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.

IN THE HOUSE OF REPRESENTATIVES
FEBRUARY 17, 2011
Mr. ROGERS of Michigan introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

MAY 3, 2011
Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 17, 2011]
A BILL

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Int-
elligence Authorization Act for Fiscal Year 2011”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Non-reimbursable detail of other personnel.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Schedule and requirements for the National Counterintelligence Strat-
egy.
Sec. 402. Insider threat detection program.

Subtitle B—Other Elements

Sec. 411. Defense Intelligence Agency counterintelligence and expenditures.
Sec. 412. Accounts and transfer authority for appropriations and other amounts
for the intelligence elements of the Department of Defense.

SEC. 2. DEFINITIONS.

In this Act:
(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

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

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

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

**TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

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

Funds are hereby authorized to be appropriated for fiscal year 2011 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.

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

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.


(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.


SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Levels.—The amounts authorized to be appropriated under section 101 and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2011, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 754 of the One Hundred Twelfth Congress.
(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2011 the sum of $660,732,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2012.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 787 full-time equivalent personnel as of September 30, 2011. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence.
or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2011 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts made available for advanced research and development shall remain available until September 30, 2012.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2011, there are authorized such full-time equivalent personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).
TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2011 the sum of $292,000,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

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

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.
SEC. 303. NON-REIMBURSABLE DETAIL OF OTHER PERSONNEL.

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

“NON-REIMBURSABLE DETAIL OF OTHER PERSONNEL

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

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

“Sec. 113A. Non-reimbursable detail of other personnel.”.
TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. SCHEDULE AND REQUIREMENTS FOR THE NATIONAL COUNTERINTELLIGENCE STRATEGY.

Section 904(d)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(d)(2)) is amended—

(1) by striking “Subject” and inserting the following:

“(A) Requirement to produce.—Subject”;

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

(3) by adding at the end the following:

“(B) Revision and requirement.—The National Counterintelligence Strategy shall be revised or updated at least once every three years and shall be aligned with the strategy and policies of the Director of National Intelligence.”.

SEC. 402. INSIDER THREAT DETECTION PROGRAM.

(a) Initial Operating Capability.—Not later than October 1, 2012, the Director of National Intelligence shall establish an initial operating capability for an effective automated insider threat detection program for the infor-
information resources in each element of the intelligence community in order to detect unauthorized access to, or use or transmission of, classified intelligence.

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

(c) **REPORT.**—Not later than December 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the resources required to implement the insider threat detection program referred to in subsection (a) and any other issues related to such implementation the Director considers appropriate to include in the report.

(d) **INFORMATION RESOURCES DEFINED.**—In this section, the term “information resources” means networks, systems, workstations, servers, routers, applications, databases, websites, online collaboration environments, and any other information resources in an element of the intelligence community designated by the Director of National Intelligence.

**Subtitle B—Other Elements**

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

Section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended—
(1) in subsection (b)(5), by inserting “and counterintelligence” after “human intelligence”; 

(2) by redesignating subsection (c) as subsection (d); and 

(3) by inserting after subsection (b) the following:  

“(c) EXPENDITURE OF FUNDS BY THE DEFENSE INTELLIGENCE AGENCY.—(1) Subject to paragraphs (2) and (3), the Director of the Defense Intelligence Agency may expend amounts made available to the Director for human intelligence and counterintelligence activities for objects of a confidential, extraordinary, or emergency nature, without regard to the provisions of law or regulation relating to the expenditure of Government funds.

“(2) The Director of the Defense Intelligence Agency may not expend more than five percent of the amounts made available to the Director for human intelligence and counterintelligence activities for a fiscal year for objects of a confidential, extraordinary, or emergency nature in accordance with paragraph (1) during such fiscal year unless—

“(A) the Director notifies the congressional intelligence committees of the intent to expend the amounts; and
“(B) 30 days have elapsed from the date on which the Director notifies the congressional intelligence committees in accordance with subparagraph (A).

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

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

SEC. 412. ACCOUNTS AND TRANSFER AUTHORITY FOR APPROPRIATIONS AND OTHER AMOUNTS FOR THE INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) In General.—Chapter 21 of title 10, United States Code, is amended by inserting after section 428 the following new section:

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

“(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.—The Secretary of the Treasury shall establish one or more accounts for the receipt of appro-
appropriations and other amounts transferred pursuant to subsection (b).

“(b) Transfers Authorized.—(1) There may be transferred to an account established pursuant to subsection (a) the following:

“(A) Appropriations transferred by the Secretary of Defense from appropriations of the Department of Defense available for intelligence, intelligence-related activities, and intelligence-related communications.

“(B) Appropriations and other amounts transferred by the Director of National Intelligence from appropriations and other amounts available for the defense intelligence elements.

“(C) Amounts and reimbursements in connection with transactions authorized by law between the defense intelligence elements and other entities.

“(2) The transfer authority of the Secretary of Defense under paragraph (1)(A) is in addition to any other transfer authority available to the Secretary by law.

“(c) Availability of Appropriations and Amounts Transferred.—(1) Appropriations transferred pursuant to subsection (b) shall remain available for the same time period, and shall be available for the same purposes, as the appropriations from which transferred.
“(2) Appropriation balances in an account established pursuant to subsection (a) may be transferred back to the account or accounts from which such balances originated as an appropriation refund.

“(d) DEFENSE INTELLIGENCE ELEMENTS DEFINED.—In this section, the term ‘defense intelligence elements’ means the agencies, offices, and elements of the Department of Defense that are included within the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

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

“‘429. Appropriations for defense intelligence elements: accounts for transfer; transfer.’.”
A BILL

[Report No. 112–72]

H. R. 754

Union Calendar No. 38

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