUTHORITIES.—(1) Notwithstanding any other  
6 provision of law, in order to ensure the equitable treat-  
7 ment of employees across the intelligence community, the  
8 Director of National Intelligence may, with the concur-  
9 rence of the head of the department or agency concerned,  
10 or for those matters that fall under the responsibilities of  
11 the Office of Personnel Management under statute or Ex-  
12 ecutive Order, in coordination with the Director of the Of-  
13 fice of Personnel Management, authorize one or more ele-  
14 ments of the intelligence community to adopt compensa-  
15 tion authority, performance management authority, and  
16 scholarship authority that have been authorized for an-  
17 other element of the intelligence community if the Director  
18 of National Intelligence—

19           “(A) determines that the adoption of such au-  
20 thority would improve the management and perform-  
21 ance of the intelligence community, and

22           “(B) submits to the congressional intelligence  
23 committees, not later than 60 days before such au-  
24 thority is to take effect, notice of the adoption of  
25 such authority by such element or elements, includ-

1       ing the authority to be so adopted, and an estimate  
 2       of the costs associated with the adoption of such au-  
 3       thority.

4       “(2) To the extent that an existing compensation au-  
 5       thority within the intelligence community is limited to a  
 6       particular category of employees or a particular situation,  
 7       the authority may be adopted in another element of the  
 8       intelligence community under this subsection only for em-  
 9       ployees in an equivalent category or in an equivalent situa-  
 10      tion.

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

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

19           “(B) Authority to grant Presidential Rank  
 20      Awards under sections 4507 and 4507a of title 5,  
 21      United States Code, section 3151(c) of title 31,  
 22      United States Code, and any other provision of law.

23           “(C) Compensation authorities and performance  
 24      management authorities provided under provisions of  
 25      law relating to the Senior Executive Service.”.

1 **SEC. 406. CLARIFICATION OF LIMITATION ON CO-LOCATION**  
2 **OF THE OFFICE OF THE DIRECTOR OF NA-**  
3 **TIONAL INTELLIGENCE.**

4 Section 103(e) of the National Security Act of 1947  
5 (50 U.S.C. 403–3(e)) is amended—

6 (1) by striking “WITH” and inserting “OF  
7 HEADQUARTERS WITH HEADQUARTERS OF”;

8 (2) by inserting “the headquarters of” before  
9 “the Office”; and

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

12 **SEC. 407. ADDITIONAL DUTIES OF THE DIRECTOR OF**  
13 **SCIENCE AND TECHNOLOGY OF THE OFFICE**  
14 **OF THE DIRECTOR OF NATIONAL INTEL-**  
15 **LIGENCE.**

16 (a) COORDINATION AND PRIORITIZATION OF RE-  
17 SEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE  
18 COMMUNITY.—Subsection (d) of section 103E of the Na-  
19 tional Security Act of 1947 (50 U.S.C. 403–3e) is amend-  
20 ed—

21 (1) in paragraph (3)(A), by inserting “and  
22 prioritize” after “coordinate”; and

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

25 “(4) In carrying out paragraph (3)(A), the Com-  
26 mittee shall identify basic, advanced, and applied research

1 programs to be carried out by elements of the intelligence  
2 community.”.

3 (b) DEVELOPMENT OF TECHNOLOGY GOALS.—That  
4 section is further amended—

5 (1) in subsection (c)—

6 (A) in paragraph (4), by striking “and” at  
7 the end;

8 (B) by redesignating paragraph (5) as  
9 paragraph (9); and

10 (C) by inserting after paragraph (4) the  
11 following new paragraphs:

12 “(5) assist the Director in establishing goals for  
13 the elements of the intelligence community to meet  
14 the technology needs of the intelligence community;

15 “(6) under the direction of the Director, estab-  
16 lish engineering standards and specifications appli-  
17 cable to each acquisition of a major system (as that  
18 term is defined in section 506A(e)(3)) by the intel-  
19 ligence community;

20 “(7) develop 15-year projections and assess-  
21 ments of the needs of the intelligence community to  
22 ensure a robust Federal scientific and engineering  
23 workforce and the means to recruit such a workforce  
24 through integrated scholarships across the intel-

1       ligence community, including research grants and  
2       cooperative work-study programs;

3           “(8) ensure that each acquisition program of  
4       the intelligence community for a major system (as so  
5       defined) complies with the standards and specifica-  
6       tions established under paragraph (6); and”; and

7           (2) by adding at the end the following new sub-  
8       section:

9       “(e) GOALS FOR TECHNOLOGY NEEDS OF INTEL-  
10      LIGENCE COMMUNITY.—In carrying out subsection (c)(5),  
11      the Director of Science and Technology shall—

12           “(1) systematically identify and assess the most  
13       significant intelligence challenges that require tech-  
14       nical solutions;

15           “(2) examine options to enhance the responsive-  
16       ness of research and design programs of the ele-  
17       ments of the intelligence community to meet the re-  
18       quirements of the intelligence community for timely  
19       support; and

20           “(3) assist the Director of National Intelligence  
21       in establishing research and development priorities  
22       and projects for the intelligence community that—

23           “(A) are consistent with current or future  
24       national intelligence requirements;

1           “(B) address deficiencies or gaps in the  
2           collection, processing, analysis, or dissemination  
3           of national intelligence;

4           “(C) take into account funding constraints  
5           in program development and acquisition; and

6           “(D) address system requirements from  
7           collection to final dissemination (also known as  
8           ‘end-to-end architecture’).”.

9       (c) REPORT.—

10           (1) IN GENERAL.—Not later than June 30,  
11           2008, the Director of National Intelligence shall  
12           submit to Congress a report containing a strategy  
13           for the development and use of technology in the in-  
14           telligence community through 2021.

15           (2) ELEMENTS.—The report under paragraph  
16           (1) shall include—

17                   (A) an assessment of the highest priority  
18                   intelligence gaps across the intelligence commu-  
19                   nity that may be resolved by the use of tech-  
20                   nology;

21                   (B) goals for advanced research and devel-  
22                   opment and a strategy to achieve such goals;

23                   (C) an explanation of how each advanced  
24                   research and development project funded under

1 the National Intelligence Program addresses an  
 2 identified intelligence gap;

3 (D) a list of all current and projected re-  
 4 search and development projects by research  
 5 type (basic, advanced, or applied) with esti-  
 6 mated funding levels, estimated initiation dates,  
 7 and estimated completion dates; and

8 (E) a plan to incorporate technology from  
 9 research and development projects into National  
 10 Intelligence Program acquisition programs.

11 (3) FORM.—The report under paragraph (1)  
 12 may be submitted in classified form.

13 **SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE**  
 14 **INTELLIGENCE COMMUNITY.**

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

17 (1) in subsection (a), by inserting “of the Intel-  
 18 ligence Community” after “Chief Information Offi-  
 19 cer”;

20 (2) in subsection (b), by inserting “of the Intel-  
 21 ligence Community” after “Chief Information Offi-  
 22 cer”;

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

1           (4) in subsection (d), by inserting “of the Intel-  
 2           ligence Community” after “Chief Information Offi-  
 3           cer” the first place it appears.

4   **SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE**  
 5                           **OF THE DIRECTOR OF NATIONAL INTEL-**  
 6                           **LIGENCE.**

7           (a) ESTABLISHMENT.—Title I of the National Secu-  
 8           rity Act of 1947 (50 U.S.C. 402 et seq.) is amended by  
 9           inserting after section 103G the following new section:

10          “RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE  
 11                           DIRECTOR OF NATIONAL INTELLIGENCE

12          “SEC. 103H. (a) IN GENERAL.—There is established  
 13          a fund to be known as the ‘Reserve for Contingencies of  
 14          the Office of the Director of National Intelligence’ (in this  
 15          section referred to as the ‘Reserve’).

16          “(b) ELEMENTS.—(1) The Reserve shall consist of  
 17          the following elements:

18                   “(A) Amounts authorized to be appropriated to  
 19                   the Reserve.

20                   “(B) Amounts authorized to be transferred to  
 21                   or deposited in the Reserve by law.

22          “(2) No amount may be transferred to the Reserve  
 23          under subparagraph (B) of paragraph (1) during a fiscal  
 24          year after the date on which a total of \$50,000,000 has  
 25          been transferred to or deposited in the Reserve under sub-  
 26          paragraph (A) or (B) of such paragraph.



1       “(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts  
2 deposited into the Reserve shall be amounts appropriated  
3 to the National Intelligence Program.

4       “(d) AVAILABILITY OF FUNDS.—(1) Amounts in the  
5 Reserve shall be available for such purposes as are pro-  
6 vided by law for the Office of the Director of National  
7 Intelligence or the separate elements of the intelligence  
8 community for support of emerging needs, improvements  
9 to program effectiveness, or increased efficiency.

10       “(2)(A) Subject to subparagraph (B), amounts in the  
11 Reserve may be available for a program or activity if—

12               “(i) the Director of National Intelligence, con-  
13 sistent with the provisions of sections 502 and 503,  
14 notifies the congressional intelligence committees of  
15 the intention to utilize such amounts for such pro-  
16 gram or activity; and

17               “(ii) 15 calendar days elapses after the date of  
18 such notification.

19       “(B) In addition to the requirements in subparagraph  
20 (A), amounts in the Reserve may be available for a pro-  
21 gram or activity not previously authorized by Congress  
22 only with the approval of the Director the Office of Man-  
23 agement and Budget.

24       “(3) Use of any amounts in the Reserve shall be sub-  
25 ject to the direction and approval of the Director of Na-

1 tional Intelligence, or the designee of the Director, and  
 2 shall be subject to such procedures as the Director may  
 3 prescribe.

4 “(4) Amounts transferred to or deposited in the Re-  
 5 serve in a fiscal year under subsection (b) shall be avail-  
 6 able under this subsection in such fiscal year and the fiscal  
 7 year following such fiscal year.”.

8 (b) APPLICABILITY.—No funds appropriated prior to  
 9 the date of the enactment of this Act may be transferred  
 10 to or deposited in the Reserve for Contingencies of the  
 11 Office of the Director of National Intelligence established  
 12 in section 103H of the National Security Act of 1947, as  
 13 added by subsection (a).

14 (c) CLERICAL AMENDMENT.—The table of contents  
 15 in the first section of the National Security Act of 1947  
 16 is amended by inserting after the item relating to section  
 17 103G the following new item:

“Sec. 103H. Reserve for Contingencies of the Office of the Director of National  
 Intelligence.”.

18 **SEC. 410. INSPECTOR GENERAL OF THE INTELLIGENCE**  
 19 **COMMUNITY.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—Title I of the National Secu-  
 22 rity Act of 1947 (50 U.S.C. 402 et seq.), as amend-  
 23 ed by section 409 of this Act, is further amended by

1 inserting after section 103H the following new sec-  
2 tion:

3 “INSPECTOR GENERAL OF THE INTELLIGENCE  
4 COMMUNITY

5 “SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF  
6 INTELLIGENCE COMMUNITY.—There is within the Office  
7 of the Director of National Intelligence an Office of the  
8 Inspector General of the Intelligence Community.

9 “(b) PURPOSE.—The purpose of the Office of the In-  
10 spector General of the Intelligence Community is to—

11 “(1) create an objective and effective office, ap-  
12 propriately accountable to Congress, to initiate and  
13 conduct independently investigations, inspections,  
14 and audits on matters within the responsibility and  
15 authority of the Director of National Intelligence;

16 “(2) recommend policies designed—

17 “(A) to promote economy, efficiency, and  
18 effectiveness in the administration and imple-  
19 mentation of matters within the responsibility  
20 and authority of the Director of National Intel-  
21 ligence; and

22 “(B) to prevent and detect fraud and  
23 abuse in such matters;

24 “(3) provide a means for keeping the Director  
25 of National Intelligence fully and currently informed  
26 about—

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, and fraud and other serious prob-  
5           lems, abuses, and deficiencies that may occur in  
6           matters within the responsibility and authority of  
7           the Director, and to report the progress made in im-  
8           plementing 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 that the Inspectors General are unable to re-  
12 solve the question with assistance of that Forum, the In-  
13 spectors General shall submit the question to the Director  
14 of National Intelligence for resolution. *In the event of a*  
15 *dispute between an Inspector General within the Depart-*  
16 *ment of Defense and the Inspector General of the Intel-*  
17 *ligence Community that has not been resolved with the as-*  
18 *sistance of the Forum, the Inspectors General shall submit*  
19 *the question to the Director of National Intelligence and the*  
20 *Secretary of Defense for resolution.*

21 “(C) There is established the Intelligence Community  
22 Inspectors General Forum which shall consist of all statu-  
23 tory or administrative Inspectors General with oversight  
24 responsibility for an element or elements of the intelligence  
25 community. The Inspector General of the Intelligence

1 Community shall serve as the chair of the Forum. The  
2 Forum shall have no administrative authority over any In-  
3 spector General, but shall serve as a mechanism for in-  
4 forming its members of the work of individual members  
5 of the Forum that may be of common interest and dis-  
6 cussing questions about jurisdiction or access to employ-  
7 ees, employees of a contractor, records, audits, reviews,  
8 documents, recommendations, or other materials that may  
9 involve or be of assistance to more than one of its mem-  
10 bers.

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

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

1       “(2)(A) Subject to applicable law and the policies of  
2 the Director of National Intelligence, the Inspector Gen-  
3 eral shall select, appoint, and employ such officers and em-  
4 ployees as may be necessary to carry out the functions  
5 of the Inspector General. The Inspector General shall en-  
6 sure that any officer or employee so selected, appointed,  
7 or employed has security clearances appropriate for the  
8 assigned duties of such officer or employee.

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

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

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

1       “(B) Upon request of the Inspector General for infor-  
2 mation or assistance under subparagraph (A), the head  
3 of the department, agency, or element concerned shall, in-  
4 sofar as is practicable and not in contravention of any ex-  
5 isting statutory restriction or regulation of the depart-  
6 ment, agency, or element, furnish to the Inspector Gen-  
7 eral, or to an authorized designee, such information or as-  
8 sistance.

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

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

1 *the report involving components of the Department of De-*  
2 *fense to the Secretary of Defense simultaneously with sub-*  
3 *mission of the report to the Director of National Intel-*  
4 *ligence.*

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

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

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

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

1           “(iv) A statement whether or not corrective or  
2       disciplinary action has been completed on each sig-  
3       nificant recommendation described in previous semi-  
4       annual reports, and, in a case where corrective ac-  
5       tion has been completed, a description of such cor-  
6       rective action.

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

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

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

22          “(C) Not later than the 30 days after the date of  
23      receipt of a report under subparagraph (A), the Director  
24      shall transmit the report to the congressional intelligence  
25      committees together with any comments the Director con-



1   siders appropriate. *The Director shall transmit to the Com-*  
 2   *mittee on Armed Services of the Senate and the Committee*  
 3   *on Armed Services of the House of Representatives that por-*  
 4   *tion of the report involving components of the Department*  
 5   *of Defense simultaneously with submission of the report to*  
 6   *the congressional intelligence committees.*

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

13       “(B) The Director shall transmit to the ~~congressional~~  
 14  ~~intelligence committees~~ *congressional intelligence commit-*  
 15  *tees, and as appropriate the Committee on Armed Services*  
 16  *of the Senate and the Committee on Armed Services of the*  
 17  *House of Representatives relating to matters within the De-*  
 18  *partment of Defense, each report under subparagraph (A)*  
 19  within seven calendar days of receipt of such report, to-  
 20  gether with such comments as the Director considers ap-  
 21  propriate.

22       “(3) In the event that—

23               “(A) the Inspector General is unable to resolve  
 24       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 seven 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 one of the congres-  
11          sional intelligence committees who receives a complaint or  
12          information under clause (i) does so in that member or  
13          employee’s official capacity as a member or employee of  
14          such 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, as amended by section 409 of this Act,  
 2 is further amended by inserting after the item relat-  
 3 ing to section 103H the following new item:

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

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

7 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section  
 8 5314 of title 5, United States Code, is amended by adding  
 9 at the end the following new item:

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

12 **SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OF-**  
 13 **FICES AND OFFICIALS.**

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

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

21 “(a) IN GENERAL.—

22 “(1) ESTABLISHMENT.—The”; and

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



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

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

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

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

13           (2) by inserting after paragraph (8) the fol-  
14       lowing new paragraphs:

15           “(9) The Chief Information Officer of the Intel-  
16       ligence Community.

17           “(10) The Inspector General of the Intelligence  
18       Community.

19           “(11) The Director of the National  
20       Counterterrorism Center.

21           “(12) The Director of the National Counter  
22       Proliferation Center.”.

23   **SEC. 412. NATIONAL SPACE INTELLIGENCE OFFICE.**

24       (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—Title I of the National Secu-  
2       rity Act of 1947 (50 U.S.C. 401 et seq.) is amended  
3       by adding at the end the following new section:

4           “NATIONAL SPACE INTELLIGENCE OFFICE

5       “SEC. 119C. (a) ESTABLISHMENT.—There is estab-  
6       lished within the Office of the Director of National Intel-  
7       ligence a National Space Intelligence Office.

8       “(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE  
9       OFFICE.—The National Intelligence Officer for Science  
10      and Technology, or a successor position designated by the  
11      Director of National Intelligence, shall act as the Director  
12      of the National Space Intelligence Office.

13      “(c) MISSIONS.—The National Space Intelligence Of-  
14      fice shall have the following missions:

15           “(1) To coordinate and provide policy direction  
16      for the management of space-related intelligence as-  
17      sets.

18           “(2) To prioritize collection activities consistent  
19      with the National Intelligence Collection Priorities  
20      framework, or a successor framework or other docu-  
21      ment designated by the Director of National Intel-  
22      ligence.

23           “(3) To provide policy direction for programs  
24      designed to ensure a sufficient cadre of government  
25      and nongovernment personnel in fields relating to  
26      space intelligence, including programs to support

1 education, recruitment, hiring, training, and reten-  
 2 tion of qualified personnel.

3 “(4) To evaluate independent analytic assess-  
 4 ments of threats to classified United States space in-  
 5 telligence systems throughout all phases of the devel-  
 6 opment, acquisition, and operation of such systems.

7 “(d) ACCESS TO INFORMATION.—The Director of  
 8 National Intelligence shall ensure that the National Space  
 9 Intelligence Office has access to all national intelligence  
 10 information (as appropriate), and such other information  
 11 (as appropriate and practical), necessary for the Office to  
 12 carry out the missions of the Office under subsection (c).

13 “(e) SEPARATE BUDGET ACCOUNT.—The Director of  
 14 National Intelligence shall include in the National Intel-  
 15 ligence Program budget a separate line item for the Na-  
 16 tional Space Intelligence Office.”.

17 (2) CLERICAL AMENDMENT.—The table of con-  
 18 tents in the first section of the National Security  
 19 Act of 1947 is amended by inserting after the item  
 20 relating to section 119B the following new item:

“Sec. 119C. National Space Intelligence Office.”.

21 (b) REPORT ON ORGANIZATION OF OFFICE.—

22 (1) REPORT REQUIRED.—Not later than 180  
 23 days after the date of the enactment of this Act, the  
 24 Director of the National Space Intelligence Office  
 25 shall submit to the Select Committee on Intelligence

1 of the Senate and the Permanent Select Committee  
 2 on Intelligence of the House of Representatives a re-  
 3 port on the organizational structure of the National  
 4 Space Intelligence Office established by section 119C  
 5 of the National Security Act of 1947 (as added by  
 6 subsection (a)).

7 (2) ELEMENTS.—The report required by para-  
 8 graph (1) shall include the following:

9 (A) The proposed organizational structure  
 10 of the National Space Intelligence Office.

11 (B) An identification of key participants in  
 12 the Office.

13 (C) A strategic plan for the Office during  
 14 the five-year period beginning on the date of  
 15 the report.

16 **SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DI-**  
 17 **RECTOR OF NATIONAL INTELLIGENCE.**

18 (a) IN GENERAL.—Title VII of the National Security  
 19 Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding  
 20 at the end the following new section:

21 “PROTECTION OF CERTAIN FILES OF THE OFFICE OF  
 22 THE DIRECTOR OF NATIONAL INTELLIGENCE

23 “SEC. 706. (a) RECORDS FROM EXEMPTED OPER-  
 24 ATIONAL FILES.—(1) Any record disseminated or other-  
 25 wise provided to an element of the Office of the Director  
 26 of National Intelligence from the exempted operational

1 files of elements of the intelligence community designated  
2 in accordance with this title, and any operational files cre-  
3 ated by the Office of the Director of National Intelligence  
4 that incorporate such record in accordance with subpara-  
5 graph (A)(ii), shall be exempted from the provisions of  
6 section 552 of title 5, United States Code that require  
7 search, review, publication or disclosure in connection  
8 therewith, in any instance in which—

9           “(A)(i) such record is shared within the Office  
10       of the Director of National Intelligence and not dis-  
11       seminated by that Office beyond that Office; or

12           “(ii) such record is incorporated into new  
13       records created by personnel of the Office of the Di-  
14       rector of National Intelligence and maintained in  
15       operational files of the Office of the Director of Na-  
16       tional Intelligence and such record is not dissemi-  
17       nated by that Office beyond that Office; and

18           “(B) the operational files from which such  
19       record has been obtained continue to remain des-  
20       ignated as operational files exempted from section  
21       552 of title 5, United States Code.

22       “(2) The operational files of the Office of the Direc-  
23       tor of National Intelligence referred to in paragraph  
24       (1)(A)(ii) shall be similar in nature to the originating

1 operational files from which the record was disseminated  
2 or provided, as such files are defined in this title.

3 “(3) Records disseminated or otherwise provided to  
4 the Office of the Director of National Intelligence from  
5 other elements of the intelligence community that are not  
6 protected by paragraph (1), and that are authorized to  
7 be disseminated beyond the Office of the Director of Na-  
8 tional Intelligence, shall remain subject to search and re-  
9 view under section 552 of title 5, United States Code, but  
10 may continue to be exempted from the publication and dis-  
11 closure provisions of that section by the originating agency  
12 to the extent that such section permits.

13 “(4) Notwithstanding any other provision of this title,  
14 records in the exempted operational files of the Central  
15 Intelligence Agency, the National Geospatial-Intelligence  
16 Agency, the National Reconnaissance Office, the National  
17 Security Agency, or the Defense Intelligence Agency shall  
18 not be subject to the search and review provisions of sec-  
19 tion 552 of title 5, United States Code, solely because they  
20 have been disseminated to an element or elements of the  
21 Office of the Director of National Intelligence, or ref-  
22 erenced in operational files of the Office of the Director  
23 of National Intelligence and that are not disseminated be-  
24 yond the Office of the Director of National Intelligence.

1       “(5) Notwithstanding any other provision of this title,  
2 the incorporation of records from the operational files of  
3 the Central Intelligence Agency, the National Geospatial-  
4 Intelligence Agency, the National Reconnaissance Office,  
5 the National Security Agency, or the Defense Intelligence  
6 Agency, into operational files of the Office of the Director  
7 of National Intelligence shall not subject that record or  
8 the operational files of the Central Intelligence Agency,  
9 the National Geospatial-Intelligence Agency, the National  
10 Reconnaissance Office, the National Security Agency or  
11 the Defense Intelligence Agency to the search and review  
12 provisions of section 552 of title 5, United States Code.

13       “(b) OTHER RECORDS.—(1) Files in the Office of the  
14 Director of National Intelligence that are not exempted  
15 under subsection (a) of this section which contain informa-  
16 tion derived or disseminated from exempted operational  
17 files shall be subject to search and review under section  
18 552 of title 5, United States Code.

19       “(2) The inclusion of information from exempted  
20 operational files in files of the Office of the Director of  
21 National Intelligence that are not exempted under sub-  
22 section (a) shall not affect the exemption of the originating  
23 operational files from search, review, publication, or dis-  
24 closure.

1       “(3) Records from exempted operational files of the  
2 Office of the Director of National Intelligence which have  
3 been disseminated to and referenced in files that are not  
4 exempted under subsection (a), and which have been re-  
5 turned to exempted operational files of the Office of the  
6 Director of National Intelligence for sole retention, shall  
7 be subject to search and review.

8       “(c) SEARCH AND REVIEW FOR CERTAIN PUR-  
9 POSES.—Notwithstanding subsection (a), exempted oper-  
10 ational files shall continue to be subject to search and re-  
11 view for information concerning any of the following:

12           “(1) United States citizens or aliens lawfully  
13 admitted for permanent residence who have re-  
14 quested information on themselves pursuant to the  
15 provisions of section 552 or 552a of title 5, United  
16 States Code.

17           “(2) Any special activity the existence of which  
18 is not exempt from disclosure under the provisions  
19 of section 552 of title 5, United States Code.

20           “(3) The specific subject matter of an investiga-  
21 tion by any of the following for any impropriety, or  
22 violation of law, Executive order, or Presidential di-  
23 rective, in the conduct of an intelligence activity:

24           “(A) The Select Committee on Intelligence  
25 of the Senate.



1                   “(B) The Permanent Select Committee on  
2 Intelligence of the House of Representatives.

3                   “(C) The Intelligence Oversight Board.

4                   “(D) The Department of Justice.

5                   “(E) The Office of the Director of Na-  
6 tional Intelligence.

7                   “(F) The Office of the Inspector General  
8 of the Intelligence Community.

9           “(d) DECENNIAL REVIEW OF EXEMPTED OPER-  
10 ATIONAL FILES.—(1) Not less than once every 10 years,  
11 the Director of National Intelligence shall review the oper-  
12 ational files exempted under subsection (a) to determine  
13 whether such files, or any portion of such files, may be  
14 removed from the category of exempted files.

15           “(2) The review required by paragraph (1) shall in-  
16 clude consideration of the historical value or other public  
17 interest in the subject matter of the particular category  
18 of files or portions thereof and the potential for declas-  
19 sifying a significant part of the information contained  
20 therein.

21           “(3) A complainant that alleges that Director of Na-  
22 tional Intelligence has improperly withheld records be-  
23 cause of failure to comply with this subsection may seek  
24 judicial review in the district court of the United States  
25 of the district in which any of the parties reside, or in

1 the District of Columbia. In such a proceeding, the court's  
2 review shall be limited to determining the following:

3           “(A) Whether the Director has conducted the  
4 review required by paragraph (1) before the expira-  
5 tion of the 10-year period beginning on the date of  
6 the enactment of the Intelligence Authorization Act  
7 for Fiscal Year 2008 or before the expiration of the  
8 10-year period beginning on the date of the most re-  
9 cent review.

10           “(B) Whether the Director of National Intel-  
11 ligence, in fact, considered the criteria set forth in  
12 paragraph (2) in conducting the required review.

13           “(e) SUPERSEDURE OF OTHER LAWS.—The provi-  
14 sions of this section may not be superseded except by a  
15 provision of law that is enacted after the date of the enact-  
16 ment of this section and that specifically cites and repeals  
17 or modifies such provisions.

18           “(f) APPLICABILITY.—The Director of National In-  
19 telligence will publish a regulation listing the specific ele-  
20 ments within the Office of the Director of National Intel-  
21 ligence whose records can be exempted from search and  
22 review under this section.

23           “(g) ALLEGATION; IMPROPER WITHHOLDING OF  
24 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in  
25 paragraph (2), whenever any person who has requested

1 agency records under section 552 of title 5, United States  
2 Code, alleges that the Office of the Director of National  
3 Intelligence has withheld records improperly because of  
4 failure to comply with any provision of this section, judi-  
5 cial review shall be available under the terms set forth in  
6 section 552(a)(4)(B) of title 5, United States Code.

7 “(2) Judicial review shall not be available in the man-  
8 ner provided for under paragraph (1) as follows:

9 “(A) In any case in which information specifi-  
10 cally authorized under criteria established by an Ex-  
11 ecutive order to be kept secret in the interests of na-  
12 tional defense or foreign relations is filed with, or  
13 produced for, the court by the Office of the Director  
14 of National Intelligence, such information shall be  
15 examined ex parte, in camera by the court.

16 “(B) The court shall determine, to the fullest  
17 extent practicable, the issues of fact based on sworn  
18 written submissions of the parties.

19 “(C) When a complainant alleges that re-  
20 quested records are improperly withheld because of  
21 improper placement solely in exempted operational  
22 files, the complainant shall support such allegation  
23 with a sworn written submission based upon per-  
24 sonal knowledge or otherwise admissible evidence.

1           “(D)(i) When a complainant alleges that re-  
2           requested records were improperly withheld because of  
3           improper exemption of operational files, the Office of  
4           the Director of National Intelligence shall meet its  
5           burden under section 552(a)(4)(B) of title 5, United  
6           States Code, by demonstrating to the court by sworn  
7           written submission that exempted operational files  
8           likely to contain responsive records currently meet  
9           the criteria set forth in subsection.

10           “(ii) The court may not order the Office of the  
11           Director of National Intelligence to review the con-  
12           tent of any exempted operational file or files in order  
13           to make the demonstration required under clause (i),  
14           unless the complainant disputes the Office’s showing  
15           with a sworn written submission based on personal  
16           knowledge or otherwise admissible evidence.

17           “(E) In proceedings under subparagraphs (C)  
18           and (D), the parties may not obtain discovery pursu-  
19           ant to rules 26 through 36 of the Federal Rules of  
20           Civil Procedure, except that requests for admissions  
21           may be made pursuant to rules 26 and 36.

22           “(F) If the court finds under this subsection  
23           that the Office of the Director of National Intel-  
24           ligence has improperly withheld requested records  
25           because of failure to comply with any provision of

1       this section, the court shall order the Office to  
2       search and review the appropriate exempted oper-  
3       ational file or files for the requested records and  
4       make such records, or portions thereof, available in  
5       accordance with the provisions of section 552 of title  
6       5, United States Code, and such order shall be the  
7       exclusive remedy for failure to comply with this sec-  
8       tion.

9               “(G) If at any time following the filing of a  
10       complaint pursuant to this paragraph the Office of  
11       the Director of National Intelligence agrees to  
12       search the appropriate exempted operational file or  
13       files for the requested records, the court shall dis-  
14       miss the claim based upon such complaint.”.

15       (b) CLERICAL AMENDMENT.—The table of contents  
16       in the first section of the National Security Act of 1947  
17       is amended by inserting after the item relating to section  
18       705 the following new item:

          “Sec. 706. Operational files in the Office of the Director of National Intel-  
          ligence.”.

19       **SEC. 414. REPEAL OF CERTAIN AUTHORITIES RELATING TO**  
20                       **THE OFFICE OF THE NATIONAL COUNTER-IN-**  
21                       **TELLIGENCE EXECUTIVE.**

22       (a) REPEAL OF CERTAIN AUTHORITIES.—Section  
23       904 of the Counterintelligence Enhancement Act of 2002

1 (title IX of Public Law 107–306; 50 U.S.C. 402e) is  
2 amended—

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

4 and

5 (2) by redesignating subsections (e), (f), (g),

6 (k), (l), and (m) as subsections (d), (e), (f), (g), (h),

7 and (i), respectively; and

8 (3) in subsection (f), as redesignated by para-

9 graph (2), by striking paragraphs (3) and (4).

10 (b) CONFORMING AMENDMENTS.—That section is  
11 further amended—

12 (1) in subsection (d), as redesignated by sub-

13 section (a)(2) of this section, by striking “subsection

14 (f)” each place it appears in paragraphs (1) and (2)

15 and inserting “subsection (e)”; and

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

17 (A) in paragraph (1), by striking “sub-

18 section (e)(1)” and inserting “subsection

19 (d)(1)”; and

20 (B) in paragraph (2), by striking “sub-

21 section (e)(2)” and inserting “subsection

22 (d)(2)”.

1 **SEC. 415. INAPPLICABILITY OF FEDERAL ADVISORY COM-**  
2 **MITTEE ACT TO ADVISORY COMMITTEES OF**  
3 **THE OFFICE OF THE DIRECTOR OF NATIONAL**  
4 **INTELLIGENCE.**

5 Section 4(b) of the Federal Advisory Committee Act  
6 (5 U.S.C. App.) is amended—

7 (1) in paragraph (1), by striking “or”;

8 (2) in paragraph (2), by striking the period and  
9 inserting “; or”; and

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

12 “(3) the Office of the Director of National In-  
13 telligence.”.

14 **SEC. 416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**  
15 **INTELLIGENCE ON THE TRANSPORTATION**  
16 **SECURITY OVERSIGHT BOARD.**

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

19 “(F) The Director of National Intelligence,  
20 or the Director’s designee.”.

21 **SEC. 417. APPLICABILITY OF THE PRIVACY ACT TO THE DI-**  
22 **RECTOR OF NATIONAL INTELLIGENCE AND**  
23 **THE OFFICE OF THE DIRECTOR OF NATIONAL**  
24 **INTELLIGENCE.**

25 Subsection (j) of section 552a of title 5, United  
26 States Code, is amended—

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

3 (2) by redesignating paragraph (2) as para-  
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-  
6 lowing new paragraph:

7 “(2) maintained by the Office of the Director of  
8 National Intelligence; or”.

## 9 **Subtitle B—Central Intelligence** 10 **Agency**

### 11 **SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CEN-** 12 **TRAL INTELLIGENCE AGENCY.**

13 (a) ESTABLISHMENT OF POSITION OF DEPUTY DI-  
14 RECTOR OF CENTRAL INTELLIGENCE AGENCY.—Sub-  
15 section (a) of section 104A of the National Security Act  
16 of 1947 (50 U.S.C. 403–4a) is amended—

17 (1) by redesignating subsections (b), (c), (d),  
18 (e), (f), and (g) as subsections (d), (e), (f), (g), (h),  
19 and (i) respectively; and

20 (2) by inserting after subsection (a) the fol-  
21 lowing new subsections (b) and (c):

22 “(b) DEPUTY DIRECTOR OF CENTRAL INTEL-  
23 LIGENCE AGENCY.—(1) There is a Deputy Director of the  
24 Central Intelligence Agency who shall be appointed by the



1 President, by and with the advice and consent of the Sen-  
2 ate.

3 “(2) The Deputy Director of the Central Intelligence  
4 Agency shall assist the Director of the Central Intelligence  
5 Agency in carrying out the duties and responsibilities of  
6 the Director.

7 “(3) The Deputy Director of the Central Intelligence  
8 Agency shall act for, and exercise the powers of, the Direc-  
9 tor of the Central Intelligence Agency during the absence  
10 or disability of the Director of the Central Intelligence  
11 Agency or during a vacancy in the position of Director  
12 of the Central Intelligence Agency.

13 “(c) MILITARY STATUS OF DIRECTOR OF THE CEN-  
14 TRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF  
15 CENTRAL INTELLIGENCE AGENCY.—(1) Not more than  
16 one of the individuals serving in the positions specified in  
17 subsection (a) and (b) may be a commissioned officer of  
18 the Armed Forces in active status.

19 “(2) A commissioned officer of the Armed Forces who  
20 is serving as the Director or Deputy Director of the Cen-  
21 tral Intelligence Agency or is engaged in administrative  
22 performance of the duties of Director or Deputy Director  
23 of the Central Intelligence Agency shall not, while con-  
24 tinuing in such service, or in the administrative perform-  
25 ance of such duties—

1           “(A) be subject to supervision or control by the  
2       Secretary of Defense or by any officer or employee  
3       of the Department of Defense; or

4           “(B) exercise, by reason of the officer’s status  
5       as a commissioned officer, any supervision or control  
6       with respect to any of the military or civilian per-  
7       sonnel of the Department of Defense except as oth-  
8       erwise authorized by law.

9       “(3) Except as provided in subparagraph (A) or (B)  
10     of paragraph (2), the service, or the administrative per-  
11     formance of duties, described in that paragraph by an offi-  
12     cer described in that paragraph shall not affect the status,  
13     position, rank, or grade of such officer in the Armed  
14     Forces, or any emolument, perquisite, right, privilege, or  
15     benefit incident to or arising out of such status, position,  
16     rank, or grade.

17       “(4) A commissioned officer described in paragraph  
18     (2), while serving, or continuing in the administrative per-  
19     formance of duties, as described in that paragraph and  
20     while remaining on active duty, shall continue to receive  
21     military pay and allowances. Funds from which such pay  
22     and allowances are paid shall be reimbursed from funds  
23     available to the Director of the Central Intelligence Agen-  
24     cy.”.

1 (b) CONFORMING AMENDMENT.—Paragraph (2) of  
2 subsection (e) of such section, as redesignated by sub-  
3 section (a)(1) of this section, is further amended by strik-  
4 ing “subsection (d)” and inserting “subsection (f)”.

5 (c) EXECUTIVE SCHEDULE LEVEL III.—Section  
6 5314 of title 5, United States Code, is amended by adding  
7 at the end the following new item:

8 “Deputy Director of the Central Intelligence  
9 Agency.”.

10 (d) ROLE OF DNI IN APPOINTMENT.—Section  
11 106(b)(2) of the National Security Act of 1947 (50 U.S.C.  
12 403–6(b)(2)) is amended by adding at the end the fol-  
13 lowing new subparagraph:

14 “(J) The Deputy Director of the Central Intel-  
15 ligence Agency.”.

16 (e) EFFECTIVE DATE AND APPLICABILITY.—The  
17 amendments made by this section shall take effect on the  
18 date of the enactment of this Act and shall apply upon  
19 the earlier of—

20 (1) the date of the nomination by the President  
21 of an individual to serve as Deputy Director of the  
22 Central Intelligence Agency, except that the indi-  
23 vidual administratively performing the duties of the  
24 Deputy Director of the Central Intelligence Agency  
25 as of the date of the enactment of this Act may con-

1       tinue to perform such duties after such date of nom-  
 2       ination and until the individual appointed to the po-  
 3       sition of Deputy Director of the Central Intelligence  
 4       Agency, by and with the advice and consent of the  
 5       Senate, assumes the duties of such position; or

6               (2) the date of the cessation of the performance  
 7       of the duties of Deputy Director of the Central In-  
 8       telligence Agency by the individual administratively  
 9       performing such duties as of the date of the enact-  
 10      ment of this Act.

11 **SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CEN-**  
 12 **TRAL INTELLIGENCE AGENCY OF REQUIRE-**  
 13 **MENT FOR ANNUAL REPORT ON PROGRESS**  
 14 **IN AUDITABLE FINANCIAL STATEMENTS.**

15       Section 114A of the National Security Act of 1947  
 16 (50 U.S.C. 404i-1) is amended by striking “the Director  
 17 of the Central Intelligence Agency,”.

18 **SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**  
 19 **PROTECTIVE PERSONNEL OF THE CENTRAL**  
 20 **INTELLIGENCE AGENCY.**

21       Section 5(a)(4) of the Central Intelligence Agency  
 22 Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

23               (1) by inserting “(A)” after “(4)”;

24               (2) in subparagraph (A), as so designated—

1 (A) by striking “and the protection” and  
2 inserting “the protection”; and

3 (B) by striking the semicolon and inserting  
4 “, and the protection of the Director of Na-  
5 tional Intelligence and such personnel of the Of-  
6 fice of the Director of National Intelligence as  
7 the Director of National Intelligence may des-  
8 ignate; and”; and

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

11 “(B) Authorize personnel engaged in the per-  
12 formance of protective functions authorized pursuant  
13 to subparagraph (A), when engaged in the perform-  
14 ance of such functions, to make arrests without war-  
15 rant for any offense against the United States com-  
16 mitted in the presence of such personnel, or for any  
17 felony cognizable under the laws of the United  
18 States, if such personnel have reasonable grounds to  
19 believe that the person to be arrested has committed  
20 or is committing such felony, except that any au-  
21 thority pursuant to this subparagraph may be exer-  
22 cised only in accordance with guidelines approved by  
23 the Director and the Attorney General and such per-  
24 sonnel may not exercise any authority for the service

1 of civil process or for the investigation of criminal  
2 offenses;”.

3 **SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES**  
4 **OF CERTAIN CENTRAL INTELLIGENCE AGEN-**  
5 **CY POSITIONS.**

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

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

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

14 (3) in subclause (IV), by striking “Deputy Di-  
15 rector for Administration” and inserting “Director  
16 for Support”.

17 **SEC. 425. AVAILABILITY OF THE EXECUTIVE SUMMARY OF**  
18 **THE REPORT ON CENTRAL INTELLIGENCE**  
19 **AGENCY ACCOUNTABILITY REGARDING THE**  
20 **TERRORIST ATTACKS OF SEPTEMBER 11,**  
21 **2001.**

22 (a) PUBLIC AVAILABILITY.—Not later than Sep-  
23 tember 1, 2007, the Director of the Central Intelligence  
24 Agency shall prepare and make available to the public a  
25 version of the Executive Summary of the report entitled

1 the “Office of Inspector General Report on Central Intel-  
2 ligence Agency Accountability Regarding Findings and  
3 Conclusions of the Joint Inquiry into Intelligence Commu-  
4 nity Activities Before and After the Terrorist Attacks of  
5 September 11, 2001” issued in June 2005 that is declas-  
6 sified to the maximum extent possible, consistent with na-  
7 tional security.

8 (b) REPORT TO CONGRESS.—The Director of the  
9 Central Intelligence Agency shall submit to Congress a  
10 classified annex to the redacted Executive Summary made  
11 available under subsection (a) that explains the reason  
12 that any redacted material in the Executive Summary was  
13 withheld from the public.

14 **SEC. 426. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**  
15 **ON RETIREMENT BENEFITS FOR FORMER EM-**  
16 **PLOYEES OF AIR AMERICA.**

17 (a) IN GENERAL.—Not later than 120 days after the  
18 date of the enactment of this Act, the Director of National  
19 Intelligence shall submit to Congress a report on the ad-  
20 visability of providing Federal retirement benefits to  
21 United States citizens for the service of such individuals  
22 before 1977 as employees of Air America or an associated  
23 company while such company was owned or controlled by  
24 the United States Government and operated or managed  
25 by the Central Intelligence Agency.

1 (b) REPORT ELEMENTS.—(1) The report required by  
2 subsection (a) shall include the following:

3 (A) The history of Air America and associated  
4 companies before 1977, including a description of—

5 (i) the relationship between such compa-  
6 nies and the Central Intelligence Agency and  
7 other elements of the United States Govern-  
8 ment;

9 (ii) the workforce of such companies;

10 (iii) the missions performed by such com-  
11 panies and their employees for the United  
12 States; and

13 (iv) the casualties suffered by employees of  
14 such companies in the course of their employ-  
15 ment with such companies.

16 (B) A description of the retirement benefits  
17 contracted for or promised to the employees of such  
18 companies before 1977, the contributions made by  
19 such employees for such benefits, the retirement  
20 benefits actually paid such employees, the entitle-  
21 ment of such employees to the payment of future re-  
22 tirement benefits, and the likelihood that former em-  
23 ployees of such companies will receive any future re-  
24 tirement benefits.

25 (C) An assessment of the difference between—



1 (i) the retirement benefits that former em-  
2 ployees of such companies have received or will  
3 receive by virtue of their employment with such  
4 companies; and

5 (ii) the retirement benefits that such em-  
6 ployees would have received and in the future  
7 receive if such employees had been, or would  
8 now be, treated as employees of the United  
9 States whose services while in the employ of  
10 such companies had been or would now be cred-  
11 ited as Federal service for the purpose of Fed-  
12 eral retirement benefits.

13 (D) Any recommendations regarding the advis-  
14 ability of legislative action to treat employment at  
15 such companies as Federal service for the purpose of  
16 Federal retirement benefits in light of the relation-  
17 ship between such companies and the United States  
18 Government and the services and sacrifices of such  
19 employees to and for the United States, and if legis-  
20 lative action is considered advisable, a proposal for  
21 such action and an assessment of its costs.

22 (2) The Director of National Intelligence shall in-  
23 clude in the report any views of the Director of the Central  
24 Intelligence Agency on the matters covered by the report

1 that the Director of the Central Intelligence Agency con-  
2 siderers appropriate.

3 (c) ASSISTANCE OF COMPTROLLER GENERAL.—The  
4 Comptroller General of the United States shall, upon the  
5 request of the Director of National Intelligence and in a  
6 manner consistent with the protection of classified infor-  
7 mation, assist the Director in the preparation of the report  
8 required by subsection (a).

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

12 (e) DEFINITIONS.—In this section:

13 (1) The term “Air America” means Air Amer-  
14 ica, Incorporated.

15 (2) The term “associated company” means any  
16 company associated with or subsidiary to Air Amer-  
17 ica, including Air Asia Company Limited and the  
18 Pacific Division of Southern Air Transport, Incor-  
19 porated.

## 20 **Subtitle C—Defense Intelligence** 21 **Components**

### 22 **SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGEN-** 23 **CY TRAINING PROGRAM.**

24 (a) TERMINATION OF EMPLOYEES.—Subsection  
25 (d)(1)(C) of section 16 of the National Security Agency

1 Act of 1959 (50 U.S.C. 402 note) is amended by striking  
 2 “terminated either by” and all that follows and inserting  
 3 “terminated—

4 “(i) by the Agency due to misconduct by  
 5 the employee;

6 “(ii) by the employee voluntarily; or

7 “(iii) by the Agency for the failure of the  
 8 employee to maintain such level of academic  
 9 standing in the educational course of training  
 10 as the Director of the National Security Agency  
 11 shall have specified in the agreement of the em-  
 12 ployee under this subsection; and”.

13 (b) AUTHORITY TO WITHHOLD DISCLOSURE OF AF-  
 14 FILIATION WITH NSA.—Subsection (e) of such section is  
 15 amended by striking “(1) When an employee” and all that  
 16 follows through “(2) Agency efforts” and inserting “Agen-  
 17 cy efforts”.

18 **SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL**  
 19 **SECURITY AGENCY PROTECTIVE PER-**  
 20 **SONNEL.**

21 The National Security Agency Act of 1959 (50  
 22 U.S.C. 402 note) is amended by adding at the end the  
 23 following new section:

24 “SEC. 21. (a) The Director is authorized to designate  
 25 personnel of the Agency to perform protective functions

1 for the Director and for any personnel of the Agency des-  
2 ignated by the Director.

3 “(b)(1) In the performance of protective functions  
4 under this section, personnel of the Agency designated to  
5 perform protective functions pursuant to subsection (a)  
6 are authorized, when engaged in the performance of such  
7 functions, to make arrests without a warrant for—

8 “(A) any offense against the United States  
9 committed in the presence of such personnel; or

10 “(B) any felony cognizable under the laws of  
11 the United States if such personnel have reasonable  
12 grounds to believe that the person to be arrested has  
13 committed or is committing such felony.

14 “(2) The authority in paragraph (1) may be exercised  
15 only in accordance with guidelines approved by the Direc-  
16 tor and the Attorney General.

17 “(3) Personnel of the Agency designated to perform  
18 protective functions pursuant to subsection (a) shall not  
19 exercise any authority for the service of civil process or  
20 the investigation of criminal offenses.

21 “(c) Nothing in this section shall be construed to im-  
22 pair or otherwise affect any authority under any other pro-  
23 vision of law relating to the performance of protective  
24 functions.”.

1 **SEC. 433. INSPECTOR GENERAL MATTERS.**

2 (a) COVERAGE UNDER INSPECTOR GENERAL ACT OF  
3 1978.—Subsection (a)(2) of section 8G of the Inspector  
4 General Act of 1978 (5 U.S.C. App. 8G) is amended—

5 (1) by inserting “the Defense Intelligence Agen-  
6 cy,” after “the Corporation for Public Broad-  
7 casting,”;

8 (2) by inserting “the National Geospatial-Intel-  
9 ligence Agency,” after “the National Endowment for  
10 the Arts,”; and

11 (3) by inserting “the National Reconnaissance  
12 Office, the National Security Agency,” after “the  
13 National Labor Relations Board,”.

14 (b) CERTAIN DESIGNATIONS UNDER INSPECTOR  
15 GENERAL ACT OF 1978.—Subsection (a) of section 8H  
16 of the Inspector General Act of 1978 (5 U.S.C. App. 8H)  
17 is amended by adding at the end the following new para-  
18 graph:

19 “(3) The Inspectors General of the Defense Intel-  
20 ligence Agency, the National Geospatial-Intelligence Agen-  
21 cy, the National Reconnaissance Office, and the National  
22 Security Agency shall be designees of the Inspector Gen-  
23 eral of the Department of Defense for purposes of this  
24 section.”.

25 (c) POWER OF HEADS OF ELEMENTS OVER INVES-  
26 TIGATIONS.—Subsection (d) of section 8G of that Act—

1           (1) by inserting “(1)” after “(d)”;

2           (2) in the second sentence of paragraph (1), as  
3       designated by paragraph (1) of this subsection, by  
4       striking “The head” and inserting “Except as pro-  
5       vided in paragraph (2), the head”; and

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

8       “(2)(A) The Director of National Intelligence or the  
9       Secretary of Defense may prohibit the Inspector General  
10      of an element of the intelligence community specified in  
11      subparagraph (D) from initiating, carrying out, or com-  
12      pleting any audit or investigation if the Director or the  
13      Secretary, as the case may be, determines that the prohibi-  
14      tion is necessary to protect vital national security interests  
15      of the United States.

16       “(B) If the Director or the Secretary exercises the  
17      authority under subparagraph (A), the Director or the  
18      Secretary, as the case may be, shall submit to the commit-  
19      tees of Congress specified in subparagraph (E) an appro-  
20      priately classified statement of the reasons for the exercise  
21      of the authority not later than seven days after the exer-  
22      cise of the authority.

23       “(C) At the same time the Director or the Secretary  
24      submits under subparagraph (B) a statement on the exer-  
25      cise of the authority in subparagraph (A) to the commit-

tees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

“(D) The elements of the intelligence community specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agency.

“(iii) The National Reconnaissance Office.

“(iv) The National Security Agency.

“(E) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”.

1 **SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF**  
2 **CERTAIN COMPONENTS OF THE INTEL-**  
3 **LIGENCE COMMUNITY.**

4 (a) DIRECTOR OF NATIONAL SECURITY AGENCY.—  
5 The National Security Agency Act of 1959 (50 U.S.C. 402  
6 note) is amended by inserting after the first section the  
7 following new section:

8 “SEC. 2. (a) There is a Director of the National Secu-  
9 rity Agency.

10 “(b) The Director of the National Security Agency  
11 shall be appointed by the President, by and with the advice  
12 and consent of the Senate.

13 “(c) The Director of the National Security Agency  
14 shall be the head of the National Security Agency and  
15 shall discharge such functions and duties as are provided  
16 by this Act or otherwise by law.”.

17 (b) DIRECTOR OF NATIONAL GEOSPATIAL-INTEL-  
18 LIGENCE AGENCY.—Section 441(b) of title 10, United  
19 States Code, is amended—

20 (1) by redesignating paragraphs (2) and (3) as  
21 paragraphs (3) and (4), respectively; and

22 (2) by inserting after paragraph (1) the fol-  
23 lowing new paragraph (2):

24 “(2) The Director of the National Geospatial Intel-  
25 ligence Agency shall be appointed by the President, by and  
26 with the advice and consent of the Senate.”.



1       (c) DIRECTOR OF NATIONAL RECONNAISSANCE OF-  
 2 FICE.—The Director of the National Reconnaissance Of-  
 3 fice shall be appointed by the President, by and with the  
 4 advice and consent of the Senate.

5       (d) POSITIONS OF IMPORTANCE AND RESPONSI-  
 6 BILITY.—

7           (1) DESIGNATION OF POSITIONS.—The Presi-  
 8 dent may designate any of the positions referred to  
 9 in paragraph (2) as positions of importance and re-  
 10 sponsibility under section 601 of title 10, United  
 11 States Code.

12           (2) COVERED POSITIONS.—The positions re-  
 13 ferred to in this paragraph are as follows:

14               (A) The Director of the National Security  
 15 Agency.

16               (B) The Director of the National  
 17 Geospatial-Intelligence Agency.

18               (C) The Director of the National Recon-  
 19 naissance Office.

20       (e) EFFECTIVE DATE AND APPLICABILITY.—

21           (1) IN GENERAL.—The amendments made by  
 22 subsections (a) and (b), and subsection (c), shall  
 23 take effect on the date of the enactment of this Act  
 24 and shall apply upon the earlier of—

1 (A) the date of the nomination by the  
 2 President of an individual to serve in the posi-  
 3 tion concerned, except that the individual serv-  
 4 ing in such position as of the date of the enact-  
 5 ment of this Act may continue to perform such  
 6 duties after such date of nomination and until  
 7 the individual appointed to such position, by  
 8 and with the advice and consent of the Senate,  
 9 assumes the duties of such position; or

10 (B) the date of the cessation of the per-  
 11 formance of the duties of such position by the  
 12 individual performing such duties as of the date  
 13 of the enactment of this Act.

14 (2) POSITIONS OF IMPORTANCE AND RESPONSI-  
 15 BILITY.—Subsection (d) shall take effect on the date  
 16 of the enactment of this Act.

17 **SEC. 435. CLARIFICATION OF NATIONAL SECURITY MIS-**  
 18 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**  
 19 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**  
 20 **SEMINATION OF CERTAIN INTELLIGENCE IN-**  
 21 **FORMATION.**

22 Section 442(a) of title 10, United States Code, is  
 23 amended—

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

1           (2) by inserting after paragraph (1) the fol-  
 2           lowing new paragraph (2):

3           “(2)(A) As directed by the Director of National Intel-  
 4           ligence, the National Geospatial-Intelligence Agency shall  
 5           also develop a system to facilitate the analysis, dissemina-  
 6           tion, and incorporation of likenesses, videos, and presen-  
 7           tations produced by ground-based platforms, including  
 8           handheld or clandestine photography taken by or on behalf  
 9           of human intelligence collection organizations or available  
 10          as open-source information, into the National System for  
 11          Geospatial Intelligence.

12          “(B) The authority provided by this paragraph does  
 13          not include the authority to manage or direct the tasking  
 14          of, set requirements and priorities for, set technical re-  
 15          quirements related to, or modify any classification or dis-  
 16          semination limitations related to the collection of,  
 17          handheld or clandestine photography taken by or on behalf  
 18          of human intelligence collection organizations.”; and

19           (3) in paragraph (3), as so redesignated, by  
 20          striking “paragraph (1)” and inserting “paragraphs  
 21          (1) and (2)”.

22       **SEC. 436. SECURITY CLEARANCES IN THE NATIONAL**  
 23       **GEOSPATIAL-INTELLIGENCE AGENCY.**

24          The Secretary of Defense shall, during the period be-  
 25          ginning on the date of the enactment of this Act and end-

ing on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

## **Subtitle D—Other Elements**

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

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

(1) in subparagraph (H)—

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

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

(2) in subparagraph (K), by striking “, including the Office of Intelligence of the Coast Guard”.

1 **SEC. 442. CLARIFYING AMENDMENTS RELATING TO SEC-**  
 2 **TION 105 OF THE INTELLIGENCE AUTHORIZA-**  
 3 **TION ACT FOR FISCAL YEAR 2004.**

4 Section 105(b) of the Intelligence Authorization Act  
 5 for Fiscal Year 2004 (Public Law 108–177; 117 Stat.  
 6 2603; 31 U.S.C. 311 note) is amended—

7 (1) by striking “Director of Central Intel-  
 8 ligence” and inserting “Director of National Intel-  
 9 ligence”; and

10 (2) by inserting “or in section 313 of such  
 11 title,” after “subsection (a)),”.

12 **TITLE V—OTHER MATTERS**

13 **SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**  
 14 **CURITY ACT OF 1947.**

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

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

18 (A) in subsection (c)(7)(A), by striking  
 19 “section” and inserting “subsection”;

20 (B) in subsection (d)—

21 (i) in paragraph (3), by striking “sub-  
 22 paragraph (A)” in the matter preceding  
 23 subparagraph (A) and inserting “para-  
 24 graph (1)(A)”;

1 (ii) in paragraph (5)(A), by striking  
 2 “or personnel” in the matter preceding  
 3 clause (i); and

4 (iii) in paragraph (5)(B), by striking  
 5 “or agency involved” in the second sen-  
 6 tence and inserting “involved or the Direc-  
 7 tor of the Central Intelligence Agency (in  
 8 the case of the Central Intelligence Agen-  
 9 cy)”;

10 (C) in subsection (l)(2)(B), by striking  
 11 “section” and inserting “paragraph”; and

12 (D) in subsection (n), by inserting “AND  
 13 OTHER” after “ACQUISITION”.

14 (2) In section 119(c)(2)(B) (50 U.S.C.  
 15 404o(c)(2)(B)), by striking “subsection (h)” and in-  
 16 serting “subsection (i)”.

17 (3) In section 705(e)(2)(D)(i) (50 U.S.C.  
 18 432c(e)(2)(D)(i)), by striking “responsible” and in-  
 19 serting “responsive”.

20 **SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REF-**  
 21 **ERENCES TO JOINT MILITARY INTELLIGENCE**  
 22 **PROGRAM AND TACTICAL INTELLIGENCE**  
 23 **AND RELATED ACTIVITIES.**

24 Section 102A of the National Security Act of 1947  
 25 (50 U.S.C. 403–1) is amended—

1 (1) in subsection (c)(3)(A), by striking “annual  
 2 budgets for the Joint Military Intelligence Program  
 3 and for Tactical Intelligence and Related Activities”  
 4 and inserting “annual budget for the Military Intel-  
 5 ligence Program or any successor program or pro-  
 6 grams”; and

7 (2) in subsection (d)(1)(B), by striking “Joint  
 8 Military Intelligence Program” and inserting “Mili-  
 9 tary Intelligence Program or any successor program  
 10 or programs”.

11 **SEC. 503. TECHNICAL AMENDMENTS TO THE INTEL-**  
 12 **LIGENCE REFORM AND TERRORISM PREVEN-**  
 13 **TION ACT OF 2004.**

14 (a) AMENDMENTS TO NATIONAL SECURITY INTEL-  
 15 LIGENCE REFORM ACT OF 2004.—The National Security  
 16 Intelligence Reform Act of 2004 (title I of Public Law  
 17 108–458) is further amended as follows:

18 (1) In section 1016(e)(10)(B) (6 U.S.C.  
 19 458(e)(10)(B)), by striking “Attorney General” the  
 20 second place it appears and inserting “Department  
 21 of Justice”.

22 (2) In section 1061 (5 U.S.C. 601 note)—

23 (A) in subsection (d)(4)(A), by striking  
 24 “National Intelligence Director” and inserting  
 25 “Director of National Intelligence”; and

1 (B) in subsection (h), by striking “Na-  
 2 tional Intelligence Director” and inserting “Di-  
 3 rector of National Intelligence”.

4 (3) In section 1071(e), by striking “(1)”.

5 (4) In section 1072(b), by inserting “AGENCY”  
 6 after “INTELLIGENCE”.

7 (b) OTHER AMENDMENTS TO INTELLIGENCE RE-  
 8 FORM AND TERRORISM PREVENTION ACT OF 2004.—The  
 9 Intelligence Reform and Terrorism Prevention Act of  
 10 2004 (Public Law 108–458) is amended as follows:

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

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

14 (B) in subsection (e)(2), by striking “the  
 15 National Intelligence Director in a manner con-  
 16 sistent with section 112(e)” and inserting “the  
 17 Director of National Intelligence in a manner  
 18 consistent with applicable law”; and

19 (C) in subsection (f), by striking “shall,”  
 20 in the matter preceding paragraph (1) and in-  
 21 serting “shall”.

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

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



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

3 **SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**  
 4 **STATES CODE, ARISING FROM ENACTMENT**  
 5 **OF THE INTELLIGENCE REFORM AND TER-**  
 6 **RORISM PREVENTION ACT OF 2004.**

7 (a) REFERENCES TO HEAD OF INTELLIGENCE COM-  
 8 MUNITY.—Title 10, United States Code, is amended by  
 9 striking “Director of Central Intelligence” each place it  
 10 appears in a provision as follows and inserting “Director  
 11 of National Intelligence”:

12 (1) Section 193(d)(2).

13 (2) Section 193(e).

14 (3) Section 201(a).

15 (4) Section 201(b)(1).

16 (5) Section 201(c)(1).

17 (6) Section 425(a).

18 (7) Section 431(b)(1).

19 (8) Section 441(c).

20 (9) Section 441(d).

21 (10) Section 443(d).

22 (11) Section 2273(b)(1).

23 (12) Section 2723(a).

24 (b) CLERICAL AMENDMENTS.—Such title is further  
 25 amended by striking “DIRECTOR OF CENTRAL INTEL-

1 LIGENCE” each place it appears in a provision as follows  
2 and inserting “DIRECTOR OF NATIONAL INTELLIGENCE”:

3 (1) Section 441(c).

4 (2) Section 443(d).

5 (c) REFERENCE TO HEAD OF CENTRAL INTEL-  
6 LIGENCE AGENCY.—Section 444 of such title is amended  
7 by striking “Director of Central Intelligence” each place  
8 it appears and inserting “Director of the Central Intel-  
9 ligence Agency”.

10 **SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL IN-**  
11 **TELLIGENCE AGENCY ACT OF 1949.**

12 Section 5(a)(1) of the Central Intelligence Agency  
13 Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking  
14 “authorized under paragraphs (2) and (3) of section  
15 102(a), subsections (c)(7) and (d) of section 103, sub-  
16 sections (a) and (g) of section 104, and section 303 of  
17 the National Security Act of 1947 (50 U.S.C. 403(a)(2),  
18 (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and insert-  
19 ing “authorized under section 104A of the National Secu-  
20 rity Act of 1947 (50 U.S.C. 403–4a).”.

1 **SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE**  
2 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**  
3 **GRAM.**

4 (a) IN GENERAL.—Subsection (a) of section 1403 of  
5 the National Defense Authorization Act for Fiscal Year  
6 1991 (50 U.S.C. 404b) is amended—

7 (1) in the subsection caption, by striking “FOR-  
8 EIGN”; and

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

10 (b) RESPONSIBILITY OF DNI.—That section is fur-  
11 ther amended—

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

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

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

19 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**  
20 **GRAM.”.**

21 **SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE**  
22 **SCHEDULE.**

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

1 “Director of the Central Intelligence Agency.”.

2 (b) EXECUTIVE SCHEDULE LEVEL III.—Section  
3 5314 of title 5, United States Code, is amended by strik-  
4 ing the item relating to the Deputy Directors of Central  
5 Intelligence.

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

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

13 **SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDES-**  
14 **IGNATION OF THE NATIONAL IMAGERY AND**  
15 **MAPPING AGENCY AS THE NATIONAL**  
16 **GEOSPATIAL-INTELLIGENCE AGENCY.**

17 (a) TITLE 5, UNITED STATES CODE.—(1) Title 5,  
18 United States Code, is amended by striking “National Im-  
19 agery and Mapping Agency” each place it appears in a  
20 provision as follows and inserting “National Geospatial-  
21 Intelligence Agency”:

22 (A) Section 2302(a)(2)(C)(ii).

23 (B) Section 3132(a)(1)(B).

24 (C) Section 4301(1) (in clause (ii)).

25 (D) Section 4701(a)(1)(B).

1 (E) Section 5102(a)(1) (in clause (x)).

2 (F) Section 5342(a)(1) (in clause (K)).

3 (G) Section 6339(a)(1)(E).

4 (H) Section 7323(b)(2)(B)(i)((XIII).

5 (2) Section 6339(a)(2)(E) of such title is amended  
6 by striking “National Imagery and Mapping Agency, the  
7 Director of the National Imagery and Mapping Agency”  
8 and inserting “National Geospatial-Intelligence Agency,  
9 the Director of the National Geospatial-Intelligence Agen-  
10 cy”.

11 (b) TITLE 44, UNITED STATES CODE.—(1)(A) Sec-  
12 tion 1336 of title 44, United States Code, is amended by  
13 striking “National Imagery and Mapping Agency” both  
14 places it appears and inserting “National Geospatial-Intel-  
15 ligence Agency”.

16 (B) The heading of such section is amended to read  
17 as follows:

18 **“§ 1336. National Geospatial-Intelligence Agency: spe-**  
19 **cial publications”.**

20 (2) The table of sections at the beginning of chapter  
21 13 of such title is amended by striking the item relating  
22 to section 1336 and inserting the following new item:

“1336. National Geospatial-Intelligence Agency: special publications.”.

23 (c) HOMELAND SECURITY ACT OF 2002.—Section  
24 201(f)(2)(E) of the Homeland Security Act of 2002 (6  
25 U.S.C. 121(f)(2)(E)) is amended by striking “National

1 Imagery and Mapping Agency” and inserting “National  
2 Geospatial-Intelligence Agency”.

3 (d) INSPECTOR GENERAL ACT OF 1978.—Section 8H  
4 of the Inspector General Act of 1978 (5 U.S.C. App.) is  
5 amended by striking “National Imagery and Mapping  
6 Agency” each place it appears and inserting “National  
7 Geospatial-Intelligence Agency”.

8 (e) ETHICS IN GOVERNMENT ACT OF 1978.—Section  
9 105(a)(1) of the Ethics in Government Act of 1978 (5  
10 U.S.C. App.) is amended by striking “National Imagery  
11 and Mapping Agency” and inserting “National  
12 Geospatial-Intelligence Agency”.

13 (f) OTHER ACTS.—

14 (1) Section 7(b)(2)(A)(i) of the Employee Poly-  
15 graph Protection Act of 1988 (29 U.S.C.  
16 2006(b)(2)(A)(i)) is amended by striking “National  
17 Imagery and Mapping Agency” and inserting “Na-  
18 tional Geospatial-Intelligence Agency”.

19 (2) Section 207(a)(2)(B) of the Legislative  
20 Branch Appropriations Act, 1993 (44 U.S.C. 501  
21 note) is amended by striking “National Imagery and  
22 Mapping Agency” and inserting “National  
23 Geospatial-Intelligence Agency”.

1 **SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO**  
2 **RESPONSIBILITY OF THE DIRECTOR OF NA-**  
3 **TIONAL INTELLIGENCE AS HEAD OF THE IN-**  
4 **TELLIGENCE COMMUNITY.**

5 (a) IN GENERAL.—

6 (1) The Public Interest Declassification Act of  
7 2000 (50 U.S.C. 435 note) is amended by striking  
8 “Director of Central Intelligence” each place it ap-  
9 pears in a provision as follows and inserting “Direc-  
10 tor of National Intelligence”:

11 (A) Section 704(c)(2)(B).

12 (B) Section 706(b)(2).

13 (C) Section 706(e)(2)(B).

14 (2) Section 705(c) of such Act is amended by  
15 striking “the Director of Central Intelligence, as  
16 head of the intelligence community,” and inserting  
17 “the Director of National Intelligence”.

18 (b) CONFORMING AMENDMENT.—The heading of sec-  
19 tion 705(c) of such Act is amended by striking “DIREC-  
20 TOR OF CENTRAL INTELLIGENCE” and inserting “DIREC-  
21 TOR OF NATIONAL INTELLIGENCE”.

**Calendar No. 222**

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1538**

[Report No. 110-75]  
[Report No. 110-92]

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**A BILL**

To authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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JUNE 26, 2007

Reported with amendments