

112TH CONGRESS
1ST SESSION

H. R. 754

AN ACT

To authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.

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

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

Sec. 304. Intelligence officer training program.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

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

Sec. 402. Insider threat detection program.

Sec. 403. Inspector General report recruitment and retention of racial and eth-
nic minorities.

Sec. 404. Report on potential consolidation of elements of the intelligence com-
munity.

Subtitle B—Other Elements

Sec. 411. Defense Intelligence Agency counterintelligence and expenditures.

TITLE V—OTHER MATTERS

Sec. 501. Sense of Congress regarding the priority of railway transportation security.

TITLE VI—HONORING THE MEMBERS OF THE INTELLIGENCE COMMUNITY FOR THEIR ROLE IN THE MISSION THAT KILLED OSAMA BIN LADEN ON MAY 1, 2011

Sec. 601. Honoring the members of the intelligence community for their role in the mission that killed Osama bin Laden on May 1, 2011.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

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

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

3 (2) The Central Intelligence Agency.

4 (3) The Department of Defense.

5 (4) The Defense Intelligence Agency.

6 (5) The National Security Agency.

7 (6) The Department of the Army, the Depart-
8 ment of the Navy, and the Department of the Air
9 Force.

10 (7) The Coast Guard.

11 (8) The Department of State.

12 (9) The Department of the Treasury.

13 (10) The Department of Energy.

14 (11) The Department of Justice.

15 (12) The Federal Bureau of Investigation.

16 (13) The Drug Enforcement Administration.

17 (14) The National Reconnaissance Office.

18 (15) The National Geospatial-Intelligence
19 Agency.

20 (16) The Department of Homeland Security.

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

22 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
23 LEVELS.—The amounts authorized to be appropriated
24 under section 101 and the authorized personnel levels (ex-
25 pressed as full-time equivalent positions) as of September

1 30, 2011, for the conduct of the intelligence activities of
2 the elements listed in paragraphs (1) through (16) of sec-
3 tion 101, are those specified in the classified Schedule of
4 Authorizations prepared to accompany the bill H.R. 754
5 of the One Hundred Twelfth Congress.

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

14 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
15 **COUNT.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated for the Intelligence Commu-
18 nity Management Account of the Director of National In-
19 telligence for fiscal year 2011 the sum of \$660,732,000.
20 Within such amount, funds identified in the classified
21 Schedule of Authorizations referred to in section 102(a)
22 for advanced research and development shall remain avail-
23 able until September 30, 2012.

24 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
25 ments within the Intelligence Community Management

1 Account of the Director of National Intelligence are au-
2 thorized 787 full-time equivalent personnel as of Sep-
3 tember 30, 2011. Personnel serving in such elements may
4 be permanent employees of the Office of the Director of
5 National Intelligence or personnel detailed from other ele-
6 ments of the United States Government.

7 (c) CLASSIFIED AUTHORIZATIONS.—

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

19 (2) AUTHORIZATION OF PERSONNEL.—In addi-
20 tion to the personnel authorized by subsection (b)
21 for elements of the Intelligence Community Manage-
22 ment Account as of September 30, 2011, there are
23 authorized such full-time equivalent personnel for
24 the Community Management Account as of that

1 date as are specified in the classified Schedule of
2 Authorizations referred to in section 102(a).

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

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

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

11 **TITLE III—GENERAL INTEL-**
12 **LIGENCE COMMUNITY MAT-**
13 **TERS**

14 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
15 **ACTIVITIES.**

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

20 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
21 **BENEFITS AUTHORIZED BY LAW.**

22 Appropriations authorized by this Act for salary, pay,
23 retirement, and other benefits for Federal employees may
24 be increased by such additional or supplemental amounts

1 as may be necessary for increases in such compensation
2 or benefits authorized by law.

3 **SEC. 303. NON-REIMBURSABLE DETAIL OF OTHER PER-**
4 **SONNEL.**

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

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

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

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

1 **SEC. 304. INTELLIGENCE OFFICER TRAINING PROGRAM.**

2 Section 1024 of the National Security Act of 1947
3 (50 U.S.C. 441p) is amended—

4 (1) in subsection (a)(1), by striking “subsection
5 (b)” and inserting “subsections (b) and (c)”;

6 (2) by redesignating subsections (c) through (f)
7 as subsections (d) through (g), respectively;

8 (3) by inserting after subsection (b), the fol-
9 lowing:

10 “(c) GRANT PROGRAM FOR HISTORICALLY BLACK
11 COLLEGES AND UNIVERSITIES.—(1) The Director may
12 provide grants to historically black colleges and univer-
13 sities to provide programs of study in educational dis-
14 ciplines identified under subsection (a)(2) or described in
15 paragraph (2).

16 “(2) A grant provided under paragraph (1) may be
17 used to provide programs of study in the following edu-
18 cational disciplines:

19 “(A) Intermediate and advanced foreign lan-
20 guages deemed in the immediate interest of the in-
21 telligence community, including Farsi, Pashto, Mid-
22 dle Eastern, African, and South Asian dialects.

23 “(B) Study abroad programs and cultural im-
24 mersion programs.”; and

25 (4) in paragraph (g) (as so redesignated)—

1 (A) by redesignating paragraph (2) as
2 paragraph (3);

3 (B) by inserting after paragraph (1), the
4 following:

5 “(2) HISTORICALLY BLACK COLLEGE AND UNI-
6 VERSITY.—The term ‘historically black college and
7 university’ has the meaning given the term ‘part B
8 institution’ in section 322 of the Higher Education
9 Act of 1965 (20 U.S.C. 1061).”; and

10 (C) by adding at the end the following:

11 “(4) STUDY ABROAD PROGRAM.—The term
12 ‘study abroad program’ means a program of study
13 that—

14 “(A) takes places outside the geographical
15 boundaries of the United States;

16 “(B) focuses on areas of the world that are
17 critical to the national security interests of the
18 United States and are generally underrep-
19 resented in study abroad programs at institu-
20 tions of higher education, including Africa,
21 Asia, Central and Eastern Europe, Eurasia,
22 Latin America, and the Middle East; and

23 “(C) is a credit or noncredit program.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 403. INSPECTOR GENERAL REPORT RECRUITMENT**
2 **AND RETENTION OF RACIAL AND ETHNIC MI-**
3 **NORITIES.**

4 (a) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Inspector General of the
6 Intelligence Community shall submit to Congress a report
7 on the degree to which racial and ethnic minorities in the
8 United States are employed in professional positions in the
9 intelligence community and barriers to the recruitment
10 and retention of additional racial and ethnic minorities in
11 such positions.

12 (b) FORM.—The report required under subsection (a)
13 shall be submitted in unclassified form, but may include
14 a classified annex.

15 **SEC. 404. REPORT ON POTENTIAL CONSOLIDATION OF ELE-**
16 **MENTS OF THE INTELLIGENCE COMMUNITY.**

17 Not later than December 31, 2011, the Director of
18 National Intelligence shall submit to congress a report
19 containing any recommendations the Director considers
20 appropriate for consolidating elements of the intelligence
21 community.

22 **Subtitle B—Other Elements**

23 **SEC. 411. DEFENSE INTELLIGENCE AGENCY COUNTER-**
24 **INTELLIGENCE AND EXPENDITURES.**

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

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

3 (2) by redesignating subsection (c) as sub-
4 section (d); and

5 (3) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) EXPENDITURE OF FUNDS BY THE DEFENSE IN-
8 TELLIGENCE AGENCY.—(1) Subject to paragraphs (2)
9 and (3), the Director of the Defense Intelligence Agency
10 may expend amounts made available to the Director under
11 the National Intelligence Program for human intelligence
12 and counterintelligence activities for objects of a confiden-
13 tial, extraordinary, or emergency nature, without regard
14 to the provisions of law or regulation relating to the ex-
15 penditure of Government funds.

16 “(2) The Director of the Defense Intelligence Agency
17 may not expend more than five percent of the amounts
18 made available to the Director under the National Intel-
19 ligence Program for human intelligence and counterintel-
20 ligence activities for a fiscal year for objects of a confiden-
21 tial, extraordinary, or emergency nature in accordance
22 with paragraph (1) during such fiscal year unless—

23 “(A) the Director notifies the congressional in-
24 telligence committees of the intent to expend the
25 amounts; and

1 “(B) 30 days have elapsed from the date on
2 which the Director notifies the congressional intel-
3 ligence committees in accordance with subparagraph
4 (A).

5 “(3) For each expenditure referred to in paragraph
6 (1), the Director shall certify that such expenditure was
7 made for an object of a confidential, extraordinary, or
8 emergency nature.

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

14 **TITLE V—OTHER MATTERS**

15 **SEC. 501. SENSE OF CONGRESS REGARDING THE PRIORITY** 16 **OF RAILWAY TRANSPORTATION SECURITY.**

17 It is the sense of Congress that—

18 (1) railway transportation (including subway
19 transit) should be prioritized in the development of
20 transportation security plans by the intelligence
21 community; and

22 (2) railway transportation security (including
23 subway transit security) should be included in trans-
24 portation security budgets of the intelligence com-
25 munity.

1 **TITLE VI—HONORING THE MEM-**
2 **BERS OF THE INTELLIGENCE**
3 **COMMUNITY FOR THEIR**
4 **ROLE IN THE MISSION THAT**
5 **KILLED OSAMA BIN LADEN**
6 **ON MAY 1, 2011**

7 **SEC. 601. HONORING THE MEMBERS OF THE INTEL-**
8 **LIGENCE COMMUNITY FOR THEIR ROLE IN**
9 **THE MISSION THAT KILLED OSAMA BIN**
10 **LADEN ON MAY 1, 2011.**

11 Congress—

12 (1) commends the men and women of the intel-
13 ligence community for the tremendous commitment,
14 perseverance, professionalism, and sacrifice they dis-
15 played in bringing Osama bin Laden to justice;

16 (2) commends the men and women of the intel-
17 ligence community for committing themselves to de-
18 feating, disrupting, and dismantling al Qaeda; and

19 (3) reaffirms its commitment to using the capa-
20 bilities and skills of the intelligence community to—

21 (A) disrupt, dismantle, and defeat al
22 Qaeda and affiliated organizations around the
23 world that threaten the national security of the
24 United States;

- 1 (B) eliminate safe havens for terrorists in
- 2 Afghanistan and Pakistan; and
- 3 (C) bring terrorists to justice.

Passed the House of Representatives May 13, 2011.

Attest:

Clerk.

112TH CONGRESS
1ST SESSION

H. R. 754

AN ACT

To authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.