

Calendar No. 712

108TH CONGRESS
2D SESSION**S. 2840**

To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2004

Ms. COLLINS from the Committee on Governmental Affairs, reported the following original bill; which was read twice and placed on the calendar

A BILL

To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, 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 “National Intelligence Reform Act of 2004”.

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

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

TITLE I—NATIONAL INTELLIGENCE AUTHORITY

Subtitle A—National Intelligence Authority

- Sec. 101. National Intelligence Authority.
- Sec. 102. National Intelligence Director.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

- Sec. 111. Provision of national intelligence.
- Sec. 112. Responsibilities of National Intelligence Director.
- Sec. 113. Authorities of National Intelligence Director.
- Sec. 114. Enhanced personnel management.
- Sec. 115. Security clearances.
- Sec. 116. National Intelligence Reserve Corps.
- Sec. 117. Appointment and termination of certain officials responsible for intelligence-related activities.
- Sec. 118. Reserve for Contingencies of the National Intelligence Director.

Subtitle C—Office of the National Intelligence Director

- Sec. 121. Office of the National Intelligence Director.
- Sec. 122. Deputy national intelligence directors.
- Sec. 123. National Intelligence Council.
- Sec. 124. General Counsel of the National Intelligence Authority.
- Sec. 125. Intelligence Comptroller.
- Sec. 126. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.
- Sec. 127. Privacy Officer of the National Intelligence Authority.
- Sec. 128. Chief Information Officer of the National Intelligence Authority.
- Sec. 129. Chief Human Capital Officer of the National Intelligence Authority.
- Sec. 130. Chief Financial Officer of the National Intelligence Authority.
- Sec. 131. National Counterintelligence Executive.

Subtitle D—Additional Elements of National Intelligence Authority

- Sec. 141. Inspector General of the National Intelligence Authority.
- Sec. 142. Ombudsman of the National Intelligence Authority.
- Sec. 143. National Counterterrorism Center.
- Sec. 144. National intelligence centers.

Subtitle E—Education and Training of Intelligence Community Personnel

- Sec. 151. Framework for cross-disciplinary education and training.
- Sec. 152. Intelligence Community Scholarship Program.

Subtitle F—Additional Authorities of National Intelligence Authority

- Sec. 161. Use of appropriated funds.
- Sec. 162. Acquisition and fiscal authorities.
- Sec. 163. Personnel matters.
- Sec. 164. Ethics matters.

TITLE II—OTHER IMPROVEMENTS OF INTELLIGENCE ACTIVITIES

Subtitle A—Improvements of Intelligence Activities

- Sec. 201. Availability to public of certain intelligence funding information.
- Sec. 202. Merger of Homeland Security Council into National Security Council.

- Sec. 203. Joint Intelligence Community Council.
- Sec. 204. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
- Sec. 205. Federal Bureau of Investigation Intelligence Career Service.
- Sec. 206. Information sharing.

Subtitle B—Privacy and Civil Liberties

- Sec. 211. Privacy and Civil Liberties Oversight Board.
- Sec. 212. Privacy and civil liberties officers.

Subtitle C—Independence of Intelligence Agencies

- Sec. 221. Independence of National Intelligence Director.
- Sec. 222. Independence of intelligence.
- Sec. 223. Independence of National Counterterrorism Center.
- Sec. 224. Access of congressional committees to national intelligence.
- Sec. 225. Communications with Congress.

TITLE III—MODIFICATIONS OF LAWS RELATING TO INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Conforming and Other Amendments

- Sec. 301. Restatement and modification of basic authority on the Central Intelligence Agency.
- Sec. 302. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
- Sec. 303. Other conforming amendments
- Sec. 304. Modifications of foreign intelligence and counterintelligence under National Security Act of 1947.
- Sec. 305. Elements of intelligence community under National Security Act of 1947.
- Sec. 306. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
- Sec. 307. Conforming amendment on coordination of budgets of elements of the intelligence community within the Department of Defense.
- Sec. 308. Repeal of superseded authorities.
- Sec. 309. Clerical amendments to National Security Act of 1947.
- Sec. 310. Modification of authorities relating to National Counterintelligence Executive.
- Sec. 311. Conforming amendment to Inspector General Act of 1978.
- Sec. 312. Conforming amendment relating to Chief Financial Officer of the National Intelligence Authority.

Subtitle B—Transfers and Terminations

- Sec. 321. Transfer of Office of Deputy Director of Central Intelligence for Community Management.
- Sec. 322. Transfer of National Counterterrorism Executive.
- Sec. 323. Transfer of Terrorist Threat Integration Center.
- Sec. 324. Termination of certain positions within the Central Intelligence Agency.

Subtitle C—Other Transition Matters

- Sec. 331. Executive Schedule matters.
- Sec. 332. Preservation of intelligence capabilities.

Sec. 333. Reorganization.

Sec. 334. National Intelligence Director report on implementation of intelligence community reform.

Sec. 335. Comptroller General reports on implementation of intelligence community reform.

Sec. 336. General references.

Subtitle D—Effective Date

Sec. 341. Effective date.

Subtitle E—Other Matters

Sec. 351. Severability.

Sec. 352. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “intelligence” includes foreign in-
4 telligence and counterintelligence.

5 (2) The term “foreign intelligence” means in-
6 formation relating to the capabilities, intentions, or
7 activities of foreign governments or elements thereof,
8 foreign organizations, foreign persons, or inter-
9 national terrorists.

10 (3) The term “counterintelligence” means infor-
11 mation gathered, and activities conducted, to protect
12 against espionage, other intelligence activities, sabo-
13 tage, or assassinations conducted by or on behalf of
14 foreign governments or elements thereof, foreign or-
15 ganizations, foreign persons, or international terror-
16 ists.

17 (4) The term “intelligence community” includes
18 the following:

19 (A) The National Intelligence Authority.

1 (B) The Central Intelligence Agency.

2 (C) The National Security Agency.

3 (D) The Defense Intelligence Agency.

4 (E) The National Geospatial-Intelligence
5 Agency.

6 (F) The National Reconnaissance Office.

7 (G) Other offices within the Department of
8 Defense for the collection of specialized national
9 intelligence through reconnaissance programs.

10 (H) The intelligence elements of the Army,
11 the Navy, the Air Force, the Marine Corps, the
12 Federal Bureau of Investigation, and the De-
13 partment of Energy.

14 (I) The Bureau of Intelligence and Re-
15 search of the Department of State.

16 (J) The Office of Intelligence and Analysis
17 of the Department of the Treasury.

18 (K) The elements of the Department of
19 Homeland Security concerned with the analysis
20 of intelligence information, including the Office
21 of Intelligence of the Coast Guard.

22 (L) Such other elements of any depart-
23 ment or agency as may be designated by the
24 President, or designated jointly by the National
25 Intelligence Director and the head of the de-

1 partment or agency concerned, as an element of
2 the intelligence community.

3 (5) The terms “national intelligence” and “in-
4 telligence related to the national security”—

5 (A) each refer to intelligence which per-
6 tains to the interests of more than one depart-
7 ment or agency of the Government; and

8 (B) do not refer to counterintelligence or
9 law enforcement activities conducted by the
10 Federal Bureau of Investigation except to the
11 extent provided for in procedures agreed to by
12 the National Intelligence Director and the At-
13 torney General, or otherwise as expressly pro-
14 vided for in this title.

15 (6) The term “National Intelligence Pro-
16 gram”—

17 (A)(i) refers to all national intelligence
18 programs, projects, and activities of the ele-
19 ments of the intelligence community;

20 (ii) includes all programs, projects, and ac-
21 tivities (whether or not pertaining to national
22 intelligence) of the National Intelligence Au-
23 thority, the Central Intelligence Agency, the
24 National Security Agency, the National
25 Geospatial-Intelligence Agency, the National

1 Reconnaissance Office, the Office of Intelligence
2 of the Federal Bureau of Investigation, and the
3 Office of Information Analysis of the Depart-
4 ment of Homeland Security; and

5 (iii) includes any other program, project,
6 or activity of a department, agency, or element
7 of the United States Government relating to
8 national intelligence unless the National Intel-
9 ligence Director and the head of the depart-
10 ment, agency, or element concerned determine
11 otherwise; but

12 (B) except as provided in subparagraph
13 (A)(ii), does not refer to any program, project,
14 or activity of the military departments, includ-
15 ing any program, project, or activity of the De-
16 fense Intelligence Agency that is not part of the
17 National Foreign Intelligence Program as of
18 the date of the enactment of this Act, to ac-
19 quire intelligence principally for the planning
20 and conduct of joint or tactical military oper-
21 ations by the United States Armed Forces.

22 (7) The term “congressional intelligence com-
23 mittees” means—

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

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

3 **TITLE I—NATIONAL**
4 **INTELLIGENCE AUTHORITY**
5 **Subtitle A—National Intelligence**
6 **Authority**

7 **SEC. 101. NATIONAL INTELLIGENCE AUTHORITY.**

8 (a) INDEPENDENT ESTABLISHMENT.—There is here-
9 by established as an independent establishment in the ex-
10 ecutive branch of government the National Intelligence
11 Authority.

12 (b) COMPOSITION.—The National Intelligence Au-
13 thority is composed of the following:

14 (1) The Office of the National Intelligence Di-
15 rector.

16 (2) The elements specified in subtitle D.

17 (3) Such other elements, offices, agencies, and
18 activities as may be established by law or by the
19 President or the National Intelligence Director.

20 (c) PRIMARY MISSIONS.—The primary missions of
21 the National Intelligence Authority are as follows:

22 (1) To unify and strengthen the efforts of the
23 intelligence community of the United States Govern-
24 ment.

1 (2) To ensure the organization of the efforts of
2 the intelligence community of the United States
3 Government in a joint manner relating to intel-
4 ligence missions rather than through intelligence col-
5 lection disciplines.

6 (3) To provide for the operation of the National
7 Counterterrorism Center and national intelligence
8 centers under subtitle D.

9 (4) To eliminate barriers that impede coordina-
10 tion of the counterterrorism activities of the United
11 States Government between foreign intelligence ac-
12 tivities located abroad and foreign intelligence activi-
13 ties located domestically while ensuring the protec-
14 tion of civil liberties.

15 (5) To establish clear responsibility and ac-
16 countability for counterterrorism and other intel-
17 ligence matters relating to the national security of
18 the United States.

19 (d) SEAL.—The National Intelligence Director shall
20 have a seal for the National Intelligence Authority. The
21 design of the seal is subject to the approval of the Presi-
22 dent. Judicial notice shall be taken of the seal.

23 **SEC. 102. NATIONAL INTELLIGENCE DIRECTOR.**

24 (a) NATIONAL INTELLIGENCE DIRECTOR.—There is
25 a National Intelligence Director who shall be appointed

1 by the President, by and with the advice and consent of
2 the Senate.

3 (b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any
4 individual nominated for appointment as National Intel-
5 ligence Director shall have extensive national security ex-
6 pertise.

7 (c) PROHIBITION ON SIMULTANEOUS SERVICE IN
8 OTHER CAPACITY IN INTELLIGENCE COMMUNITY.—The
9 individual serving as National Intelligence Director may
10 not, while so serving, serve in any capacity in any other
11 element of the intelligence community, except to the extent
12 that the individual serving as National Intelligence Direc-
13 tor does so in an acting capacity.

14 (d) PRINCIPAL DUTIES AND RESPONSIBILITIES.—
15 The National Intelligence Director shall—

16 (1) serve as head of the intelligence community
17 in accordance with the provisions of this Act, the
18 National Security Act of 1947 (50 U.S.C. 401 et
19 seq.), and other applicable provisions of law;

20 (2) act as a principal adviser to the President
21 for intelligence related to the national security;

22 (3) serve as the head of the National Intel-
23 ligence Authority; and

24 (4) direct and oversee the National Intelligence
25 Program.

1 (e) GENERAL RESPONSIBILITIES AND AUTHORI-
 2 TIES.—In carrying out the duties and responsibilities set
 3 forth in subsection (c), the National Intelligence Director
 4 shall have the responsibilities set forth in section 112 and
 5 the authorities set forth in section 113 and other applica-
 6 ble provisions of law.

7 **Subtitle B—Responsibilities and**
 8 **Authorities of National Intel-**
 9 **ligence Director**

10 **SEC. 111. PROVISION OF NATIONAL INTELLIGENCE.**

11 (a) IN GENERAL.—The National Intelligence Direc-
 12 tor shall be responsible for providing national intel-
 13 ligence—

14 (1) to the President;

15 (2) to the heads of other departments and
 16 agencies of the executive branch;

17 (3) to the Chairman of the Joint Chiefs of Staff
 18 and senior military commanders;

19 (4) to the Senate and House of Representatives
 20 and the committees thereof; and

21 (5) to such other persons or entities as the
 22 President shall direct.

23 (b) NATIONAL INTELLIGENCE.—Such national intel-
 24 ligence shall be timely, objective, independent of political

1 considerations, and based upon all sources available to the
2 intelligence community.

3 **SEC. 112. RESPONSIBILITIES OF NATIONAL INTELLIGENCE**

4 **DIRECTOR.**

5 (a) IN GENERAL.—The National Intelligence Direc-
6 tor shall—

7 (1) determine the annual budget for the intel-
8 ligence and intelligence-related activities of the
9 United States by—

10 (A) providing to the heads of the depart-
11 ments containing agencies or elements within
12 the intelligence community and that have one or
13 more programs, projects, or activities within the
14 National Intelligence program, and to the heads
15 of such agencies and elements, guidance for de-
16 velopment the National Intelligence Program
17 budget pertaining to such agencies or elements;

18 (B) developing and presenting to the Presi-
19 dent an annual budget for the National Intel-
20 ligence Program after consultation with the
21 heads of agencies or elements, and the heads of
22 their respective departments, under subpara-
23 graph (A);

24 (C) providing budget guidance to each ele-
25 ment of the intelligence community that does

1 not have one or more program, project, or ac-
2 tivity within the National Intelligence Program
3 regarding the intelligence and intelligence-re-
4 lated activities of such element; and

5 (D) participating in the development by
6 the Secretary of Defense of the annual budgets
7 for the military intelligence programs, projects,
8 and activities not included in the National In-
9 telligence Program;

10 (2) manage and oversee the National Intel-
11 ligence Program, including—

12 (A) the execution of funds within the Na-
13 tional Intelligence Program;

14 (B) the reprogramming of funds appro-
15 priated or otherwise made available to the Na-
16 tional Intelligence Program; and

17 (C) the transfer of funds and personnel
18 under the National Intelligence Program;

19 (3) establish the requirements and priorities to
20 govern the collection, analysis, and dissemination of
21 national intelligence by elements of the intelligence
22 community;

23 (4) establish collection and analysis require-
24 ments for the intelligence community, determine col-
25 lection and analysis priorities, issue and manage col-

1 lection and analysis tasking, and resolve conflicts in
2 the tasking of elements of the intelligence commu-
3 nity within the National Intelligence Program, ex-
4 cept as otherwise agreed with the Secretary of De-
5 fense pursuant to the direction of the President;

6 (5) provide advisory tasking on the collection of
7 intelligence to elements of the United States Govern-
8 ment having information collection capabilities that
9 are not elements of the intelligence community;

10 (6) manage and oversee the National
11 Counterterrorism Center under section 143, and es-
12 tablish, manage, and oversee national intelligence
13 centers under section 144;

14 (7) establish requirements and priorities for for-
15 eign intelligence information to be collected under
16 the Foreign Intelligence Surveillance Act of 1978
17 (50 U.S.C. 1801 et seq.), and provide assistance to
18 the Attorney General to ensure that information de-
19 rived from electronic surveillance or physical
20 searches under that Act is disseminated so it may be
21 used efficiently and effectively for foreign intel-
22 ligence purposes, except that the Director shall have
23 no authority to direct, manage, or undertake elec-
24 tronic surveillance or physical search operations pur-

1 suant to that Act unless otherwise authorized by
2 statute or Executive order;

3 (8) develop and implement, in consultation with
4 the heads of other agencies or elements of the intel-
5 ligence community, and the heads of their respective
6 departments, personnel policies and programs appli-
7 cable to the intelligence community that—

8 (A) encourage and facilitate assignments
9 and details of personnel to the National
10 Counterterrorism Center under section 143, to
11 national intelligence centers under section 144,
12 and between elements of the intelligence com-
13 munity;

14 (B) set standards for education, training,
15 and career development of personnel of the in-
16 telligence community;

17 (C) encourage and facilitate the recruit-
18 ment and retention by the intelligence commu-
19 nity of highly qualified individuals for the effec-
20 tive conduct of intelligence activities;

21 (D) ensure that the personnel of the intel-
22 ligence community is sufficiently diverse for
23 purposes of the collection and analysis of intel-
24 ligence through the recruitment and training of

1 women, minorities, and individuals with diverse
2 ethnic, cultural, and linguistic backgrounds;

3 (E) make service in more than one element
4 of the intelligence community a condition of
5 promotion to such positions within the intel-
6 ligence community as the Director shall specify;

7 (F) ensure the effective management of in-
8 telligence community personnel who are respon-
9 sible for intelligence community-wide matters;

10 (G) provide for the effective management
11 of human capital within the intelligence commu-
12 nity, including—

13 (i) the alignment of human resource
14 policies and programs of the elements of
15 the intelligence community with the mis-
16 sions, goals, and organizational objectives
17 of such elements and of the intelligence
18 community overall;

19 (ii) the assessment of workforce char-
20 acteristics and future needs and the estab-
21 lishment of workforce development strate-
22 gies to meet those needs based on relevant
23 organizational missions and strategic
24 plans;

1 (iii) the sustainment of a culture that
2 encourages and allows for the development
3 of a high performing workforce; and

4 (iv) the alignment of expectations for
5 personnel performance with relevant orga-
6 nizational missions and strategic plans;

7 (H) are consistent with the public employ-
8 ment principles of merit and fitness set forth
9 under section 2301 of title 5, United States
10 Code; and

11 (I) include the enhancements required
12 under section 114;

13 (9) promote and evaluate the utility of national
14 intelligence to consumers within the United States
15 Government;

16 (10) ensure that appropriate officials of the
17 United States Government and other appropriate in-
18 dividuals have access to a variety of intelligence as-
19 sessments and analytical views;

20 (11) protect intelligence sources and methods
21 from unauthorized disclosure;

22 (12) establish requirements and procedures for
23 the classification of intelligence information and for
24 access to classified intelligence information;

1 (13) establish requirements and procedures for
2 the dissemination of classified information by ele-
3 ments of the intelligence community;

4 (14) establish intelligence reporting guidelines
5 that maximize the dissemination of information
6 while protecting intelligence sources and methods;

7 (15) develop, in consultation with the heads of
8 appropriate departments and agencies of the United
9 States Government, an integrated communications
10 network that provides interoperable communications
11 capabilities among all elements of the intelligence
12 community and such other entities and persons as
13 the Director considers appropriate;

14 (16) establish standards for information tech-
15 nology and communications for the intelligence com-
16 munity;

17 (17) ensure that the intelligence community
18 makes efficient and effective use of open-source in-
19 formation and analysis;

20 (18) ensure compliance by elements of the intel-
21 ligence community with the Constitution and all
22 laws, regulations, Executive orders, and imple-
23 menting guidelines of the United States applicable to
24 the intelligence and intelligence-related activities of
25 the United States Government, including the provi-

1 sions of the Constitution and all laws, regulations,
2 Executive orders, and implementing guidelines of the
3 United States applicable to the protection of the pri-
4 vacy and civil liberties of United States persons;

5 (19) eliminate waste and unnecessary duplica-
6 tion within the intelligence community; and

7 (20) perform such other functions as the Presi-
8 dent may direct.

9 (b) UNIFORM PROCEDURES FOR SENSITIVE COM-
10 PARTMENTED INFORMATION.—The President, acting
11 through the National Intelligence Director, shall establish
12 uniform standards and procedures for the grant to sen-
13 sitive compartmented information in accordance with sec-
14 tion 115.

15 (c) PERFORMANCE OF COMMON SERVICES.—(1) The
16 National Intelligence Director shall, in consultation with
17 the heads of departments and agencies of the United
18 States Government containing elements within the intel-
19 ligence community and with the Director of the Central
20 Intelligence Agency, direct and coordinate the perform-
21 ance by the elements of the intelligence community within
22 the National Intelligence Program of such services as are
23 of common concern to the intelligence community, which
24 services the National Intelligence Director determines can
25 be more efficiently accomplished in a consolidated manner.

8 SEC. 113. AUTHORITIES OF NATIONAL INTELLIGENCE DI-
9 RECTOR.

(b) DETERMINATION OF BUDGETS FOR NIP AND OTHER INTELLIGENCE ACTIVITIES.—The National Intelligence Director shall determine the annual budget for the intelligence and intelligence-related activities of the United States Government under section 112(a)(1) by—

(1) providing to the heads of the departments containing agencies or elements within the intelligence community and that have one or more programs, projects, or activities within the National Intelligence program, and to the heads of such agencies and elements, guidance for development the Na-

1 tional Intelligence Program budget pertaining to
2 such agencies or elements;

3 (2) developing and presenting to the President
4 an annual budget for the National Intelligence Pro-
5 gram after consultation with the heads of agencies
6 or elements, and the heads of their respective de-
7 partments, under paragraph (1), including, in fur-
8 therance of such budget, the review, modification,
9 and approval of budgets of the agencies or elements
10 of the intelligence community with one or more pro-
11 grams, projects, or activities within the National In-
12 telligence Program utilizing the budget authorities in
13 subsection (c)(1);

14 (3) providing guidance on the development of
15 annual budgets for each element of the intelligence
16 community that does not have any program, project,
17 or activity within the National Intelligence Program
18 utilizing the budget authorities in subsection (c)(2);

19 (4) participating in the development by the Sec-
20 retary of Defense of the annual budget for military
21 intelligence programs and activities outside the Na-
22 tional Intelligence Program;

23 (5) receiving the appropriations for the Na-
24 tional Intelligence Program as specified in sub-
25 section (d) and allotting and allocating funds to

1 agencies and elements of the intelligence community;
2 and

3 (6) managing and overseeing the execution by
4 the agencies or elements of the intelligence commu-
5 nity, and, if necessary, the modification of the an-
6 nual budget for the National Intelligence Program,
7 including directing the reprogramming and transfer
8 of funds, and the transfer of personnel, among and
9 between elements of the intelligence community
10 within the National Intelligence Program utilizing
11 the authorities in subsections (f) and (g).

12 (c) BUDGET AUTHORITIES.—(1)(A) In developing
13 and presenting an annual budget for the elements of the
14 intelligence community within the National Intelligence
15 Program under subsection (b)(1), the National Intel-
16 ligence Director shall coordinate, prepare, and present to
17 the President the annual budgets of those elements, in
18 consultation with the heads of those elements.

19 (B) If any portion of the budget for an element of
20 the intelligence community within the National Intel-
21 ligence Program is prepared outside the Office of the Na-
22 tional Intelligence Director, the Director—

23 (i) shall approve such budget before submission
24 to the President; and

1 (ii) may require modifications of such budget to
2 meet the requirements and priorities of the Director
3 before approving such budget under clause (i).

4 (C) The budget of an agency or element of the intel-
5 ligence community with one or more programs, projects,
6 or activities within the National Intelligence Program may
7 not be provided to the President unless the Director has
8 first approved such budget.

9 (2)(A) The Director shall provide guidance for the
10 development of the annual budgets for each agency or ele-
11 ment of the intelligence community that does not have any
12 program, project, or activity within the National Intel-
13 ligence Program.

14 (B) The heads of the agencies or elements of the in-
15 telligence community, and the heads of their respective de-
16 partments, referred to in subparagraph (A) shall coordi-
17 nate closely with the Director in the development of the
18 budgets of such agencies or elements, before the submis-
19 sion of their recommendations on such budgets to the
20 President.

21 (d) JURISDICTION OF FUNDS UNDER NIP.—(1) Not-
22 withstanding any other provision of law and consistent
23 with section 504 of the National Security Act of 1947 (50
24 U.S.C. 414), any amounts appropriated or otherwise made
25 available for the National Intelligence Program shall be

1 appropriated to the National Intelligence Authority and,
2 pursuant to subsection (e), under the direct jurisdiction
3 of the National Intelligence Director.

4 (2) The Director shall manage and oversee the execu-
5 tion by each element of the intelligence community of any
6 amounts appropriated or otherwise made available to such
7 element under the National Intelligence Program.

8 (e) ACCOUNTS FOR ADMINISTRATION OF NIP
9 FUNDS.—(1) The Secretary of the Treasury shall, in con-
10 sultation with the National Intelligence Director, establish
11 accounts for the funds under the jurisdiction of the Direc-
12 tor under subsection (d) for purposes of carrying out the
13 responsibilities and authorities of the Director under this
14 Act with respect to the National Intelligence Program.

15 (2) The National Intelligence Director shall—

16 (A) control and manage the accounts estab-
17 lished under paragraph (1); and

18 (B) with the concurrence of the Director of the
19 Office of Management and Budget, establish proce-
20 dures governing the use (including transfers and
21 reprogrammings) of funds in such accounts.

22 (3)(A) To the extent authorized by law, a certifying
23 official shall follow the procedures established under para-
24 graph (2)(B) with regard to each account established
25 under paragraph (1). Disbursements from any such ac-

1 count shall only be made against a valid obligation of such
2 account.

3 (B) In this paragraph, the term “certifying official”,
4 with respect to an element of the intelligence community,
5 means an employee of the element who has responsibilities
6 specified in section 3528(a) of title 31, United States
7 Code.

8 (4) The National Intelligence Director shall allot
9 funds deposited in an account established under para-
10 graph (1) directly to the head of the elements of the intel-
11 ligence community concerned in accordance with the pro-
12 cedures established under paragraph (2)(B).

13 (5) Each account established under paragraph (1)
14 shall be subject to chapters 13 and 15 of title 31, United
15 States Code, other than sections 1503 and 1556 of that
16 title.

17 (6) Nothing in this subsection shall be construed to
18 impair or otherwise affect the authority granted by sub-
19 section (g)(3) or by section 5 or 8 of the Central Intel-
20 ligence Agency Act of 1949 (50 U.S.C. 403f, 403j).

21 (f) ROLE IN REPROGRAMMING OR TRANSFER OF NIP
22 FUNDS BY ELEMENTS OF INTELLIGENCE COMMUNITY.—

23 (1) No funds made available under the National Intel-
24 ligence Program may be reprogrammed or transferred by
25 any agency or element of the intelligence community with-

1 out the prior approval of the National Intelligence Direc-
2 tor except in accordance with procedures issued by the Di-
3 rector.

4 (2) The head of the department concerned shall con-
5 sult with the Director before reprogramming or transfer-
6 ring funds appropriated or otherwise made available to an
7 agency or element of the intelligence community that does
8 not have any program, project, or activity within the Na-
9 tional Intelligence Program.

10 (3) The Director shall, before reprogramming funds
11 appropriated or otherwise made available for an element
12 of the intelligence community within the National Intel-
13 ligence Program, consult with the head of the department
14 or agency having jurisdiction over such element regarding
15 such reprogramming.

16 (4)(A) The Director shall consult with the appro-
17 priate committees of Congress regarding modifications of
18 existing procedures to expedite the reprogramming of
19 funds within the National Intelligence Program.

20 (B) Any modification of procedures under subpara-
21 graph (A) shall include procedures for the notification of
22 the appropriate committees of Congress of any objection
23 raised by the head of a department or agency to a re-
24 programming proposed by the Director as a result of con-
25 sultations under paragraph (3).

1 (g) TRANSFER OR REPROGRAMMING OF FUNDS AND
2 TRANSFER OF PERSONNEL WITHIN NIP.—(1) In addi-
3 tion to any other authorities available under law for such
4 purposes, the National Intelligence Director, with the ap-
5 proval of the Director of the Office of Management and
6 Budget and after consultation with the heads of the de-
7 partments containing agencies or elements within the in-
8 telligence community to the extent their subordinate agen-
9 cies or elements are affected, with the heads of such subor-
10 dinate agencies or elements, and with the Director of the
11 Central Intelligence Agency to the extent the Central In-
12 telligence Agency is affected, may—

13 (A) transfer or reprogram funds appropriated
14 for a program within the National Intelligence Pro-
15 gram to another such program;

16 (B) review, and approve or disapprove, any pro-
17 posal to transfer or reprogram funds from appro-
18 priations that are not for the National Intelligence
19 Program to appropriations for the National Intel-
20 ligence Program;

21 (C) in accordance with procedures to be devel-
22 oped by the National Intelligence Director, transfer
23 personnel of the intelligence community funded
24 through the National Intelligence Program from one

1 element of the intelligence community to another ele-
2 ment of the intelligence community; and

3 (D) in accordance with procedures to be devel-
4 oped by the National Intelligence Director and the
5 heads of the departments and agencies concerned,
6 transfer personnel of the intelligence community not
7 funded through the National Intelligence Program
8 from one element of the intelligence community to
9 another element of the intelligence community.

10 (2) A transfer of funds or personnel may be made
11 under this subsection only if—

12 (A) the funds or personnel are being trans-
13 ferred to an activity that is a higher priority intel-
14 ligence activity;

15 (B) the transfer does not involve a transfer of
16 funds to the Reserve for Contingencies of the Na-
17 tional Intelligence Director; or

18 (C) the transfer does not exceed applicable ceil-
19 ings established in law for such transfers.

20 (3) Funds transferred under this subsection shall re-
21 main available for the same period as the appropriations
22 account to which transferred.

23 (4) Any transfer of funds under this subsection shall
24 be carried out in accordance with existing procedures ap-
25 plicable to reprogramming notifications for the appro-

1 puate congressional committees. Any proposed transfer
2 for which notice is given to the appropriate congressional
3 committees shall be accompanied by a report explaining
4 the nature of the proposed transfer and how it satisfies
5 the requirements of this subsection. In addition, the con-
6 gressional intelligence committees shall be promptly noti-
7 fied of any transfer of funds made pursuant to this sub-
8 section in any case in which the transfer would not have
9 otherwise required reprogramming notification under pro-
10 cedures in effect as of October 24, 1992.

11 (5)(A) The National Intelligence Director shall
12 promptly submit to the appropriate committees of Con-
13 gress a report on any transfer of personnel made pursuant
14 to this subsection. The Director shall include in any such
15 report an explanation of the nature of the transfer and
16 how it satisfies the requirements of this subsection.

17 (B) In this paragraph, the term “appropriate com-
18 mittees of Congress” means—

19 (i)(I) the Committee on Appropriations and the
20 Select Committee on Intelligence of the Senate; and

21 (II) the Committee on Appropriations and the
22 Permanent Select Committee on Intelligence of the
23 House of Representatives;

24 (ii) in the case of a transfer of personnel to or
25 from the Department of Defense—

1 (I) the committees and select committees
 2 referred to in clause (i);

3 (II) the Committee on Armed Services of
 4 the Senate; and

5 (III) the Committee on Armed Services of
 6 the House of Representatives;

7 (iii) in the case of a transfer of personnel to or
 8 from the Federal Bureau of Investigation—

9 (I) the committees and select committees
 10 referred to in clause (i);

11 (II) the Committee on the Judiciary of the
 12 Senate; and

13 (III) the Committee on the Judiciary of
 14 the House of Representatives; and

15 (iv) in the case of a transfer of personnel to or
 16 from the Department of Homeland Security—

17 (I) the committees and select committees
 18 referred to in clause (i);

19 (II) the Committee on Governmental Af-
 20 fairs of the Senate; and

21 (III) the Select Committee on Homeland
 22 Security of the House of Representatives.

23 (h) INFORMATION TECHNOLOGY AND COMMUNICA-
 24 TIONS.—(1) In conforming with section 205, in carrying

1 out section 112(a)(16), the National Intelligence Director
2 shall—

3 (A) establish standards for information tech-
4 nology and communications across the intelligence
5 community;

6 (B) develop an integrated information tech-
7 nology network and enterprise architecture for the
8 intelligence community, including interface stand-
9 ards for interoperability to enable automated infor-
10 mation-sharing among elements of the intelligence
11 community;

12 (C) maintain an inventory of critical informa-
13 tion technology and communications systems, and
14 eliminate unnecessary or duplicative systems;

15 (D) establish contingency plans for the intel-
16 ligence community regarding information technology
17 and communications; and

18 (E) establish policies, doctrine, training, and
19 other measures necessary to ensure that the intel-
20 ligence community develops an integrated informa-
21 tion technology and communications network that
22 ensures information-sharing.

23 (2) Consistent with section 205, the Director shall
24 take any action necessary, including the setting of stand-
25 ards for information technology and communications

1 across the intelligence community, to develop an inte-
2 grated information technology and communications net-
3 work that ensures information-sharing across the intel-
4 ligence community.

5 (i) COORDINATION WITH FOREIGN GOVERN-
6 MENTS.—In a manner consistent with section 207 of the
7 Foreign Service Act of 1980 (22 U.S.C. 3927), the Na-
8 tional Intelligence Director shall oversee and direct the Di-
9 rector of the Central Intelligence Agency in coordinating,
10 under section 103(f) of the National Security Act of 1947,
11 the relationships between elements of the intelligence com-
12 munity and the intelligence or security services of foreign
13 governments on all matters involving intelligence related
14 to the national security or involving intelligence acquired
15 through clandestine means.

16 (j) OPEN SOURCE INFORMATION COLLECTION.—The
17 National Intelligence Director shall establish and maintain
18 within the intelligence community an effective and effi-
19 cient open-source information collection capability.

20 (k) ACCESS TO INFORMATION.—Except as otherwise
21 directed by the President, the head of each element of the
22 intelligence community shall promptly provide the Na-
23 tional Intelligence Director such information in the posses-
24 sion or under the control of such element as the Director
25 may request in order to facilitate the exercise of the au-

1 thorties and responsibilities of the Director under this
2 Act.

3 **SEC. 114. ENHANCED PERSONNEL MANAGEMENT.**

4 (a) REWARDS FOR SERVICE IN CERTAIN POSI-
5 TIONS.—(1) The National Intelligence Director shall pre-
6 scribe regulations to provide incentives for service on the
7 staff of the national intelligence centers, on the staff of
8 the National Counterterrorism Center, and in other posi-
9 tions in support of the intelligence community manage-
10 ment functions of the Director.

11 (2) Incentives under paragraph (1) may include fi-
12 nancial incentives, bonuses, and such other awards and
13 incentives as the Director considers appropriate.

14 (b) ENHANCED PROMOTION FOR SERVICE UNDER
15 NID.—Notwithstanding any other provision of law, the
16 National Intelligence Director shall ensure that personnel
17 of an element of the intelligence community who are as-
18 signed or detailed to service under the National Intel-
19 ligence Director shall be promoted at rates equivalent to
20 or better than personnel of such element who are not so
21 assigned or detailed.

22 (c) JOINT CAREER MATTERS.—(1) In carrying out
23 section 112(a)(8), the National Intelligence Director shall
24 prescribe mechanisms to facilitate the rotation of per-
25 sonnel of the intelligence community through various ele-

1 ments of the intelligence community in the course of their
2 careers in order to facilitate the widest possible under-
3 standing by such personnel of the variety of intelligence
4 requirements, methods, and disciplines.

5 (2) The mechanisms prescribed under paragraph (1)
6 may include the following:

7 (A) The establishment of special occupational
8 categories involving service, over the course of a ca-
9 reer, in more than one element of the intelligence
10 community.

11 (B) The provision of rewards for service in posi-
12 tions undertaking analysis and planning of oper-
13 ations involving two or more elements of the intel-
14 ligence community.

15 (C) The establishment of requirements for edu-
16 cation, training, service, and evaluation that involve
17 service in more than one element of the intelligence
18 community.

19 (3) It is the sense of Congress that the mechanisms
20 prescribed under this subsection should, to the extent
21 practical, seek to duplicate within the intelligence commu-
22 nity the joint officer management policies established by
23 the Goldwater-Nichols Department of Defense Reorga-
24 nization Act of 1986 (Public Law 99–433) and the amend-
25 ments on joint officer management made by that Act.

1 **SEC. 115. SECURITY CLEARANCES.**

2 (a) IN GENERAL.—The President, in consultation
3 with the National Intelligence Director, the department,
4 agency, or element selected under (b), and other appro-
5 priate officials shall—

6 (1) establish uniform standards and procedures
7 for the grant of access to classified information for
8 employees and contractor personnel of the United
9 States Government who require access to such infor-
10 mation;

11 (2) ensure the consistent implementation of the
12 standards and procedures established under para-
13 graph (1) throughout the departments, agencies, and
14 elements of the United States Government and
15 under contracts entered into by such departments,
16 agencies, and elements;

17 (3) ensure that an individual who is granted or
18 continued eligibility for access to classified informa-
19 tion is treated by each department, agency, or ele-
20 ment of the executive branch as eligible for access to
21 classified information at that level for all purposes
22 of each such department, agency, or element, re-
23 gardless of which department, agency, or element of
24 the executive branch granted or continued the eligi-
25 bility of such individual for access to classified infor-
26 mation;

1 (4) establish uniform requirements and stand-
2 ards, including for security questionnaires, financial
3 disclosure requirements, and standards for admin-
4 istering polygraph examinations, to be utilized for
5 the performance of security clearance investigations,
6 including by the contractors conducting such inves-
7 tigations; and

8 (5) ensure that the database established under
9 subsection (b)(2)(B) meets the needs of the intel-
10 ligence community.

11 (b) PERFORMANCE OF SECURITY CLEARANCE INVES-
12 TIGATIONS.—(1) Not later than 45 days after the date of
13 the enactment of this Act, the President shall select a sin-
14 gle department, agency, or element of the executive branch
15 to conduct all security clearance investigations of employ-
16 ees and contractor personnel of the United States Govern-
17 ment who require access to classified information and to
18 provide and maintain all security clearances of such em-
19 ployees and contractor personnel.

20 (2) The department, agency, or element selected
21 under paragraph (1) shall—

22 (A) take all necessary actions to carry out
23 the requirements of this section, including en-
24 tering into a memorandum of understanding
25 with any agency carrying out responsibilities re-

1 lating to security clearances or security clear-
2 ance investigations before the date of the enact-
3 ment of this Act;

4 (B) as soon as practicable, establish and
5 maintain a single database for tracking security
6 clearance applications, security clearance inves-
7 tigations, and determinations of eligibility for
8 security clearances, which database shall incor-
9 porate applicable elements of similar databases
10 in existence on the date of the enactment of
11 this Act; and

12 (C) ensure that security clearance inves-
13 tigations are conducted in accordance with uni-
14 form standards and requirements established
15 under subsection (a)(4), including uniform se-
16 curity questionnaires and financial disclosure
17 requirements.

18 (c) ADJUDICATION AND GRANT OF SECURITY CLEAR-
19 ANCES.—(1) Each agency that adjudicates and grants se-
20 curity clearances as of the date of the enactment of this
21 Act may continue to adjudicate and grant security clear-
22 ances after that date.

23 (2) Each agency that adjudicates and grants security
24 clearances shall specify to the department, agency, or ele-
25 ment selected under subsection (b) the level of security

1 clearance investigation required for an individual under its
2 jurisdiction.

3 (3) Upon granting or continuing eligibility for access
4 to classified information to an individual under its juris-
5 diction, an agency that adjudicates and grants security
6 clearances shall submit to the department, agency, or ele-
7 ment selected under subsection (b) notice of that action,
8 including the level of access to classified information
9 granted.

10 (d) UTILIZATION OF PERSONNEL.—There shall be
11 transferred to the department, agency, or element selected
12 under subsection (b) any personnel of any executive agen-
13 cy whose sole function as of the date of the enactment
14 of this Act is the performance of security clearance inves-
15 tigations.

16 (e) TRANSITION.—The President shall take appro-
17 priate actions to ensure that the performance of security
18 clearance investigations under this section commences not
19 later than one year after the date of the enactment of this
20 Act.

21 **SEC. 116. NATIONAL INTELLIGENCE RESERVE CORPS.**

22 (a) ESTABLISHMENT.—The National Intelligence Di-
23 rector may provide for the establishment and training of
24 a National Intelligence Reserve Corps (in this section re-
25 ferred to as “National Intelligence Reserve Corps”) for the

1 temporary reemployment on a voluntary basis of former
2 employees of elements of the intelligence community dur-
3 ing periods of emergency, as determined by the Director.

4 (b) ELIGIBLE INDIVIDUALS.—An individual may par-
5 ticipate in the National Intelligence Reserve Corps only
6 if the individual previously served as a full time employee
7 of an element of the intelligence community.

8 (c) LIMITATION ON MEMBERSHIP.—The total num-
9 ber of individuals who are members of the National Intel-
10 ligence Reserve Corps at any given time may not exceed
11 200 individuals.

12 (d) TERMS OF PARTICIPATION.—The National Intel-
13 ligence Director shall prescribe the terms and conditions
14 under which eligible individuals may participate in the Na-
15 tional Intelligence Reserve Corps.

16 (e) EXPENSES.—The National Intelligence Director
17 may provide members of the National Intelligence Reserve
18 Corps transportation and per diem in lieu of subsistence
19 for purposes of participating in any training that relates
20 to service as a member of the Reserve Corps.

21 (f) TREATMENT OF ANNUITANTS.—(1) If an annu-
22 itant receiving an annuity from the Civil Service Retire-
23 ment and Disability Fund becomes temporarily reem-
24 ployed pursuant to this section, such annuity shall not be
25 discontinued thereby.

1 (2) An annuitant so reemployed shall not be consid-
 2 ered an employee for the purposes of chapter 83 or 84
 3 of title 5, United States Code.

4 (g) TREATMENT UNDER NATIONAL INTELLIGENCE
 5 AUTHORITY PERSONNEL CEILING.—A member of the Na-
 6 tional Intelligence Reserve Corps who is reemployed on a
 7 temporary basis pursuant to this section shall not count
 8 against any personnel ceiling applicable to the National
 9 Intelligence Authority.

10 **SEC. 117. APPOINTMENT AND TERMINATION OF CERTAIN**
 11 **OFFICIALS RESPONSIBLE FOR INTEL-**
 12 **LIGENCE-RELATED ACTIVITIES.**

13 (a) RECOMMENDATION OF NID IN CERTAIN AP-
 14 POINTMENT.—In the event of a vacancy in the position
 15 of Director of the Central Intelligence Agency, the Na-
 16 tional Intelligence Director shall recommend to the Presi-
 17 dent an individual for nomination to fill the vacancy.

18 (b) CONCURRENCE OF SECRETARY OF DEFENSE IN
 19 CERTAIN APPOINTMENTS RECOMMENDED BY NID.—(1)
 20 In the event of a vacancy in a position referred to in para-
 21 graph (2), the National Intelligence Director shall obtain
 22 the concurrence of the Secretary of Defense before recom-
 23 mending to the President an individual for nomination to
 24 fill such vacancy. If the Secretary does not concur in the
 25 recommendation, the Director may make the recommenda-

1 tion to the President without the concurrence of the Sec-
2 retary, but shall include in the recommendation a state-
3 ment that the Secretary does not concur in the rec-
4 ommendation.

5 (2) Paragraph (1) applies to the following positions:

6 (A) The Director of the National Security
7 Agency.

8 (B) The Director of the National Reconnaissance
9 Office.

10 (C) The Director of the National Geospatial-In-
11 telligence Agency.

12 (c) CONCURRENCE OF NID IN CERTAIN APPOINT-
13 MENTS.—(1) In the event of a vacancy in a position re-
14 ferred to in paragraph (2), the head of the department
15 or agency having jurisdiction over the position shall obtain
16 the concurrence of the National Intelligence Director be-
17 fore appointing an individual to fill the vacancy or recom-
18 mending to the President an individual to be nominated
19 to fill the vacancy. If the Director does not concur in the
20 recommendation, the head of the department or agency
21 concerned may fill the vacancy or make the recommenda-
22 tion to the President (as the case may be) without the
23 concurrence of the Director, but shall notify the President
24 that the Director does not concur in appointment or rec-
25 ommendation (as the case may be).

1 (2) Paragraph (1) applies to the following positions:

2 (A) The Under Secretary of Defense for Intel-
3 ligence.

4 (B) The Assistant Secretary of Homeland Secu-
5 rity for Information Analysis.

6 (C) The Director of the Defense Intelligence
7 Agency.

8 (D) The Executive Assistant Director for Intel-
9 ligence of the Federal Bureau of Investigation.

10 (d) RECOMMENDATION OF NID ON TERMINATION OF
11 SERVICE.—(1) The National Intelligence Director may
12 recommend to the President or the head of the department
13 or agency concerned the termination of service of any indi-
14 vidual serving in any position covered by this section.

15 (2) In the event the Director intends to recommend
16 to the President the termination of service of an individual
17 under paragraph (1), the Director shall seek the concur-
18 rence of the head of the department or agency concerned.
19 If the head of the department or agency concerned does
20 not concur in the recommendation, the Director may make
21 the recommendation to the President without the concur-
22 rence of the head of the department or agency concerned,
23 but shall notify the President that the head of the depart-
24 ment or agency concerned does not concur in the rec-
25 ommendation.

1 **SEC. 118. RESERVE FOR CONTINGENCIES OF THE NA-**
2 **TIONAL INTELLIGENCE DIRECTOR.**

3 (a) ESTABLISHMENT.—There is hereby established
4 on the books of the Treasury an account to be known as
5 the Reserve for Contingencies of the National Intelligence
6 Director.

7 (b) ELEMENTS.—The Reserve shall consist of the fol-
8 lowing elements:

9 (1) Amounts authorized to be appropriated to
10 the Reserve.

11 (2) Any amounts authorized to be transferred
12 to or deposited in the Reserve by law.

13 (c) AVAILABILITY.—Amounts in the Reserve shall be
14 available for such purposes as are provided by law.

15 (d) TRANSFER OF FUNDS OF RESERVE FOR CONTIN-
16 GENCIES OF CIA.—There shall be transferred to the Re-
17 serve for Contingencies of the National Intelligence Direc-
18 tor all unobligated balances of the Reserve for Contin-
19 gencies of the Central Intelligence Agency as of the date
20 of the enactment of this Act.

1 **Subtitle C—Office of the National**
2 **Intelligence Director**

3 **SEC. 121. OFFICE OF THE NATIONAL INTELLIGENCE DIREC-**
4 **TOR.**

5 (a) OFFICE OF NATIONAL INTELLIGENCE DIREC-
6 TOR.—There is within the National Intelligence Authority
7 an Office of the National Intelligence Director.

8 (b) FUNCTION.—The function of the Office of the
9 National Intelligence Director is to assist the National In-
10 telligence Director in carrying out the duties and respon-
11 sibilities of the Director under this Act, the National Secu-
12 rity Act of 1947 (50 U.S.C. 401 et seq.), and other appli-
13 cable provisions of law, and to carry out such other duties
14 as may be prescribed by the President or by law.

15 (c) COMPOSITION.—The Office of the National Intel-
16 ligence Director is composed of the following:

17 (1) The Principal Deputy National Intelligence
18 Director.

19 (2) Any Deputy National Intelligence Director
20 appointed under section 122(b).

21 (3) The National Intelligence Council.

22 (4) The General Counsel of the National Intel-
23 ligence Authority.

24 (5) The Intelligence Comptroller.

1 (6) The Officer for Civil Rights and Civil Lib-
2 erties of the National Intelligence Authority.

3 (7) The Privacy Officer of the National Intel-
4 ligence Authority.

5 (8) The Chief Information Officer of the Na-
6 tional Intelligence Authority.

7 (9) The Chief Human Capital Officer of the
8 National Intelligence Authority.

9 (10) The Chief Financial Officer of the Na-
10 tional Intelligence Authority.

11 (11) The National Counterintelligence Execu-
12 tive (including the Office of the National Counter-
13 intelligence Executive).

14 (12) Such other offices and officials as may be
15 established by law or the Director may establish or
16 designate in the Office.

17 (d) STAFF.—(1) To assist the National Intelligence
18 Director in fulfilling the duties and responsibilities of the
19 Director, the Director shall employ and utilize in the Of-
20 fice of the National Intelligence Director a professional
21 staff having an expertise in matters relating to such duties
22 and responsibilities, and may establish permanent posi-
23 tions and appropriate rates of pay with respect to that
24 staff.

1 (2) The staff of the Office of the National Intelligence
2 Director under paragraph (1) shall include the staff of the
3 Office of the Deputy Director of Central Intelligence for
4 Community Management that is transferred to the Office
5 of the National Intelligence Director under section 321.

6 (e) PROHIBITION ON CO-LOCATION WITH OTHER
7 ELEMENTS OF INTELLIGENCE COMMUNITY.—Com-
8 mencing as of October 1, 2006, the Office of the National
9 Intelligence Director may not be co-located with any other
10 element of the intelligence community.

11 **SEC. 122. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.**

12 (a) PRINCIPAL DEPUTY NATIONAL INTELLIGENCE
13 DIRECTOR.—(1) There is a Principal Deputy National In-
14 telligence Director who shall be appointed by the Presi-
15 dent, by and with the advice and consent of the Senate.

16 (2) In the event of a vacancy in the position of Prin-
17 cipal Deputy National Intelligence Director, the National
18 Intelligence Director shall recommend to the President an
19 individual for appointment as Principal Deputy National
20 Intelligence Director.

21 (3) Any individual nominated for appointment as
22 Principal Deputy National Intelligence Director shall have
23 extensive national security experience and management
24 expertise.

1 (4) The individual serving as Principal Deputy Na-
2 tional Intelligence Director may not, while so serving,
3 serve in any capacity in any other element of the intel-
4 ligence community, except to the extent that the individual
5 serving as Principal Deputy National Intelligence Director
6 is doing so in an acting capacity.

7 (5) The Principal Deputy National Intelligence Di-
8 rector shall assist the National Intelligence Director in
9 carrying out the duties and responsibilities of the Director.

10 (6) The Principal Deputy National Intelligence Di-
11 rector shall act for, and exercise the powers of, the Na-
12 tional Intelligence Director during the absence or dis-
13 ability of the National Intelligence Director or during a
14 vacancy in the position of National Director of Intel-
15 ligence.

16 (b) DEPUTY NATIONAL INTELLIGENCE DIREC-
17 TORS.—(1) There may be not more than four Deputy Na-
18 tional Intelligence Directors who shall be appointed by the
19 President.

20 (2) In the event of a vacancy in any position of Dep-
21 uty National Intelligence Director established under this
22 subsection, the National Intelligence Director shall rec-
23 ommend to the President an individual for appointment
24 to such position.

1 (3) Each Deputy National Intelligence Director ap-
 2 pointed under this subsection shall have such duties, re-
 3 sponsibilities, and authorities as the National Intelligence
 4 Director may assign or are specified by law.

5 **SEC. 123. NATIONAL INTELLIGENCE COUNCIL.**

6 (a) NATIONAL INTELLIGENCE COUNCIL.—There is a
 7 National Intelligence Council.

8 (b) COMPOSITION.—(1) The National Intelligence
 9 Council shall be composed of senior analysts within the
 10 intelligence community and substantive experts from the
 11 public and private sector, who shall be appointed by, re-
 12 port to, and serve at the pleasure of, the National Intel-
 13 ligence Director.

14 (2) The Director shall prescribe appropriate security
 15 requirements for personnel appointed from the private sec-
 16 tor as a condition of service on the Council, or as contrac-
 17 tors of the Council or employees of such contractors, to
 18 ensure the protection of intelligence sources and methods
 19 while avoiding, wherever possible, unduly intrusive re-
 20 quirements which the Director considers to be unnecessary
 21 for this purpose.

22 (c) DUTIES AND RESPONSIBILITIES.—(1) The Na-
 23 tional Intelligence Council shall—

24 (A) produce national intelligence estimates for
 25 the United States Government, including alternative

1 views held by elements of the intelligence community
2 and other information as specified in paragraph (2);

3 (B) evaluate community-wide collection and
4 production of intelligence by the intelligence commu-
5 nity and the requirements and resources of such col-
6 lection and production; and

7 (C) otherwise assist the National Intelligence
8 Director in carrying out the responsibilities of the
9 Director under section 111.

10 (2) The National Intelligence Director shall ensure
11 that the Council satisfies the needs of policymakers and
12 other consumers of intelligence by ensuring that each na-
13 tional intelligence estimate under paragraph (1)—

14 (A) states separately, and distinguishes be-
15 tween, the intelligence underlying such estimate and
16 the assumptions and judgments of analysts with re-
17 spect to such intelligence and such estimate;

18 (B) describes the quality and reliability of the
19 intelligence underlying such estimate;

20 (C) presents and explains alternative conclu-
21 sions, if any, with respect to the intelligence under-
22 lying such estimate and such estimate; and

23 (D) characterizes the uncertainties, if any, and
24 confidence in such estimate.

1 (d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—

2 Within their respective areas of expertise and under the
3 direction of the National Intelligence Director, the mem-
4 bers of the National Intelligence Council shall constitute
5 the senior intelligence advisers of the intelligence commu-
6 nity for purposes of representing the views of the intel-
7 ligence community within the United States Government.

8 (e) AUTHORITY TO CONTRACT.—Subject to the di-
9 rection and control of the National Intelligence Director,
10 the National Intelligence Council may carry out its respon-
11 sibilities under this section by contract, including con-
12 tracts for substantive experts necessary to assist the
13 Council with particular assessments under this section.

14 (f) STAFF.—The National Intelligence Director shall
15 make available to the National Intelligence Council such
16 staff as may be necessary to permit the Council to carry
17 out its responsibilities under this section.

18 (g) AVAILABILITY OF COUNCIL AND STAFF.—(1)
19 The National Intelligence Director shall take appropriate
20 measures to ensure that the National Intelligence Council
21 and its staff satisfy the needs of policymaking officials and
22 other consumers of intelligence.

23 (2) The Council shall be readily accessible to policy-
24 making officials and other appropriate individuals not oth-
25 erwise associated with the intelligence community.

1 (h) SUPPORT.—The heads of the elements of the in-
 2 telligence community shall, as appropriate, furnish such
 3 support to the National Intelligence Council, including the
 4 preparation of intelligence analyses, as may be required
 5 by the National Intelligence Director.

6 **SEC. 124. GENERAL COUNSEL OF THE NATIONAL INTEL-**
 7 **LIGENCE AUTHORITY.**

8 (a) GENERAL COUNSEL OF NATIONAL INTEL-
 9 LIGENCE AUTHORITY.—There is a General Counsel of the
 10 National Intelligence Authority who shall be appointed
 11 from civilian life by the President, by and with the advice
 12 and consent of the Senate.

13 (b) PROHIBITION ON DUAL SERVICE AS GENERAL
 14 COUNSEL OF ANOTHER AGENCY.—The individual serving
 15 in the position of General Counsel of the National Intel-
 16 ligence Authority may not, while so serving, also serve as
 17 the General Counsel of any other department, agency, or
 18 element of the United States Government.

19 (c) SCOPE OF POSITION.—The General Counsel of
 20 the National Intelligence Authority is the chief legal offi-
 21 cer of the National Intelligence Authority.

22 (d) FUNCTIONS.—The General Counsel of the Na-
 23 tional Intelligence Authority shall perform such functions
 24 as the National Intelligence Director may prescribe.

1 **SEC. 125. INTELLIGENCE COMPTROLLER.**

2 (a) INTELLIGENCE COMPTROLLER.—There is an In-
3 telligence Comptroller who shall be appointed from civilian
4 life by the National Intelligence Director.

5 (b) SUPERVISION.—The Intelligence Comptroller
6 shall report directly to the National Intelligence Director.

7 (c) DUTIES.—The Intelligence Comptroller shall—

8 (1) assist the National Intelligence Director in
9 the preparation and execution of the budget of the
10 elements of the intelligence community within the
11 National Intelligence Program;

12 (2) assist the Director in participating in the
13 development by the Secretary of Defense of the an-
14 nual budget for military intelligence programs and
15 activities outside the National Intelligence Program;

16 (3) provide unfettered access to the Director to
17 financial information under the National Intelligence
18 Program;

19 (4) perform such other duties as may be pre-
20 scribed by the Director or specified by law.

21 **SEC. 126. OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-**
22 **ERTIES OF THE NATIONAL INTELLIGENCE**
23 **AUTHORITY.**

24 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-
25 ERTIES OF NATIONAL INTELLIGENCE AUTHORITY.—
26 There is an Officer for Civil Rights and Civil Liberties

1 of the National Intelligence Authority who shall be ap-
2 pointed by the President.

3 (b) SUPERVISION.—The Officer for Civil Rights and
4 Civil Liberties of the National Intelligence Authority shall
5 report directly to the National Intelligence Director.

6 (c) DUTIES.—The Officer for Civil Rights and Civil
7 Liberties of the National Intelligence Authority shall—

8 (1) assist the National Intelligence Director in
9 ensuring that the protection of civil rights and civil
10 liberties, as provided in the Constitution, laws, regu-
11 lations, and Executive orders of the United States,
12 is appropriately incorporated in—

13 (A) the policies and procedures developed
14 for and implemented by the National Intel-
15 ligence Authority;

16 (B) the policies and procedures regarding
17 the relationships among the elements of the in-
18 telligence community within the National Intel-
19 ligence Program; and

20 (C) the policies and procedures regarding
21 the relationships between the elements of the
22 intelligence community within the National In-
23 telligence Program and the other elements of
24 the intelligence community;

1 (2) oversee compliance by the Authority, and in
2 the relationships described in paragraph (1), with
3 requirements under the Constitution and all laws,
4 regulations, Executive orders, and implementing
5 guidelines relating to civil rights and civil liberties;

6 (3) review, investigate, and assess complaints
7 and other information indicating possible abuses of
8 civil rights or civil liberties, as provided in the Con-
9 stitution, laws, regulations, and Executive orders of
10 the United States, in the administration of the pro-
11 grams and operations of the Authority, and in the
12 relationships described in paragraph (1), unless, in
13 the determination of the Inspector General of the
14 National Intelligence Authority, the review, inves-
15 tigation, or assessment of a particular complaint or
16 information can better be conducted by the Inspec-
17 tor General;

18 (4) coordinate with the Privacy Officer of the
19 National Intelligence Authority to ensure that pro-
20 grams, policies, and procedures involving civil rights,
21 civil liberties, and privacy considerations are ad-
22 dressed in an integrated and comprehensive manner;
23 and

24 (5) perform such other duties as may be pre-
25 scribed by the Director or specified by law.

1 **SEC. 127. PRIVACY OFFICER OF THE NATIONAL INTEL-**
2 **LIGENCE AUTHORITY.**

3 (a) PRIVACY OFFICER OF NATIONAL INTELLIGENCE
4 AUTHORITY.—There is a Privacy Officer of the National
5 Intelligence Authority who shall be appointed by the Na-
6 tional Intelligence Director.

7 (b) DUTIES.—(1) The Privacy Officer of the National
8 Intelligence Authority shall have primary responsibility for
9 the privacy policy of the National Intelligence Authority
10 (including in the relationships among the elements of the
11 intelligence community within the National Intelligence
12 Program and the relationships between the elements of the
13 intelligence community within the National Intelligence
14 Program and the other elements of the intelligence com-
15 munity).

16 (2) In discharging the responsibility under paragraph
17 (1), the Privacy Officer shall—

18 (A) assure that the use of technologies sustain,
19 and do not erode, privacy protections relating to the
20 use, collection, and disclosure of personal informa-
21 tion;

22 (B) assure that personal information contained
23 in Privacy Act systems of records is handled in full
24 compliance with fair information practices as set out
25 in the Privacy Act of 1974;

1 (C) conduct privacy impact assessments when
2 appropriate or as required by law; and

3 (D) coordinate with the Officer for Civil Rights
4 and Civil Liberties of the National Intelligence Au-
5 thority to ensure that programs, policies, and proce-
6 dures involving civil rights, civil liberties, and pri-
7 vacy considerations are addressed in an integrated
8 and comprehensive manner.

9 **SEC. 128. CHIEF INFORMATION OFFICER OF THE NATIONAL**
10 **INTELLIGENCE AUTHORITY.**

11 (a) CHIEF INFORMATION OFFICER OF NATIONAL IN-
12 TELLIGENCE AUTHORITY.—There is a Chief Information
13 Officer of the National Intelligence Authority who shall
14 be appointed by the National Intelligence Director.

15 (b) DUTIES.—The Chief Information Officer of the
16 National Intelligence Authority shall—

17 (1) assist the National Intelligence Director in
18 implementing the responsibilities and executing the
19 authorities related to information technology under
20 paragraphs (15) and (16) of section 112(a) and sec-
21 tion 113(h); and

22 (2) perform such other duties as may be pre-
23 scribed by the Director or specified by law.

1 **SEC. 129. CHIEF HUMAN CAPITAL OFFICER OF THE NA-**
2 **TIONAL INTELLIGENCE AUTHORITY.**

3 (a) CHIEF HUMAN CAPITAL OFFICER OF NATIONAL
4 INTELLIGENCE AUTHORITY.—There is a Chief Human
5 Capital Officer of the National Intelligence Authority who
6 shall be appointed by the National Intelligence Director.

7 (b) DUTIES.—The Chief Human Capital Officer of
8 the National Intelligence Authority shall—

9 (1) have the functions and authorities provided
10 for Chief Human Capital Officers under sections
11 1401 and 1402 of title 5, United States Code, with
12 respect to the National Intelligence Authority; and

13 (2) advise and assist the National Intelligence
14 Director in exercising the authorities and respon-
15 sibilities of the Director with respect to the work-
16 force of the intelligence community as a whole.

17 **SEC. 130. CHIEF FINANCIAL OFFICER OF THE NATIONAL IN-**
18 **TELLIGENCE AUTHORITY.**

19 (a) CHIEF FINANCIAL OFFICER OF NATIONAL IN-
20 TELLIGENCE AUTHORITY.—There is a Chief Financial Of-
21 ficer of the National Intelligence Authority who shall be
22 designated by the President, in consultation with the Na-
23 tional Intelligence Director.

24 (b) DESIGNATION REQUIREMENTS.—The designation
25 of an individual as Chief Financial Officer of the National

1 Intelligence Authority shall be subject to applicable provi-
2 sions of section 901(a) of title 31, United States Code.

3 (c) AUTHORITIES AND FUNCTIONS.—The Chief Fi-
4 nancial Officer of the National Intelligence Authority shall
5 have such authorities, and carry out such functions, with
6 respect to the National Intelligence Authority as are pro-
7 vided for an agency Chief Financial Officer by section 902
8 of title 31, United States Code, and other applicable provi-
9 sions of law.

10 (d) COORDINATION WITH NIA COMPTROLLER.—(1)
11 The Chief Financial Officer of the National Intelligence
12 Authority shall coordinate with the Comptroller of the Na-
13 tional Intelligence Authority in exercising the authorities
14 and performing the functions provided for the Chief Fi-
15 nancial Officer under this section.

16 (2) The National Intelligence Director shall take such
17 actions as are necessary to prevent duplication of effort
18 by the Chief Financial Officer of the National Intelligence
19 Authority and the Comptroller of the National Intelligence
20 Authority.

21 (e) INTEGRATION OF FINANCIAL SYSTEMS.—Subject
22 to the supervision, direction, and control of the National
23 Intelligence Director, the Chief Financial Officer of the
24 National Intelligence Authority shall take appropriate ac-
25 tions to ensure the timely and effective integration of the

1 financial systems of the National Intelligence Authority
2 (including any elements or components transferred to the
3 Authority by this Act), and of the financial systems of the
4 Authority with applicable portions of the financial systems
5 of the other elements of the intelligence community, as
6 soon as possible after the date of the enactment of this
7 Act.

8 (f) PROTECTION OF ANNUAL FINANCIAL STATE-
9 MENT FROM DISCLOSURE.—The annual financial state-
10 ment of the National Intelligence Authority required
11 under section 3515 of title 31, United States Code—

- 12 (1) shall be submitted in classified form; and
13 (2) notwithstanding any other provision of law,
14 shall be withheld from public disclosure.

15 **SEC. 131. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.**

16 (a) NATIONAL COUNTERINTELLIGENCE EXECU-
17 TIVE.—The National Counterintelligence Executive under
18 section 902 of the Counterintelligence Enhancement Act
19 of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b
20 et seq.), as amended by section 309 of this Act, is a com-
21 ponent of the Office of the National Intelligence Director.

22 (b) DUTIES.—The National Counterintelligence Ex-
23 ecutive shall perform the duties provided in the Counter-
24 intelligence Enhancement Act of 2002, as so amended,

1 and such other duties as may be prescribed by the Na-
 2 tional Intelligence Director or specified by law.

3 **Subtitle D—Additional Elements of** 4 **National Intelligence Authority**

5 **SEC. 141. INSPECTOR GENERAL OF THE NATIONAL INTEL-** 6 **LIGENCE AUTHORITY.**

7 (a) OFFICE OF INSPECTOR GENERAL OF NATIONAL
 8 INTELLIGENCE AUTHORITY.—There is within the Na-
 9 tional Intelligence Authority an Office of the Inspector
 10 General of the National Intelligence Authority.

11 (b) PURPOSE.—The purpose of the Office of the In-
 12 spector General of the National Intelligence Authority is
 13 to—

14 (1) create an objective and effective office, ap-
 15 propriately accountable to Congress, to initiate and
 16 conduct independently investigations, inspections,
 17 and audits relating to—

18 (A) the programs and operations of the
 19 National Intelligence Authority;

20 (B) the relationships among the elements
 21 of the intelligence community within the Na-
 22 tional Intelligence Program; and

23 (C) the relationships between the elements
 24 of the intelligence community within the Na-

1 tional Intelligence Program and the other ele-
2 ments of the intelligence community;

3 (2) recommend policies designed—

4 (A) to promote economy, efficiency, and ef-
5 fectiveness in the administration of such pro-
6 grams and operations, and in such relation-
7 ships; and

8 (B) to prevent and detect fraud and abuse
9 in such programs, operations, and relationships;

10 (3) provide a means for keeping the National
11 Intelligence Director fully and currently informed
12 about—

13 (A) problems and deficiencies relating to
14 the administration of such programs and oper-
15 ations, and to such relationships; and

16 (C) the necessity for, and the progress of,
17 corrective actions; and

18 (4) in the manner prescribed by this section,
19 ensure that the congressional intelligence committees
20 are kept similarly informed of—

21 (A) significant problems and deficiencies
22 relating to the administration of such programs
23 and operations, and to such relationships; and

24 (B) the necessity for, and the progress of,
25 corrective actions.

1 (c) INSPECTOR GENERAL OF NATIONAL INTEL-
2 LIGENCE AUTHORITY.—(1) There is an Inspector General
3 of the National Intelligence Authority, who shall be the
4 head of the Office of the Inspector General of the National
5 Intelligence Authority, who shall be appointed by the
6 President, by and with the advice and consent of the Sen-
7 ate.

8 (2) The nomination of an individual for appointment
9 as Inspector General shall be made—

10 (A) without regard to political affiliation;

11 (B) solely on the basis of integrity, compliance
12 with the security standards of the National Intel-
13 ligence Authority, and prior experience in the field
14 of intelligence or national security; and

15 (C) on the basis of demonstrated ability in ac-
16 counting, financial analysis, law, management anal-
17 ysis, public administration, or auditing.

18 (3) The Inspector General shall report directly to and
19 be under the general supervision of the National Intel-
20 ligence Director.

21 (4) The Inspector General may be removed from of-
22 fice only by the President. The President shall imme-
23 diately communicate in writing to the congressional intel-
24 ligence committees the reasons for the removal of any indi-
25 vidual from the position of Inspector General.

1 (d) DUTIES AND RESPONSIBILITIES.—It shall be the
2 duty and responsibility of the Inspector General of the Na-
3 tional Intelligence Authority—

4 (1) to provide policy direction for, and to plan,
5 conduct, supervise, and coordinate independently,
6 the investigations, inspections, and audits relating to
7 the programs and operations of the National Intel-
8 ligence Authority, the relationships among the ele-
9 ments of the intelligence community within the Na-
10 tional Intelligence Program, and the relationships
11 between the elements of the intelligence community
12 within the National Intelligence Program and the
13 other elements of the intelligence community to en-
14 sure they are conducted efficiently and in accordance
15 with applicable law and regulations;

16 (2) to keep the National Intelligence Director
17 fully and currently informed concerning violations of
18 law and regulations, violations of civil liberties and
19 privacy, and fraud and other serious problems,
20 abuses, and deficiencies that may occur in such pro-
21 grams and operations, and in such relationships, and
22 to report the progress made in implementing correc-
23 tive action;

24 (3) to take due regard for the protection of in-
25 telligence sources and methods in the preparation of

1 all reports issued by the Inspector General, and, to
2 the extent consistent with the purpose and objective
3 of such reports, take such measures as may be ap-
4 propriate to minimize the disclosure of intelligence
5 sources and methods described in such reports; and

6 (4) in the execution of the duties and respon-
7 sibilities under this section, to comply with generally
8 accepted government auditing standards.

9 (e) LIMITATIONS ON ACTIVITIES.—(1) The National
10 Intelligence Director may prohibit the Inspector General
11 of the National Intelligence Authority from initiating, car-
12 rying out, or completing any investigation, inspection, or
13 audit if the Director determines that such prohibition is
14 necessary to protect vital national security interests of the
15 United States.

16 (2) If the Director exercises the authority under
17 paragraph (1), the Director shall submit an appropriately
18 classified statement of the reasons for the exercise of such
19 authority within seven days to the congressional intel-
20 ligence committees.

21 (3) The Director shall advise the Inspector General
22 at the time a report under paragraph (1) is submitted,
23 and, to the extent consistent with the protection of intel-
24 ligence sources and methods, provide the Inspector Gen-
25 eral with a copy of such report.

1 (4) The Inspector General may submit to the con-
2 gressional intelligence committees any comments on a re-
3 port of which the Inspector General has notice under para-
4 graph (3) that the Inspector General considers appro-
5 priate.

6 (f) AUTHORITIES.—(1) The Inspector General of the
7 National Intelligence Authority shall have direct and
8 prompt access to the National Intelligence Director when
9 necessary for any purpose pertaining to the performance
10 of the duties of the Inspector General.

11 (2)(A) The Inspector General shall have access to any
12 employee, or any employee of a contractor, of the National
13 Intelligence Authority, and of any other element of the in-
14 telligence community within the National Intelligence Pro-
15 gram, whose testimony is needed for the performance of
16 the duties of the Inspector General.

17 (B) The Inspector General shall have direct access
18 to all records, reports, audits, reviews, documents, papers,
19 recommendations, or other material which relate to the
20 programs and operations with respect to which the Inspec-
21 tor General has responsibilities under this section.

22 (C) The level of classification or compartmentation
23 of information shall not, in and of itself, provide a suffi-
24 cient rationale for denying the Inspector General access
25 to any materials under subparagraph (B).

1 (D) Failure on the part of any employee or contractor
2 of the National Intelligence Authority to cooperate with
3 the Inspector General shall be grounds for appropriate ad-
4 ministrative actions by the Director, including loss of em-
5 ployment or the termination of an existing contractual re-
6 lationship.

7 (3) The Inspector General is authorized to receive
8 and investigate complaints or information from any person
9 concerning the existence of an activity constituting a viola-
10 tion of laws, rules, or regulations, or mismanagement,
11 gross waste of funds, abuse of authority, or a substantial
12 and specific danger to the public health and safety. Once
13 such complaint or information has been received from an
14 employee of the Federal government—

15 (A) the Inspector General shall not disclose the
16 identity of the employee without the consent of the
17 employee, unless the Inspector General determines
18 that such disclosure is unavoidable during the course
19 of the investigation or the disclosure is made to an
20 official of the Department of Justice responsible for
21 determining whether a prosecution should be under-
22 taken; and

23 (B) no action constituting a reprisal, or threat
24 of reprisal, for making such complaint may be taken
25 by any employee in a position to take such actions,

1 unless the complaint was made or the information
2 was disclosed with the knowledge that it was false
3 or with willful disregard for its truth or falsity.

4 (4) The Inspector General shall have authority to ad-
5 minister to or take from any person an oath, affirmation,
6 or affidavit, whenever necessary in the performance of the
7 duties of the Inspector General, which oath, affirmation,
8 or affidavit when administered or taken by or before an
9 employee of the Office of the Inspector General of the Na-
10 tional Intelligence Authority designated by the Inspector
11 General shall have the same force and effect as if adminis-
12 tered or taken by or before an officer having a seal.

13 (5)(A) Except as provided in subparagraph (B), the
14 Inspector General is authorized to require by subpoena the
15 production of all information, documents, reports, an-
16 swers, records, accounts, papers, and other data and docu-
17 mentary evidence necessary in the performance of the du-
18 ties and responsibilities of the Inspector General.

19 (B) In the case of departments, agencies, and other
20 elements of the United States Government, the Inspector
21 General shall obtain information, documents, reports, an-
22 swers, records, accounts, papers, and other data and evi-
23 dence for the purpose specified in subparagraph (A) using
24 procedures other than by subpoenas.

1 (C) The Inspector General may not issue a subpoena
2 for or on behalf of any other element or component of the
3 Authority.

4 (D) In the case of contumacy or refusal to obey a
5 subpoena issued under this paragraph, the subpoena shall
6 be enforceable by order of any appropriate district court
7 of the United States.

8 (g) STAFF AND OTHER SUPPORT.—(1) The Inspec-
9 tor General of the National Intelligence Authority shall be
10 provided with appropriate and adequate office space at
11 central and field office locations, together with such equip-
12 ment, office supplies, maintenance services, and commu-
13 nications facilities and services as may be necessary for
14 the operation of such offices.

15 (2)(A) Subject to applicable law and the policies of
16 the National Intelligence Director, the Inspector General
17 shall select, appoint and employ such officers and employ-
18 ees as may be necessary to carry out the functions of the
19 Inspector General.

20 (B) In making selections under subparagraph (A),
21 the Inspector General shall ensure that such officers and
22 employees have the requisite training and experience to
23 enable the Inspector General to carry out the duties of
24 the Inspector General effectively.

1 (C) In meeting the requirements of this paragraph,
2 the Inspector General shall create within the Office of the
3 Inspector General of the National Intelligence Authority
4 a career cadre of sufficient size to provide appropriate con-
5 tinuity and objectivity needed for the effective perform-
6 ance of the duties of the Inspector General.

7 (3)(A) Subject to the concurrence of the Director, the
8 Inspector General may request such information or assist-
9 ance as may be necessary for carrying out the duties and
10 responsibilities of the Inspector General from any depart-
11 ment, agency, or other element of the United States Gov-
12 ernment.

13 (B) Upon request of the Inspector General for infor-
14 mation or assistance under subparagraph (A), the head
15 of the department, agency, or element concerned shall, in-
16 sofar as is practicable and not in contravention of any ex-
17 isting statutory restriction or regulation of the depart-
18 ment, agency, or element, furnish to the Inspector Gen-
19 eral, or to an authorized designee, such information or as-
20 sistance.

21 (h) REPORTS.—(1)(A) The Inspector General of the
22 National Intelligence Authority shall, not later than Janu-
23 ary 31 and July 31 of each year, prepare and submit to
24 the National Intelligence Director a classified semiannual
25 report summarizing the activities of the Office of the In-

1 spector General of the National Intelligence Authority
2 during the immediately preceding six-month periods end-
3 ing December 31 (of the preceding year) and June 30,
4 respectively.

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.

10 (ii) A description of significant problems,
11 abuses, and deficiencies relating to the administra-
12 tion of programs and operations of the National In-
13 telligence Authority identified by the Inspector Gen-
14 eral during the period covered by such report.

15 (iii) A description of the recommendations for
16 corrective action made by the Inspector General dur-
17 ing the period covered by such report with respect
18 to significant problems, abuses, or deficiencies iden-
19 tified in clause (ii).

20 (iv) A statement whether or not corrective ac-
21 tion has been completed on each significant rec-
22 ommendation described in previous semiannual re-
23 ports, and, in a case where corrective action has
24 been completed, a description of such corrective ac-
25 tion.

1 (v) An assessment of the effectiveness of all
2 measures in place in the Authority for the protection
3 of civil liberties and privacy of United States per-
4 sons.

5 (vi) A certification whether or not the Inspector
6 General has had full and direct access to all infor-
7 mation relevant to the performance of the functions
8 of the Inspector General.

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

13 (viii) Such recommendations as the Inspector
14 General considers appropriate for legislation to pro-
15 mote economy and efficiency in the administration of
16 programs and operations undertaken by the Author-
17 ity, and to detect and eliminate fraud and abuse in
18 such programs and operations.

19 (C) Not later than the 30 days after the date of re-
20 ceipt of a report under subparagraph (A), the Director
21 shall transmit the report to the congressional intelligence
22 committees together with any comments the Director con-
23 siders appropriate.

24 (2)(A) The Inspector General shall report imme-
25 diately to the Director whenever the Inspector General be-

1 comes aware of particularly serious or flagrant problems,
2 abuses, or deficiencies relating to the administration of
3 programs or operations of the Authority, a relationship be-
4 tween the elements of the intelligence community within
5 the National Intelligence Program, or a relationship be-
6 tween an element of the intelligence community within the
7 National Intelligence Program and another element of the
8 intelligence community.

9 (B) The Director shall transmit to the congressional
10 intelligence committees each report under subparagraph
11 (A) within seven calendar days of receipt of such report,
12 together with such comments as the Director considers ap-
13 propriate.

14 (3) In the event that—

15 (A) the Inspector General is unable to resolve
16 any differences with the Director affecting the exe-
17 cution of the duties or responsibilities of the Inspec-
18 tor General;

19 (B) an investigation, inspection, or audit car-
20 ried out by the Inspector General should focus on
21 any current or former Authority official who holds
22 or held a position in the Authority that is subject to
23 appointment by the President, by and with the ad-
24 vice and consent of the Senate, including such a po-
25 sition held on an acting basis;

1 (C) a matter requires a report by the Inspector
2 General to the Department of Justice on possible
3 criminal conduct by a current or former official de-
4 scribed in subparagraph (B);

5 (D) the Inspector General receives notice from
6 the Department of Justice declining or approving
7 prosecution of possible criminal conduct of any cur-
8 rent or former official described in subparagraph
9 (B); or

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

17 (4) Pursuant to title V of the National Security Act
18 of 1947 (50 U.S.C. 413 et seq.), the Director shall submit
19 to the congressional intelligence committees any report or
20 findings and recommendations of an investigation, inspec-
21 tion, or audit conducted by the office which has been re-
22 quested by the Chairman or Ranking Minority Member
23 of either committee.

24 (5)(A) An employee of the Authority, an employee of
25 an entity other than the Authority who is assigned or de-

1 tailed to the Authority, or an employee of a contractor
2 to the Authority who intends to report to Congress a com-
3 plaint or information with respect to an urgent concern
4 may report such complaint or information to the Inspector
5 General.

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

14 (C) Upon receipt of a transmittal from the Inspector
15 General under subparagraph (B), the Director shall, with-
16 in seven calendar days of such receipt, forward such trans-
17 mittal to the congressional intelligence committees, to-
18 gether with any comments the Director considers appro-
19 priate.

20 (D)(i) If the Inspector General does not find credible
21 under subparagraph (B) a complaint or information sub-
22 mitted under subparagraph (A), or does not transmit the
23 complaint or information to the Director in accurate form
24 under subparagraph (B), the employee (subject to clause
25 (ii)) may submit the complaint or information to Congress

1 by contacting either or both of the congressional intel-
2 ligence committees directly.

3 (ii) An employee may contact the intelligence commit-
4 tees directly as described in clause (i) only if the em-
5 ployee—

6 (I) before making such a contact, furnishes to
7 the Director, through the Inspector General, a state-
8 ment of the employee's complaint or information and
9 notice of the employee's intent to contact the con-
10 gressional intelligence committees directly; and

11 (II) obtains and follows from the Director,
12 through the Inspector General, direction on how to
13 contact the intelligence committees in accordance
14 with appropriate security practices.

15 (iii) A member or employee of one of the congres-
16 sional intelligence committees who receives a complaint or
17 information under clause (i) does so in that member or
18 employee's official capacity as a member or employee of
19 such committee.

20 (E) The Inspector General shall notify an employee
21 who reports a complaint or information to the Inspector
22 General under this paragraph of each action taken under
23 this paragraph with respect to the complaint or informa-
24 tion. Such notice shall be provided not later than three
25 days after any such action is taken.

1 (F) An action taken by the Director or the Inspector
2 General under this paragraph shall not be subject to judi-
3 cial review.

4 (G) In this paragraph, the term “urgent concern”
5 means any of the following:

6 (i) A serious or flagrant problem, abuse, viola-
7 tion of law or Executive order, or deficiency relating
8 to the funding, administration, or operations of an
9 intelligence activity involving classified information,
10 but does not include differences of opinions con-
11 cerning public policy matters.

12 (ii) A false statement to Congress, or a willful
13 withholding from Congress, on an issue of material
14 fact relating to the funding, administration, or oper-
15 ation of an intelligence activity.

16 (iii) An action, including a personnel action de-
17 scribed in section 2302(a)(2)(A) of title 5, United
18 States Code, constituting reprisal or threat of re-
19 prisal prohibited under subsection (f)(3)(B) of this
20 section in response to an employee’s reporting an ur-
21 gent concern in accordance with this paragraph.

22 (H) In support of this paragraph, Congress makes
23 the findings set forth in paragraphs (1) through (6) of
24 section 701(b) of the Intelligence Community Whistle-

1 blower Protection Act of 1998 (title VII of Public Law
2 105–272; 5 U.S.C. App. 8H note).

3 (6) In accordance with section 535 of title 28, United
4 States Code, the Inspector General shall report to the At-
5 torney General any information, allegation, or complaint
6 received by the Inspector General relating to violations of
7 Federal criminal law that involve a program or operation
8 of the Authority, consistent with such guidelines as may
9 be issued by the Attorney General pursuant to subsection
10 (b)(2) of such section. A copy of each such report shall
11 be furnished to the Director.

12 (i) SEPARATE BUDGET ACCOUNT.—The National In-
13 telligence Director shall, in accordance with procedures to
14 be issued by the Director in consultation with the congres-
15 sional intelligence committees, include in the National In-
16 telligence Program budget a separate account for the Of-
17 fice of Inspector General of the National Intelligence Au-
18 thority.

19 **SEC. 142. OMBUDSMAN OF THE NATIONAL INTELLIGENCE**
20 **AUTHORITY.**

21 (a) OMBUDSMAN OF NATIONAL INTELLIGENCE AU-
22 THORITY.—There is within the National Intelligence Au-
23 thority an Ombudsman of the National Intelligence Au-
24 thority who shall be appointed by the National Intelligence
25 Director.

1 (b) DUTIES.—The Ombudsman of the National Intel-
2 ligence Authority shall—

3 (1) counsel, arbitrate, or offer recommendations
4 on, and have the authority to initiate inquiries into,
5 real or perceived problems of politicization, biased
6 reporting, or lack of objective analysis within the
7 National Intelligence Authority, or any element of
8 the intelligence community within the National Intel-
9 ligence Program, or regarding any analysis of na-
10 tional intelligence by any element of the intelligence
11 community;

12 (2) monitor the effectiveness of measures taken
13 to deal with real or perceived politicization, biased
14 reporting, or lack of objective analysis within the
15 Authority, or any element of the intelligence commu-
16 nity within the National Intelligence Program, or re-
17 garding any analysis of national intelligence by any
18 element of the intelligence community; and

19 (3) conduct reviews of the analytic product or
20 products of the Authority, or any element of the in-
21 telligence community within the National Intel-
22 ligence Program, or of any analysis of national intel-
23 ligence by any element of the intelligence commu-
24 nity, with such reviews to be conducted so as to en-
25 sure that analysis is timely, objective, independent of

1 political considerations, and based upon all sources
2 available to the intelligence community.

3 (c) ANALYTIC REVIEW UNIT.—(1) There is within
4 the Office of the Ombudsman of the National Intelligence
5 Authority an Analytic Review Unit.

6 (2) The Analytic Review Unit shall assist the Om-
7 budsman of the National Intelligence Authority in per-
8 forming the duties and responsibilities of the Ombudsman
9 set forth in subsection (b)(3).

10 (3) The Ombudsman shall provide the Analytic Re-
11 view Unit a staff who possess expertise in intelligence
12 analysis that is appropriate for the function of the Unit.

13 (4) In assisting the Ombudsman, the Analytic Review
14 Unit shall, subject to the direction and control of the Om-
15 budsman, conduct detailed evaluations of intelligence anal-
16 ysis by the following:

17 (A) The National Intelligence Council.

18 (B) The elements of the intelligence community
19 within the National Intelligence Program.

20 (C) To the extent involving the analysis of na-
21 tional intelligence, other elements of the intelligence
22 community.

23 (D) The divisions, offices, programs, officers,
24 and employees of the elements specified in subpara-
25 graphs (B) and (C).

1 (5) The results of the evaluations under paragraph
2 (4) shall be provided to the congressional intelligence com-
3 mittees and, upon request, to appropriate heads of other
4 departments, agencies, and elements of the executive
5 branch.

6 (d) ACCESS TO INFORMATION.—In order to carry out
7 the duties specified in subsection (c), the Ombudsman of
8 the National Intelligence Authority shall, unless otherwise
9 directed by the President, have access to all analytic prod-
10 ucts, field reports, and raw intelligence of any element of
11 the intelligence community, and to any reports or other
12 material of an Inspector General, that might be pertinent
13 to a matter under consideration by the Ombudsman.

14 (e) ANNUAL REPORTS.—The Ombudsman of the Na-
15 tional Intelligence Authority shall submit to the National
16 Intelligence Director and the congressional intelligence
17 committees on an annual basis a report that includes—

18 (1) the assessment of the Ombudsman of the
19 current level of politicization, biased reporting, or
20 lack of objective analysis within the National Intel-
21 ligence Authority, or any element of the intelligence
22 community within the National Intelligence Pro-
23 gram, or regarding any analysis of national intel-
24 ligence by any element of the intelligence commu-
25 nity;

1 (2) such recommendations for remedial meas-
2 ures as the Ombudsman considers appropriate; and
3 (3) an assessment of the effectiveness of reme-
4 dial measures previously taken within the intel-
5 ligence community on matters addressed by the Om-
6 budsman.

7 (f) REFERRAL OF CERTAIN MATTERS FOR INVES-
8 TIGATION.—In addition to carrying out activities under
9 this section, the Ombudsman of the National Intelligence
10 Authority may refer serious cases of misconduct related
11 to politicization of intelligence information, biased report-
12 ing, or lack of objective analysis within the intelligence
13 community to the Inspector General of the National Intel-
14 ligence Authority for investigation.

15 **SEC. 143. NATIONAL COUNTERTERRORISM CENTER.**

16 (a) NATIONAL COUNTERTERRORISM CENTER.—
17 There is within the National Intelligence Authority a Na-
18 tional Counterterrorism Center.

19 (b) DIRECTOR OF NATIONAL COUNTERTERRORISM
20 CENTER.—(1) There is a Director of the National
21 Counterterrorism Center, who shall be the head of the Na-
22 tional Counterterrorism Center, and who shall be ap-
23 pointed by the President, by and with the advice and con-
24 sent of the Senate.

1 (2) Any individual nominated for appointment as the
2 Director of the National Counterterrorism Center shall
3 have significant expertise in matters relating to the na-
4 tional security of the United States and matters relating
5 to terrorism that threatens the national security of the
6 United States.

7 (3) The individual serving as the Director of the Na-
8 tional Counterterrorism Center may not, while so serving,
9 serve in any capacity in any other element of the intel-
10 ligence community, except to the extent that the individual
11 serving as Director of the National Counterterrorism Cen-
12 ter is doing so in an acting capacity.

13 (c) SUPERVISION.—(1) The Director of the National
14 Counterterrorism Center shall report to the National In-
15 telligence Director on—

16 (A) the budget and programs of the National
17 Counterterrorism Center; and

18 (B) the activities of the Directorate of Intel-
19 ligence of the National Counterterrorism Center
20 under subsection (g).

21 (2) The Director of the National Counterterrorism
22 Center shall report to the President and the National In-
23 telligence Director on the planning and progress of joint
24 counterterrorism operations.

1 (d) PRIMARY MISSIONS.—The primary missions of
2 the National Counterterrorism Center shall be as follows:

3 (1) To develop and unify strategy for the civil-
4 ian and military counterterrorism efforts of the
5 United States Government.

6 (2) To integrate counterterrorism intelligence
7 activities of the United States Government, both in-
8 side and outside the United States.

9 (3) To develop interagency counterterrorism
10 plans, which plans shall—

11 (A) involve more than one department,
12 agency, or element of the executive branch (un-
13 less otherwise directed by the President); and

14 (B) include the mission, objectives to be
15 achieved, courses of action, parameters for such
16 courses of action, coordination of agency oper-
17 ational activities, recommendations for oper-
18 ational plans, and assignment of departmental
19 or agency responsibilities.

20 (4) To ensure that the collection of
21 counterterrorism intelligence, and the conduct of
22 counterterrorism operations, by the United States
23 Government are informed by the analysis of all-
24 source intelligence.

1 (e) DUTIES AND RESPONSIBILITIES OF DIRECTOR OF
2 NATIONAL COUNTERTERRORISM CENTER.—Notwith-
3 standing any other provision of law, at the direction of
4 the President, the National Security Council, and the Na-
5 tional Intelligence Director, the Director of the National
6 Counterterrorism Center shall—

7 (1) serve as the principal adviser to the Presi-
8 dent and the National Intelligence Director on joint
9 operations relating to counterterrorism;

10 (2) provide unified strategic direction for the ci-
11 vilian and military counterterrorism efforts of the
12 United States Government and for the effective inte-
13 gration and deconfliction of counterterrorism intel-
14 ligence and operations across agency boundaries,
15 both inside and outside the United States;

16 (3) advise the President and the National Intel-
17 ligence Director on the extent to which the
18 counterterrorism program recommendations and
19 budget proposals of the departments, agencies, and
20 elements of the United States Government conform
21 to the priorities established by the President and the
22 National Security Council;

23 (4) in accordance with subsection (f), concur in,
24 or advise the President on, the selections of per-
25 sonnel to head the operating entities of the United

1 States Government with principal missions relating
2 to counterterrorism; and

3 (5) perform such other duties as the National
4 Intelligence Director may prescribe or are prescribed
5 by law.

6 (f) ROLE OF DIRECTOR OF NATIONAL
7 COUNTERTERRORISM CENTER IN CERTAIN APPOINT-
8 MENTS.—(1) In the event of a vacancy in a position re-
9 ferred to in paragraph (2), the head of the department
10 or agency having jurisdiction over the position shall obtain
11 the concurrence of the Director of the National
12 Counterterrorism Center before appointing an individual
13 to fill the vacancy or recommending to the President an
14 individual for nomination to fill the vacancy. If the Direc-
15 tor does not concur in the recommendation, the head of
16 the department or agency concerned may fill the vacancy
17 or make the recommendation to the President (as the case
18 may be) without the concurrence of the Director, but shall
19 notify the President that the Director does not concur in
20 the appointment or recommendation (as the case may be).

21 (2) Paragraph (1) applies to the following positions:

22 (A) The Director of the Central Intelligence
23 Agency's Counterterrorist Center.

1 (B) The Assistant Director of the Federal Bu-
2 reau of Investigation in charge of the
3 Counterterrorism Division.

4 (C) The Coordinator for Counterterrorism of
5 the Department of State.

6 (D) The head of such other operating entities
7 of the United States Government having principal
8 missions relating to counterterrorism as the Presi-
9 dent may designate for purposes of this subsection.

10 (3) The President shall notify Congress of the des-
11 ignation of an operating entity of the United States Gov-
12 ernment under paragraph (2)(D) not later than 30 days
13 after the date of such designation.

14 (g) DIRECTORATE OF INTELLIGENCE.—(1) The Di-
15 rector of the National Counterterrorism Center shall es-
16 tablish and maintain within the National
17 Counterterrorism Center a Directorate of Intelligence.

18 (2) The Directorate shall utilize the capabilities of the
19 Terrorist Threat Integration Center (TTIC) transferred
20 to the Directorate by section 323 and such other capabili-
21 ties as the Director of the National Counterterrorism Cen-
22 ter considers appropriate.

23 (3) The Directorate shall have primary responsibility
24 within the United States Government for analysis of ter-
25 rorism and terrorist organizations from all sources of in-

1 telligence, whether collected inside or outside the United
2 States.

3 (4) The Directorate shall—

4 (A) be the principal repository within the
5 United States Government for all-source information
6 on suspected terrorists, their organizations, and
7 their capabilities;

8 (B) propose intelligence collection requirements
9 for action by elements of the intelligence community
10 inside and outside the United States;

11 (C) have primary responsibility within the
12 United States Government for net assessments and
13 warnings about terrorist threats, which assessments
14 and warnings shall be based on a comparison of ter-
15 rorist intentions and capabilities with assessed na-
16 tional vulnerabilities and countermeasures; and

17 (D) perform such other duties and functions as
18 the Director of the National Counterterrorism Cen-
19 ter may prescribe.

20 (h) DIRECTORATE OF PLANNING.—(1) The Director
21 of the National Counterterrorism Center shall establish
22 and maintain within the National Counterterrorism Cen-
23 ter a Directorate of Planning.

1 (2) The Directorate shall have primary responsibility
2 for developing interagency counterterrorism plans, as de-
3 scribed in subsection (d)(3).

4 (3) The Directorate shall—

5 (A) provide guidance, and develop strategy and
6 interagency plans, to counter terrorist activities
7 based on policy objectives and priorities established
8 by the National Security Council;

9 (B) develop interagency plans under subpara-
10 graph (A) utilizing input from personnel in other de-
11 partments, agencies, and elements of the United
12 States Government who have expertise in the prior-
13 ities, functions, assets, programs, capabilities, and
14 operations of such departments, agencies, and ele-
15 ments with respect to counterterrorism;

16 (C) assign responsibilities for counterterrorism
17 operations to the departments and agencies of the
18 United States Government (including the Depart-
19 ment of Defense, the Central Intelligence Agency,
20 the Federal Bureau of Investigation, the Depart-
21 ment of Homeland Security, and other departments
22 and agencies of the United States Government), con-
23 sistent with the authorities of such departments and
24 agencies;

1 (D) monitor the implementation of operations
2 assigned under subparagraph (C) and update inter-
3 agency plans for such operations as necessary;

4 (E) report to the President and the National
5 Intelligence Director on the compliance of the de-
6 partments, agencies, and elements of the United
7 States with the plans developed under subparagraph
8 (A); and

9 (F) perform such other duties and functions as
10 the Director of the National Counterterrorism Cen-
11 ter may prescribe.

12 (4) The Directorate may not direct the execution of
13 operations assigned under paragraph (3).

14 (i) STAFF.—(1) The National Intelligence Director
15 may appoint deputy directors of the National
16 Counterterrorism Center to oversee such portions of the
17 operations of the Center as the National Intelligence Di-
18 rector considers appropriate.

19 (2) To assist the Director of the National
20 Counterterrorism Center in fulfilling the duties and re-
21 sponsibilities of the Director of the National
22 Counterterrorism Center under this section, the National
23 Intelligence Director shall employ in the National
24 Counterterrorism Center a professional staff having an ex-

1 pertise in matters relating to such duties and responsibil-
2 ities.

3 (3) In providing for a professional staff for the Na-
4 tional Counterterrorism Center under paragraph (2), the
5 National Intelligence Director may establish as positions
6 in the excepted service such positions in the Center as the
7 National Intelligence Director considers appropriate.

8 (4) The National Intelligence Director shall ensure
9 that the analytical staff of the National Counterterrorism
10 Center is comprised primarily of experts from elements in
11 the intelligence community and from such other personnel
12 in the United States Government as the National Intel-
13 ligence Director considers appropriate.

14 (5)(A) In order to meet the requirements in para-
15 graph (4), the National Intelligence Director shall, from
16 time to time—

17 (i) specify the transfers, assignments, and de-
18 tails of personnel funded within the National Intel-
19 ligence Program to the National Counterterrorism
20 Center from any other element of the intelligence
21 community that the National Intelligence Director
22 considers appropriate; and

23 (ii) in the case of personnel from a department,
24 agency, or element of the United States Government
25 and not funded within the National Intelligence Pro-

1 gram, request the transfer, assignment, or detail of
2 such personnel from the department, agency, or
3 other element concerned.

4 (B)(i) The head of an element of the intelligence com-
5 munity shall promptly effect any transfer, assignment, or
6 detail of personnel specified by the National Intelligence
7 Director under subparagraph (A)(i).

8 (ii) The head of a department, agency, or element of
9 the United States Government receiving a request for
10 transfer, assignment, or detail of personnel under sub-
11 paragraph (A)(ii) shall, to the extent practicable, approve
12 the request.

13 (6) Personnel employed in or assigned or detailed to
14 the National Counterterrorism Center under this sub-
15 section shall be under the authority, direction, and control
16 of the Director of the National Counterterrorism Center
17 on all matters for which the Center has been assigned re-
18 sponsibility and for all matters related to the accomplish-
19 ment of the missions of the Center.

20 (7) Performance evaluations of personnel assigned or
21 detailed to the National Counterterrorism Center under
22 this subsection shall be undertaken by the supervisors of
23 such personnel at the Center.

24 (8) The supervisors of the staff of the National
25 Counterterrorism Center may, with the approval of the

1 National Intelligence Director, reward the staff of the
2 Center for meritorious performance by the provision of
3 such performance awards as the National Intelligence Di-
4 rector shall prescribe.

5 (9) The National Intelligence Director may delegate
6 to the Director of the National Counterterrorism Center
7 any responsibility, power, or authority of the National In-
8 telligence Director under paragraphs (1) through (8).

9 (10) The National Intelligence Director shall ensure
10 that the staff of the National Counterterrorism Center has
11 access to all databases maintained by the elements of the
12 intelligence community that are relevant to the duties of
13 the Center.

14 (j) SUPPORT AND COOPERATION OF OTHER AGEN-
15 CIES.—(1) The elements of the intelligence community
16 and the other departments, agencies, and elements of the
17 United States Government shall support, assist, and co-
18 operate with the National Counterterrorism Center in car-
19 rying out its missions under this section.

20 (2) The support, assistance, and cooperation of a de-
21 partment, agency, or element of the United States Govern-
22 ment under this subsection shall include, but not be lim-
23 ited to—

24 (A) the implementation of interagency plans for
25 operations, whether foreign or domestic, that are de-

1 veloped by the National Counterterrorism Center in
2 a manner consistent with the laws and regulations of
3 the United States and consistent with the limitation
4 in subsection (h)(4);

5 (B) cooperative work with the Director of the
6 National Counterterrorism Center to ensure that on-
7 going operations of such department, agency, or ele-
8 ment do not conflict with joint operations planned
9 by the Center;

10 (C) reports, upon request, to the Director of the
11 National Counterterrorism Center on the progress of
12 such department, agency, or element in imple-
13 menting responsibilities assigned to such depart-
14 ment, agency, or element through joint operations
15 plans; and

16 (D) the provision to the analysts of the Na-
17 tional Counterterrorism Center electronic access in
18 real time to information and intelligence collected by
19 such department, agency, or element that is relevant
20 to the missions of the Center.

21 (3) In the event of a disagreement between the Na-
22 tional Intelligence Director and the head of a department,
23 agency, or element of the United States Government on
24 a plan developed or responsibility assigned by the National
25 Counterterrorism Center under this subsection, the Na-

1 tional Intelligence Director may either accede to the head
2 of the department, agency, or element concerned or notify
3 the President of the necessity of resolving the disagree-
4 ment.

5 **SEC. 144. NATIONAL INTELLIGENCE CENTERS.**

6 (a) NATIONAL INTELLIGENCE CENTERS.—(1) The
7 National Intelligence Director may establish within the
8 National Intelligence Authority one or more centers (to
9 be known as “national intelligence centers”) to address
10 intelligence priorities established by the National Security
11 Council.

12 (2) Each national intelligence center established
13 under this section shall be assigned an area of intelligence
14 responsibility.

15 (3) National intelligence centers shall be established
16 at the direction of the President, as prescribed by law,
17 or upon the initiative of the National Intelligence Director.

18 (b) ESTABLISHMENT OF CENTERS.—(1) In estab-
19 lishing a national intelligence center, the National Intel-
20 ligence Director shall assign lead responsibility for admin-
21 istrative support for such center to an element of the intel-
22 ligence community selected by the Director for that pur-
23 pose.

24 (2) The Director shall determine the structure and
25 size of each national intelligence center.

1 (3) The Director shall notify Congress of the estab-
2 lishment of each national intelligence center before the
3 date of the establishment of such center.

4 (c) DIRECTORS OF CENTERS.—(1) Each national in-
5 telligence center shall have as its head a Director who
6 shall be appointed by the National Intelligence Director
7 for that purpose.

8 (2) The Director of a national intelligence center
9 shall serve as the principal adviser to the National Intel-
10 ligence Director on intelligence matters with respect to the
11 area of intelligence responsibility assigned to the center.

12 (3) In carrying out duties under paragraph (2), the
13 Director of a national intelligence center shall—

14 (A) manage the operations of the center;

15 (B) coordinate the provision of administration
16 and support by the element of the intelligence com-
17 munity with lead responsibility for the center under
18 subsection (b)(1);

19 (C) submit budget and personnel requests for
20 the center to the National Intelligence Director;

21 (D) seek such assistance from other depart-
22 ments, agencies, and elements of the United States
23 Government as is needed to fulfill the mission of the
24 center; and

1 (E) advise the National Intelligence Director of
2 the information technology, personnel, and other re-
3 quirements of the center for the performance of its
4 mission.

5 (4) The National Intelligence Director shall ensure
6 that the Director of a national intelligence center has suf-
7 ficient authority, direction, and control to effectively ac-
8 complish the mission of the center.

9 (d) MISSION OF CENTERS.—Pursuant to the direc-
10 tion of the National Intelligence Director, each national
11 intelligence center shall, in the area of intelligence respon-
12 sibility assigned to the center by the Director pursuant
13 to intelligence priorities established by the National Secu-
14 rity Council—

15 (1) have primary responsibility for providing
16 all-source analysis of intelligence based upon foreign
17 intelligence gathered both abroad and domestically;

18 (2) have primary responsibility for identifying
19 and proposing to the National Intelligence Director
20 intelligence collection and analysis requirements;

21 (3) have primary responsibility for net assess-
22 ments and warnings;

23 (4) ensure that appropriate officials of the
24 United States Government and other appropriate of-

1 officials have access to a variety of intelligence assess-
2 ments and analytical views; and

3 (5) perform such other duties as the National
4 Intelligence Director shall specify.

5 (e) INFORMATION SHARING.—(1) The National Intel-
6 ligence Director shall ensure that the Directors of the na-
7 tional intelligence centers and the other elements of the
8 intelligence community undertake appropriate sharing of
9 intelligence analysis and plans for operations in order to
10 facilitate the activities of the centers.

11 (2) In order to facilitate information sharing under
12 paragraph (1), the Directors of the national intelligence
13 centers shall—

14 (A) report directly to the National Intelligence
15 Director regarding their activities under this section;
16 and

17 (B) coordinate with the Principal Deputy Na-
18 tional Intelligence Director regarding such activities.

19 (f) STAFF.—(1) In providing for a professional staff
20 for a national intelligence center, the National Intelligence
21 Director may establish as positions in the excepted service
22 such positions in the center as the National Intelligence
23 Director considers appropriate.

24 (2)(A) The National Intelligence Director shall, from
25 time to time—

1 (i) specify the transfers, assignments, and de-
2 tails of personnel funded within the National Intel-
3 ligence Program to a national intelligence center
4 from any other element of the intelligence commu-
5 nity that the National Intelligence Director considers
6 appropriate; and

7 (ii) in the case of personnel from a department,
8 agency, or element of the United States Government
9 not funded within the National Intelligence Pro-
10 gram, request the transfer, assignment, or detail of
11 such personnel from the department, agency, or
12 other element concerned.

13 (B)(i) The head of an element of the intelligence com-
14 munity shall promptly effect any transfer, assignment, or
15 detail of personnel specified by the National Intelligence
16 Director under subparagraph (A)(i).

17 (ii) The head of a department, agency, or element of
18 the United States Government receiving a request for
19 transfer, assignment, or detail of personnel under sub-
20 paragraph (A)(ii) shall, to the extent practicable, approve
21 the request.

22 (3) Personnel employed in or assigned or detailed to
23 a national intelligence center under this subsection shall
24 be under the authority, direction, and control of the Direc-
25 tor of the center on all matters for which the center has

1 been assigned responsibility and for all matters related to
2 the accomplishment of the mission of the center.

3 (4) Performance evaluations of personnel assigned or
4 detailed to a national intelligence center under this sub-
5 section shall be undertaken by the supervisors of such per-
6 sonnel at the center.

7 (5) The supervisors of the staff of a national center
8 may, with the approval of the National Intelligence Direc-
9 tor, reward the staff of the center for meritorious perform-
10 ance by the provision of such performance awards as the
11 National Intelligence Director shall prescribe.

12 (6) The National Intelligence Director may delegate
13 to the Director of a national intelligence center any re-
14 sponsibility, power, or authority of the National Intel-
15 ligence Director under paragraphs (1) through (6).

16 (7) The Director of a national intelligence center may
17 recommend to the National Intelligence Director the reas-
18 signment to the home element concerned of any personnel
19 previously assigned or detailed to the center from another
20 element of the intelligence community.

21 (g) TERMINATION.—(1) The National Intelligence
22 Director may terminate a national intelligence center if
23 the National Intelligence Director determines that the cen-
24 ter is no longer required to meet an intelligence priority
25 established by the National Security Council.

1 (2) The National Intelligence Director shall notify
2 Congress of any determination made under paragraph (1)
3 before carrying out such determination.

4 **Subtitle E—Education and Train-**
5 **ing of Intelligence Community**
6 **Personnel**

7 **SEC. 151. FRAMEWORK FOR CROSS-DISCIPLINARY EDU-**
8 **CATION AND TRAINING.**

9 The National Intelligence Director shall establish an
10 integrated framework that brings together the educational
11 components of the intelligence community in order to pro-
12 mote a more effective and productive intelligence commu-
13 nity through cross-disciplinary education and joint train-
14 ing.

15 **SEC. 152. INTELLIGENCE COMMUNITY SCHOLARSHIP PRO-**
16 **GRAM.**

17 (a) DEFINITIONS.—In this section:

18 (1) AGENCY.—The term “agency” means each
19 element of the intelligence community as determined
20 by the National Intelligence Director.

21 (2) INSTITUTION OF HIGHER EDUCATION.—The
22 term “institution of higher education” has the
23 meaning given that term under section 101 of the
24 Higher Education Act of 1965 (20 U.S.C. 1001).

1 (3) PROGRAM.—The term “Program” means
2 the Intelligence Community Scholarship Program es-
3 tablished under subsection (b).

4 (b) ESTABLISHMENT.—

5 (1) IN GENERAL.—The National Intelligence
6 Director, in consultation with the head of each agen-
7 cy, shall establish a scholarship program (to be
8 known as the “Intelligence Community Scholarship
9 Program”) to award scholarships to individuals that
10 is designed to recruit and prepare students for civil-
11 ian careers in the intelligence community to meet
12 the critical needs of the intelligence community
13 agencies.

14 (2) SELECTION OF RECIPIENTS.—

15 (A) MERIT AND AGENCY NEEDS.—Individ-
16 uals shall be selected to receive scholarships
17 under this section through a competitive proc-
18 ess primarily on the basis of academic merit
19 and the needs of the agency.

20 (B) DEMONSTRATED COMMITMENT.—Indi-
21 viduals selected under this section shall have a
22 demonstrated commitment to the field of study
23 for which the scholarship is awarded.

24 (3) CONTRACTUAL AGREEMENTS.—To carry
25 out the Program the head of each agency shall enter

1 into contractual agreements with individuals selected
2 under paragraph (2) under which the individuals
3 agree to serve as full-time employees of the agency,
4 for the period described in subsection (h)(1), in posi-
5 tions needed by the agency and for which the indi-
6 viduals are qualified, in exchange for receiving a
7 scholarship.

8 (c) ELIGIBILITY.—In order to be eligible to partici-
9 pate in the Program, an individual shall—

10 (1) be enrolled or accepted for enrollment as a
11 full-time student at an institution of higher edu-
12 cation and be pursuing or intend to pursue under-
13 graduate or graduate education in an academic field
14 or discipline described in the list made available
15 under subsection (e);

16 (2) be a United States citizen; and

17 (3) at the time of the initial scholarship award,
18 not be an employee (as defined under section 2105
19 of title 5, United States Code).

20 (d) APPLICATION.—An individual seeking a scholar-
21 ship under this section shall submit an application to the
22 National Intelligence Director at such time, in such man-
23 ner, and containing such information, agreements, or as-
24 surances as the Director may require.

1 (e) PROGRAMS AND FIELDS OF STUDY.—The Na-
2 tional Intelligence Director shall—

3 (1) make publicly available a list of academic
4 programs and fields of study for which scholarships
5 under the Program may be used; and

6 (2) update the list as necessary.

7 (f) SCHOLARSHIPS.—

8 (1) IN GENERAL.—The National Intelligence
9 Director may provide a scholarship under the Pro-
10 gram for an academic year if the individual applying
11 for the scholarship has submitted to the Director, as
12 part of the application required under subsection
13 (d), a proposed academic program leading to a de-
14 gree in a program or field of study on the list made
15 available under subsection (e).

16 (2) LIMITATION ON YEARS.—An individual may
17 not receive a scholarship under this section for more
18 than 4 academic years, unless the National Intel-
19 ligence Director grants a waiver.

20 (3) STUDENT RESPONSIBILITIES.—Scholarship
21 recipients shall maintain satisfactory academic
22 progress.

23 (4) AMOUNT.—The dollar amount of a scholar-
24 ship under this section for an academic year shall be
25 determined under regulations issued by the National

1 Intelligence Director, but shall in no case exceed the
2 cost of tuition, fees, and other authorized expenses
3 as established by the Director.

4 (5) USE OF SCHOLARSHIPS.—A scholarship
5 provided under this section may be expended for tui-
6 tion, fees, and other authorized expenses as estab-
7 lished by the National Intelligence Director by regu-
8 lation.

9 (6) PAYMENT TO INSTITUTION OF HIGHER
10 EDUCATION.—The National Intelligence Director
11 may enter into a contractual agreement with an in-
12 stitution of higher education under which the
13 amounts provided for a scholarship under this sec-
14 tion for tuition, fees, and other authorized expenses
15 are paid directly to the institution with respect to
16 which the scholarship is provided.

17 (g) SPECIAL CONSIDERATION FOR CURRENT EM-
18 PLOYEES.—

19 (1) SET ASIDE OF SCHOLARSHIPS.—Notwith-
20 standing paragraphs (1) and (3) of subsection (c),
21 10 percent of the scholarships awarded under this
22 section shall be set aside for individuals who are em-
23 ployees of agencies on the date of enactment of this
24 section to enhance the education of such employees
25 in areas of critical needs of agencies.

1 (2) FULL- OR PART-TIME EDUCATION.—Em-
2 ployees who are awarded scholarships under para-
3 graph (1) shall be permitted to pursue under-
4 graduate or graduate education under the scholar-
5 ship on a full-time or part-time basis.

6 (h) EMPLOYEE SERVICE.—

7 (1) PERIOD OF SERVICE.—Except as provided
8 in subsection (j)(2), the period of service for which
9 an individual shall be obligated to serve as an em-
10 ployee of the agency is 24 months for each academic
11 year for which a scholarship under this section is
12 provided. Under no circumstances shall the total pe-
13 riod of obligated service be more than 8 years.

14 (2) BEGINNING OF SERVICE.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), obligated service under para-
17 graph (1) shall begin not later than 60 days
18 after the individual obtains the educational de-
19 gree for which the scholarship was provided.

20 (B) DEFERRAL.—In accordance with regu-
21 lations established by the National Intelligence
22 Director, the Director or designee may defer
23 the obligation of an individual to provide a pe-
24 riod of service under paragraph (1) if the Di-

1 rector or designee determines that such a defer-
2 ral is appropriate.

3 (i) REPAYMENT.—

4 (1) IN GENERAL.—Scholarship recipients who
5 fail to maintain a high level of academic standing,
6 as defined by the National Intelligence Director, who
7 are dismissed from their educational institutions for
8 disciplinary reasons, or who voluntarily terminate
9 academic training before graduation from the edu-
10 cational program for which the scholarship was
11 awarded, shall be in breach of their contractual
12 agreement and, in lieu of any service obligation aris-
13 ing under such agreement, shall be liable to the
14 United States for repayment within 1 year after the
15 date of default of all scholarship funds paid to them
16 and to the institution of higher education on their
17 behalf under the agreement, except as provided in
18 subsection (j)(2). The repayment period may be ex-
19 tended by the Director when determined to be nec-
20 essary, as established by regulation.

21 (2) LIABILITY.—Scholarship recipients who, for
22 any reason, fail to begin or complete their service
23 obligation after completion of academic training, or
24 fail to comply with the terms and conditions of
25 deferment established by the National Intelligence

1 Director under subsection (h)(2)(B), shall be in
 2 breach of their contractual agreement. When recipi-
 3 ents breach their agreements for the reasons stated
 4 in the preceding sentence, the recipient shall be lia-
 5 ble to the United States for an amount equal to—

6 (A) the total amount of scholarships re-
 7 ceived by such individual under this section;
 8 and

9 (B) the interest on the amounts of such
 10 awards which would be payable if at the time
 11 the awards were received they were loans bear-
 12 ing interest at the maximum legal prevailing
 13 rate, as determined by the Treasurer of the
 14 United States, multiplied by 3.

15 (j) CANCELLATION, WAIVER, OR SUSPENSION OF OB-
 16 LIGATION.—

17 (1) CANCELLATION.—Any obligation of an indi-
 18 vidual incurred under the Program (or a contractual
 19 agreement thereunder) for service or payment shall
 20 be canceled upon the death of the individual.

21 (2) WAIVER OR SUSPENSION.—The National
 22 Intelligence Director shall prescribe regulations to
 23 provide for the partial or total waiver or suspension
 24 of any obligation of service or payment incurred by
 25 an individual under the Program (or a contractual

1 agreement thereunder) whenever compliance by the
 2 individual is impossible or would involve extreme
 3 hardship to the individual, or if enforcement of such
 4 obligation with respect to the individual would be
 5 contrary to the best interests of the Government.

6 (k) REGULATIONS.—The National Intelligence Direc-
 7 tor shall prescribe regulations necessary to carry out this
 8 section.

9 **Subtitle F—Additional Authorities** 10 **of National Intelligence Authority**

11 **SEC. 161. USE OF APPROPRIATED FUNDS.**

12 (a) DISPOSAL OF PROPERTY.—(1) If specifically au-
 13 thorized to dispose of real property of the National Intel-
 14 ligence Authority under any law enacted after the date of
 15 the enactment of this Act, the National Intelligence Direc-
 16 tor shall, subject to paragraph (2), exercise such authority
 17 in strict compliance with subchapter IV of chapter 5 of
 18 title 40, United States Code.

19 (2) The Director shall deposit the proceeds of any
 20 disposal of property of the National Intelligence Authority
 21 into the miscellaneous receipts of the Treasury in accord-
 22 ance with section 3302(b) of title 31, United States Code.

23 (b) GIFTS.—Gifts or donations of services or property
 24 of or for the National Intelligence Authority may not be
 25 accepted, used, or disposed of unless specifically permitted

1 in advance in an appropriations Act and only under the
2 conditions and for the purposes specified in such appro-
3 priations Act.

4 **SEC. 162. ACQUISITION AND FISCAL AUTHORITIES.**

5 (a) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For
6 each intelligence program for the acquisition of a major
7 system, the National Intelligence Director shall—

8 (A) require the development and implementa-
9 tion of a program management plan that includes
10 cost, schedule, and performance goals and program
11 milestone criteria;

12 (B) subject to paragraph (4), serve as the ex-
13 clusive milestone decision authority; and

14 (C) periodically—

15 (i) review and assess the progress made to-
16 ward the achievement of the goals and mile-
17 stones established in such plan; and

18 (ii) submit to Congress a report on the re-
19 sults of such review and assessment.

20 (2) The National Intelligence Director shall prescribe
21 guidance for the development and implementation of pro-
22 gram management plans under this subsection. In pre-
23 scribing such guidance, the Director shall review Depart-
24 ment of Defense guidance on program management plans
25 for Department of Defense programs for the acquisition

1 of major systems and, to the extent feasible, incorporate
2 the principles of the Department of Defense guidance into
3 the Director's guidance under this subsection.

4 (3) Nothing in this subsection may be construed to
5 limit the authority of the National Intelligence Director
6 to delegate to any other official any authority to perform
7 the responsibilities of the Director under this subsection.

8 (4)(A) The authority conferred by paragraph (1)(B)
9 shall not apply to Department of Defense programs until
10 the National Intelligence Director, in consultation with the
11 Secretary of Defense, determines that the National Intel-
12 ligence Authority has the personnel and capability to fully
13 and effectively carry out such authority.

14 (B) The National Intelligence Director may assign
15 any authority under this subsection to the Secretary of
16 Defense. The assignment of such authority shall be made
17 pursuant to a memorandum of understanding between the
18 Director and the Secretary.

19 (5) In this subsection:

20 (A) The term "intelligence program", with re-
21 spect to the acquisition of a major system, means a
22 program that—

23 (i) is carried out to acquire such major
24 system for an element of the intelligence com-
25 munity; and

1 (ii) is funded in whole out of amounts
2 available for the National Intelligence Program.

3 (B) The term “major system” has the meaning
4 given such term in section 4(9) of the Federal Prop-
5 erty and Administrative Services Act of 1949 (41
6 U.S.C. 403(9)).

7 (b) AVAILABILITY OF FUNDS.—Notwithstanding any
8 other provision of law (other than the provisions of this
9 Act), sums appropriated or otherwise made available to
10 the National Intelligence Authority may be expended for
11 purposes necessary to carry out its functions, including
12 any function performed by the National Intelligence Au-
13 thority that is described in section 8(a) of the Central In-
14 telligence Agency Act of 1949 (50 U.S.C. 403j(a)).

15 (c) RELATIONSHIP OF DIRECTOR’S AUTHORITY TO
16 OTHER LAWS ON ACQUISITION AND MANAGEMENT OF
17 PROPERTY AND SERVICES.—Section 113(e) of title 40,
18 United States Code, is amended—

19 (A) by striking “or” at the end of paragraph
20 (18);

21 (B) by striking the period at the end of para-
22 graph (19) and inserting “; or”; and

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

25 “(20) the National Intelligence Director.”.

1 (d) NATIONAL INTELLIGENCE DIRECTOR REPORT ON
2 ENHANCEMENT OF NSA AND NGIA ACQUISITION AU-
3 THORITIES.—Not later than one year after the date of the
4 enactment of this Act, the National Intelligence Director
5 shall—

6 (1) review—

7 (A) the acquisition authority of the Direc-
8 tor of the National Security Agency; and

9 (B) the acquisition authority of the Direc-
10 tor of the National Geospatial-Intelligence
11 Agency; and

12 (2) submit to the Committee on Governmental
13 Affairs of the Senate and the Committee on Govern-
14 ment Reform of the House of Representatives a re-
15 port setting forth any recommended enhancements
16 of the acquisition authorities of the Director of the
17 National Security Agency and the Director of the
18 National Geospatial-Intelligence Agency that the Na-
19 tional Intelligence Director considers necessary.

20 (e) COMPTROLLER GENERAL REPORT ON ACQUI-
21 TION POLICIES AND PROCEDURES.—Not later than two
22 years after the date of the enactment of this Act, the
23 Comptroller General of the United States shall submit to
24 Congress a report on the extent to which the policies and
25 procedures adopted for managing the acquisition of major

1 systems for national intelligence purposes, as identified by
2 the National Intelligence Director, are likely to result in
3 successful cost, schedule, and performance outcomes.

4 **SEC. 163. PERSONNEL MATTERS.**

5 (a) IN GENERAL.—In addition to the authorities pro-
6 vided in section 114, the National Intelligence Director
7 may exercise with respect to the personnel of the National
8 Intelligence Authority any authority of the Director of the
9 Central Intelligence Agency with respect to the personnel
10 of the Central Intelligence Agency under the Central Intel-
11 ligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and
12 other applicable provisions of law, as of the date of the
13 enactment of this Act to the same extent, and subject to
14 the same conditions and limitations, that the Director of
15 the Central Intelligence Agency may exercise such author-
16 ity with respect to personnel of the Central Intelligence
17 Agency.

18 (b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND
19 APPLICANTS.—Employees and applicants for employment
20 of the National Intelligence Authority shall have the same
21 rights and protections under the Authority as employees
22 of the Central Intelligence Agency have under the Central
23 Intelligence Agency Act of 1949, and other applicable pro-
24 visions of law, as of the date of the enactment of this Act.

1 **SEC. 164. ETHICS MATTERS.**

2 (a) POLITICAL SERVICE OF PERSONNEL.—Section
3 7323(b)(2)(B)(i) of title 5, United States Code, is amend-
4 ed—

5 (1) in subclause (XII), by striking “or” at the
6 end; and

7 (2) by inserting after subclause (XIII) the fol-
8 lowing new subclause:

9 “(XIV) the National Intelligence Author-
10 ity; or”.

11 (b) DELETION OF INFORMATION ABOUT FOREIGN
12 GIFTS.—Section 7342(f)(4) of title 5, United States Code,
13 is amended—

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

15 (2) in subparagraph (A), as so designated, by
16 striking “the Director of Central Intelligence” and
17 inserting “the Director of the Central Intelligence
18 Agency”; and

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

21 “(B) In transmitting such listings for the National
22 Intelligence Authority, the National Intelligence Director
23 may delete the information described in subparagraphs
24 (A) and (C) of paragraphs (2) and (3) if the Director cer-
25 tifies in writing to the Secretary of State that the publica-

tion of such information could adversely affect United States intelligence sources.”.

(c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting “the National Intelligence Authority,” before “the Central Intelligence Agency”.

TITLE II—OTHER IMPROVEMENTS OF INTELLIGENCE ACTIVITIES

Subtitle A—Improvements of Intelligence Activities

SEC. 201. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2005 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2005 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

1 (c) STUDY OF DISCLOSURE OF ADDITIONAL INFOR-
2 MATION.—(1) The National Intelligence Director shall
3 conduct a study to assess the advisability of disclosing to
4 the public amounts as follows:

5 (A) The aggregate amount of appropriations re-
6 quested in the budget of the President for each fis-
7 cal year for each element of the intelligence commu-
8 nity.

9 (B) The aggregate amount of funds authorized
10 to be appropriated, and the aggregate amount of
11 funds appropriated, by Congress for each fiscal year
12 for each element of the intelligence community.

13 (2) The study under paragraph (1) shall—

14 (A) address whether or not the disclosure to the
15 public of the information referred to in that para-
16 graph would harm the national security of the
17 United States; and

18 (B) take into specific account concerns relating
19 to the disclosure of such information for each ele-
20 ment of the intelligence community.

21 (3) Not later than 180 days after the effective date
22 of this section, the Director shall submit to Congress a
23 report on the study under paragraph (1).

1 **SEC. 202. MERGER OF HOMELAND SECURITY COUNCIL**
2 **INTO NATIONAL SECURITY COUNCIL.**

3 (a) MERGER OF HOMELAND SECURITY COUNCIL
4 INTO NATIONAL SECURITY COUNCIL.—Section 101 of the
5 National Security Act of 1947 (50 U.S.C. 402) is amend-
6 ed—

7 (1) in the fourth undesignated paragraph of
8 subsection (a), by striking clauses (5) and (6) and
9 inserting the following new clauses:

10 “(5) the Attorney General;

11 “(6) the Secretary of Homeland Security;”; and

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking “and” at
14 the end;

15 (B) in paragraph (2), by striking the pe-
16 riod at the end and inserting a semicolon; and

17 (C) by adding at the end the following new
18 paragraphs:

19 “(3) assess the objectives, commitments, and
20 risks of the United States in the interests of home-
21 land security and make recommendations to the
22 President based on such assessments;

23 “(4) oversee and review the homeland security
24 policies of the Federal Government and make rec-
25 ommendations to the President based on such over-
26 sight and review; and

1 “(5) perform such other functions as the Presi-
2 dent may direct.”.

3 (c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Title
4 IX of the Homeland Security Act of 2002 (6 U.S.C. 491
5 et seq.) is repealed.

6 (2) The table of contents for that Act is amended
7 by striking the items relating to title IX.

8 **SEC. 203. JOINT INTELLIGENCE COMMUNITY COUNCIL.**

9 Title I of the National Security Act of 1947 (50
10 U.S.C. 401 et seq.) is amended by inserting after section
11 101 the following new section:

12 “JOINT INTELLIGENCE COMMUNITY COUNCIL

13 “SEC. 101A. (a) JOINT INTELLIGENCE COMMUNITY
14 COUNCIL.—There is a Joint Intelligence Community
15 Council.

16 “(b) MEMBERSHIP.—The Joint Intelligence Commu-
17 nity Council shall consist of the following:

18 “(1) The National Intelligence Director, who
19 shall chair the Council.

20 “(2) The Secretary of State.

21 “(3) The Secretary of the Treasury.

22 “(4) The Secretary of Defense.

23 “(5) The Attorney General.

24 “(6) The Secretary of Energy.

25 “(7) The Secretary of Homeland Security.

1 “(8) Such other officers of the United States
2 Government as the President may designate from
3 time to time.

4 “(c) FUNCTIONS.—The Joint Intelligence Commu-
5 nity Council shall assist the National Intelligence Director
6 to in developing and implementing a joint, unified national
7 intelligence effort to protect national security by—

8 “(1) advising the Director on establishing re-
9 quirements, developing budgets, financial manage-
10 ment, and monitoring and evaluating the perform-
11 ance of the intelligence community, and on such
12 other matters as the Director may request; and

13 “(2) ensuring the timely execution of programs,
14 policies, and directives established or developed by
15 the Director.

16 “(d) MEETINGS.—The Joint Intelligence Community
17 Council shall meet upon the request of the National Intel-
18 ligence Director.”.

19 **SEC. 204. IMPROVEMENT OF INTELLIGENCE CAPABILITIES**
20 **OF THE FEDERAL BUREAU OF INVESTIGA-**
21 **TION.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) The National Commission on Terrorist At-
25 tacks Upon the United States in its final report

1 stated that, under Director Robert Mueller, the Fed-
2 eral Bureau of Investigation has made significant
3 progress in improving its intelligence capabilities.

4 (2) In the report, the members of the Commis-
5 sion also urged that the Federal Bureau of Inves-
6 tigation fully institutionalize the shift of the Bureau
7 to a preventive counterterrorism posture.

8 (b) IMPROVEMENT OF INTELLIGENCE CAPABILI-
9 TIES.—The Director of the Federal Bureau of Investiga-
10 tion shall continue efforts to improve the intelligence capa-
11 bilities of the Federal Bureau of Investigation and to de-
12 velop and maintain within the Bureau a national intel-
13 ligence workforce.

14 (c) NATIONAL INTELLIGENCE WORKFORCE.—(1) In
15 developing and maintaining a national intelligence work-
16 force under subsection (b), the Director of the Federal Bu-
17 reau of Investigation shall, subject to the direction and
18 control of the President, develop and maintain a special-
19 ized and integrated national intelligence workforce con-
20 sisting of agents, analysts, linguists, and surveillance spe-
21 cialists who are recruited, trained, and rewarded in a man-
22 ner which ensures the existence within the Federal Bureau
23 of Investigation an institutional culture with substantial
24 expertise in, and commitment to, the intelligence mission
25 of the Bureau.

1 (2) Each agent employed by the Bureau after the
2 date of the enactment of this Act shall receive basic train-
3 ing in both criminal justice matters and national intel-
4 ligence matters.

5 (3) Each agent employed by the Bureau after the
6 date of the enactment of this Act shall, to the maximum
7 extent practicable, be given the opportunity to undergo,
8 during such agent's early service with the Bureau, mean-
9 ingful assignments in criminal justice matters and in na-
10 tional intelligence matters.

11 (4) The Director shall—

12 (A) establish career positions in national intel-
13 ligence matters for agents and analysts of the Bu-
14 reau; and

15 (B) in furtherance of the requirement under
16 subparagraph (A) and to the maximum extent prac-
17 ticable, afford agents and analysts of the Bureau the
18 opportunity to work in the career specialty selected
19 by such agents and analysts over their entire career
20 with the Bureau.

21 (5) The Director shall carry out a program to en-
22 hance the capacity of the Bureau to recruit and retain
23 individuals with backgrounds in intelligence, international
24 relations, language, technology, and other skills relevant
25 to the intelligence mission of the Bureau.

1 (6) The Director shall, to the maximum extent prac-
2 ticable, afford the analysts of the Bureau training and ca-
3 reer opportunities commensurate with the training and ca-
4 reer opportunities afforded analysts in other elements of
5 the intelligence community.

6 (7) Commencing as soon as practicable after the date
7 of the enactment of this Act, each direct supervisor of a
8 Field Intelligence Group, and each Bureau Operational
9 Manager at the Section Chief and Assistant Special Agent
10 in Charge (ASAC) level and above, shall be a certified in-
11 telligence officer.

12 (8) The Director shall, to the maximum extent prac-
13 ticable, ensure that the successful discharge of advanced
14 training courses, and of one or more assignments to an-
15 other element of the intelligence community, is a pre-
16 condition to advancement to higher level intelligence as-
17 signments within the Bureau.

18 (d) FIELD OFFICE MATTERS.—(1) In improving the
19 intelligence capabilities of the Federal Bureau of Inves-
20 tigation under subsection (b), the Director of the Federal
21 Bureau of Investigation shall ensure that each Field Intel-
22 ligence Group reports directly to a field office senior man-
23 ager responsible for intelligence matters.

24 (2) The Director shall provide for such expansion of
25 the secure facilities in the field offices of the Bureau as

1 is necessary to ensure the discharge by the field offices
2 of the intelligence mission of the Bureau.

3 (3) The Director shall require that each Field Intel-
4 ligence Group manager ensures the integration of ana-
5 lysts, agents, linguists, and surveillance personnel in the
6 field.

7 (e) BUDGET MATTERS.—The Director of the Federal
8 Bureau of Investigation shall, in consultation with the Di-
9 rector of the Office of Management and Budget, modify
10 the budget structure of the Federal Bureau of Investiga-
11 tion in order to organize the budget according to the four
12 principal missions of the Bureau as follows:

13 (1) Intelligence.

14 (2) Counterterrorism and counterintelligence.

15 (3) Criminal Enterprises/Federal Crimes.

16 (4) Criminal justice services.

17 (f) REPORTS.—(1) Not later than 180 days after the
18 date of the enactment of this Act, the Director of the Fed-
19 eral Bureau of Investigation shall submit to Congress a
20 report on the progress made as of the date of such report
21 in carrying out the requirements of this section.

22 (2) The Director shall include in each annual pro-
23 gram review of the Federal Bureau of Investigation that
24 is submitted to Congress a report on the progress made
25 by each field office of the Bureau during the period cov-

1 ered by such review in addressing Bureau and national
2 program priorities.

3 (3) Not later than 180 days after the date of the en-
4 actment of this Act, and every 12 months thereafter, the
5 Director shall submit to Congress a report assessing the
6 qualifications, status, and roles of analysts at Bureau
7 headquarters and in the field offices of the Bureau.

8 (4) Not later than 180 days after the date of the en-
9 actment of this Act, and every 12 months thereafter, the
10 Director shall submit to Congress a report on the progress
11 of the Bureau in implementing information-sharing prin-
12 ciples.

13 **SEC. 205. FEDERAL BUREAU OF INVESTIGATION INTEL-**
14 **LIGENCE CAREER SERVICE.**

15 (a) SHORT TITLE.—This section may be cited as the
16 “Federal Bureau of Investigation Intelligence Career
17 Service Authorization Act of 2005”.

18 (b) ESTABLISHMENT OF FEDERAL BUREAU OF IN-
19 VESTIGATION INTELLIGENCE CAREER SERVICE.—

20 (1) IN GENERAL.—The Director of the Federal
21 Bureau of Investigation, in consultation with the Di-
22 rector of the Office of Personnel Management—

23 (A) may establish positions for intelligence
24 analysts, without regard to chapter 51 of title
25 5, United States Code;

1 (B) shall prescribe standards and proce-
2 dures for establishing and classifying such posi-
3 tions; and

4 (C) may fix the rate of basic pay for such
5 positions, without regard to subchapter III of
6 chapter 53 of title 5, United States Code, if the
7 rate of pay is not greater than the rate of basic
8 pay payable for level IV of the Executive Sched-
9 ule.

10 (2) LEVELS OF PERFORMANCE.—Any perform-
11 ance management system established for intelligence
12 analysts shall have at least 1 level of performance
13 above a retention standard.

14 (c) REPORTING REQUIREMENT.—Not less than 60
15 days before the date of the implementation of authorities
16 authorized under this section, the Director of the Federal
17 Bureau of Investigation shall submit an operating plan de-
18 scribing the Director's intended use of the authorities
19 under this section to—

20 (1) the Committees on Appropriations of the
21 Senate and the House of Representatives;

22 (2) the Committee on Governmental Affairs of
23 the Senate;

24 (3) the Committee on Government Reform of
25 the House of Representatives;

1 (4) the congressional intelligence committees;
2 and

3 (5) the Committees on the Judiciary of the Sen-
4 ate and the House of Representatives.

5 (d) ANNUAL REPORT.—Not later than December 31,
6 2005, and annually thereafter for 4 years, the Director
7 of the Federal Bureau of Investigation shall submit an an-
8 nual report of the use of the permanent authorities pro-
9 vided under this section during the preceding fiscal year
10 to—

11 (1) the Committees on Appropriations of the
12 Senate and the House of Representatives;

13 (2) the Committee on Governmental Affairs of
14 the Senate;

15 (3) the Committee on Government Reform of
16 the House of Representatives;

17 (4) the congressional intelligence committees;
18 and

19 (5) the Committees on the Judiciary of the Sen-
20 ate and the House of Representatives.

21 **SEC. 206. INFORMATION SHARING.**

22 (a) DEFINITIONS.—In this section:

23 (1) ADVISORY BOARD.—The term “Advisory
24 Board” means the Advisory Board on Information
25 Sharing established under subsection (i).

1 (2) EXECUTIVE COUNCIL.—The term “Execu-
2 tive Council” means the Executive Council on Infor-
3 mation Sharing established under subsection (h).

4 (3) HOMELAND SECURITY INFORMATION.—The
5 term “homeland security information” means all in-
6 formation, whether collected, produced, or distrib-
7 uted by intelligence, law enforcement, military,
8 homeland security, or other activities relating to—

9 (A) the existence, organization, capabili-
10 ties, plans, intentions, vulnerabilities, means of
11 finance or material support, or activities of for-
12 eign or international terrorist groups or individ-
13 uals, or of domestic groups or individuals in-
14 volved in transnational terrorism;

15 (B) threats posed by such groups or indi-
16 viduals to the United States, United States per-
17 sons, or United States interests, or to those of
18 other nations;

19 (C) communications of or by such groups
20 or individuals; or

21 (D) groups or individuals reasonably be-
22 lieved to be assisting or associated with such
23 groups or individuals.

1 (4) NETWORK.—The term “Network” means
2 the Information Sharing Network described under
3 subsection (c).

4 (b) FINDINGS.—Consistent with the report of the Na-
5 tional Commission on Terrorist Attacks upon the United
6 States, Congress makes the following findings:

7 (1) The effective use of information, from all
8 available sources, is essential to the fight against
9 terror and the protection of our homeland. The big-
10 gest impediment to all-source analysis, and to a
11 greater likelihood of “connecting the dots”, is resist-
12 ance to sharing information.

13 (2) The United States Government has access
14 to a vast amount of information, including not only
15 traditional intelligence but also other government
16 databases, such as those containing customs or im-
17 migration information. However, the United States
18 Government has a weak system for processing and
19 using the information it has.

20 (3) In the period preceding September 11,
21 2001, there were instances of potentially helpful in-
22 formation that was available but that no person
23 knew to ask for; information that was distributed
24 only in compartmented channels, and information
25 that was requested but could not be shared.

1 (4) Current security requirements nurture over-
2 classification and excessive compartmentalization of
3 information among agencies. Each agency's incentive
4 structure opposes sharing, with risks, including
5 criminal, civil, and administrative sanctions, but few
6 rewards for sharing information.

7 (5) The current system, in which each intel-
8 ligence agency has its own security practices, re-
9 quires a demonstrated "need to know" before shar-
10 ing. This approach assumes that it is possible to
11 know, in advance, who will need to use the informa-
12 tion. An outgrowth of the cold war, such a system
13 implicitly assumes that the risk of inadvertent dis-
14 closure outweighs the benefits of wider sharing.
15 Such assumptions are no longer appropriate. Al-
16 though counterintelligence concerns are still real, the
17 costs of not sharing information are also substantial.
18 The current "need-to-know" culture of information
19 protection needs to be replaced with a "need-to-
20 share" culture of integration.

21 (6) A new approach to the sharing of intel-
22 ligence and homeland security information is ur-
23 gently needed. An important conceptual model for a
24 new "trusted information network" is the System-
25 wide Homeland Analysis and Resource Exchange

1 (SHARE) Network proposed by a task force of lead-
2 ing professionals assembled by the Markle Founda-
3 tion and described in reports issued in October 2002
4 and December 2003.

5 (7) No single agency can create a meaningful
6 information sharing system on its own. Alone, each
7 agency can only modernize stovepipes, not replace
8 them. Presidential leadership is required to bring
9 about governmentwide change.

10 (c) INFORMATION SHARING NETWORK.—

11 (1) ESTABLISHMENT.—The President shall es-
12 tablish a trusted information network and secure in-
13 formation sharing environment to promote sharing
14 of intelligence and homeland security information in
15 a manner consistent with national security and the
16 protection of privacy and civil liberties, and based on
17 clearly defined and consistently applied policies and
18 procedures, and valid investigative, analytical or
19 operational requirements.

20 (2) ATTRIBUTES.—The Network shall promote
21 coordination, communication and collaboration of
22 people and information among all relevant Federal
23 departments and agencies, State, tribal, and local
24 authorities, and relevant private sector entities, in-
25 cluding owners and operators of critical infrastruc-

1 ture, by using policy guidelines and technologies that
2 support—

3 (A) a decentralized, distributed, and co-
4 ordinated environment that connects existing
5 systems where appropriate and allows users to
6 share information among agencies, between lev-
7 els of government, and, as appropriate, with the
8 private sector;

9 (B) the sharing of information in a form
10 and manner that facilitates its use in analysis,
11 investigations and operations;

12 (C) building upon existing systems capa-
13 bilities currently in use across the Government;

14 (D) utilizing industry best practices, in-
15 cluding minimizing the centralization of data
16 and seeking to use common tools and capabili-
17 ties whenever possible;

18 (E) employing an information access man-
19 agement approach that controls access to data
20 rather than to just networks;

21 (F) facilitating the sharing of information
22 at and across all levels of security by using pol-
23 icy guidelines and technologies that support
24 writing information that can be broadly shared;

1 (G) providing directory services for locat-
2 ing people and information;

3 (H) incorporating protections for individ-
4 uals' privacy and civil liberties;

5 (I) incorporating strong mechanisms for
6 information security and privacy and civil lib-
7 erties guideline enforcement in order to enhance
8 accountability and facilitate oversight, includ-
9 ing—

10 (i) multifactor authentication and ac-
11 cess control;

12 (ii) strong encryption and data protec-
13 tion;

14 (iii) immutable audit capabilities;

15 (iv) automated policy enforcement;

16 (v) perpetual, automated screening for
17 abuses of network and intrusions; and

18 (vi) uniform classification and han-
19 dling procedures;

20 (J) compliance with requirements of appli-
21 cable law and guidance with regard to the plan-
22 ning, design, acquisition, operation, and man-
23 agement of information systems; and

1 (K) permitting continuous system up-
2 grades to benefit from advances in technology
3 while preserving the integrity of stored data.

4 (d) IMMEDIATE ACTIONS.—Not later than 90 days
5 after the date of the enactment of this Act, the Director
6 of the Office of Management and Budget, in consultation
7 with the Executive Council, shall—

8 (1) submit to the President and to Congress a
9 description of the technological, legal, and policy
10 issues presented by the creation of the Network de-
11 scribed in subsection (c), and the way in which these
12 issues will be addressed;

13 (2) establish electronic directory services to as-
14 sist in locating in the Federal Government intel-
15 ligence and homeland security information and peo-
16 ple with relevant knowledge about intelligence and
17 homeland security information; and

18 (3) conduct a review of relevant current Federal
19 agency capabilities, including—

20 (A) a baseline inventory of current Federal
21 systems that contain intelligence or homeland
22 security information;

23 (B) the money currently spent to maintain
24 those systems; and

1 (C) identification of other information that
2 should be included in the Network.

3 (e) GUIDELINES AND REQUIREMENTS.—As soon as
4 possible, but in no event later than 180 days after the
5 date of the enactment of this Act, the President shall—

6 (1) in consultation with the Executive Coun-
7 cil—

8 (A) issue guidelines for acquiring, access-
9 ing, sharing, and using information, including
10 guidelines to ensure that information is pro-
11 vided in its most shareable form, such as by
12 separating out data from the sources and meth-
13 ods by which that data are obtained; and

14 (B) on classification policy and handling
15 procedures across Federal agencies, including
16 commonly accepted processing and access con-
17 trols;

18 (2) in consultation with the Privacy and Civil
19 Liberties Oversight Board established under section
20 211, issue guidelines that—

21 (A) protect privacy and civil liberties in the
22 development and use of the Network; and

23 (B) shall be made public, unless, and only
24 to the extent that, nondisclosure is clearly nec-
25 essary to protect national security; and

1 (3) require the heads of Federal departments
2 and agencies to promote a culture of information
3 sharing by—

4 (A) reducing disincentives to information
5 sharing, including overclassification of informa-
6 tion and unnecessary requirements for origi-
7 nator approval; and

8 (B) providing affirmative incentives for in-
9 formation sharing, such as the incorporation of
10 information sharing performance measures into
11 agency and managerial evaluations, and em-
12 ployee awards for promoting innovative infor-
13 mation sharing practices.

14 (f) ENTERPRISE ARCHITECTURE AND IMPLEMENTA-
15 TION PLAN.—Not later than 270 days after the date of
16 the enactment of this Act, the Director of Management
17 and Budget shall submit to the President and to Congress
18 an enterprise architecture and implementation plan for the
19 Network. The enterprise architecture and implementation
20 plan shall be prepared by the Director of Management and
21 Budget, in consultation with the Executive Council, and
22 shall include—

23 (1) a description of the parameters of the pro-
24 posed Network, including functions, capabilities, and
25 resources;

1 (2) a delineation of the roles of the Federal de-
2 partments and agencies that will participate in the
3 development of the Network, including identification
4 of any agency that will build the infrastructure need-
5 ed to operate and manage the Network (as distinct
6 from the individual agency components that are to
7 be part of the Network), with the delineation of roles
8 to be consistent with—

9 (A) the authority of the National Intel-
10 ligence Director under this Act to set standards
11 for information sharing and information tech-
12 nology throughout the intelligence community;
13 and

14 (B) the authority of the Secretary of
15 Homeland Security and the role of the Depart-
16 ment of Homeland Security in coordinating
17 with State, tribal, and local officials and the
18 private sector;

19 (3) a description of the technological require-
20 ments to appropriately link and enhance existing
21 networks and a description of the system design that
22 will meet these requirements;

23 (4) an enterprise architecture that—

24 (A) is consistent with applicable laws and
25 guidance with regard to planning, design, acqui-

1 sition, operation, and management of informa-
2 tion systems;

3 (B) will be used to guide and define the
4 development and implementation of the Net-
5 work; and

6 (C) addresses the existing and planned en-
7 terprise architectures of the departments and
8 agencies participating in the Network;

9 (5) a description of how privacy and civil lib-
10 erties will be protected throughout the design and
11 implementation of the Network;

12 (6) objective, systemwide performance measures
13 to enable the assessment of progress toward achiev-
14 ing full implementation of the Network;

15 (7) a plan, including a time line, for the devel-
16 opment and phased implementation of the Network;

17 (8) total budget requirements to develop and
18 implement the Network, including the estimated an-
19 nual cost for each of the 5 years following the date
20 of the enactment of this Act; and

21 (9) proposals for any legislation that the Direc-
22 tor of Management and Budget determines nec-
23 essary to implement the Network.

1 (g) DIRECTOR OF MANAGEMENT AND BUDGET RE-
2 SPONSIBLE FOR INFORMATION SHARING ACROSS THE
3 FEDERAL GOVERNMENT.—

4 (1) ADDITIONAL DUTIES AND RESPONSIBIL-
5 ITIES.—

6 (A) IN GENERAL.—The Director of Man-
7 agement and Budget, in consultation with the
8 Executive Council, shall—

9 (i) implement and manage the Net-
10 work;

11 (ii) develop and implement policies,
12 procedures, guidelines, rules, and stand-
13 ards as appropriate to foster the develop-
14 ment and proper operation of the Network;
15 and

16 (iii) assist, monitor, and assess the
17 implementation of the Network by Federal
18 departments and agencies to ensure ade-
19 quate progress, technological consistency
20 and policy compliance; and regularly report
21 the findings to the President and to Con-
22 gress.

23 (B) CONTENT OF POLICIES, PROCEDURES,
24 GUIDELINES, RULES, AND STANDARDS.—The

1 policies, procedures, guidelines, rules, and
2 standards under subparagraph (A)(ii) shall—

3 (i) take into account the varying mis-
4 sions and security requirements of agencies
5 participating in the Network;

6 (ii) address development, implementa-
7 tion, and oversight of technical standards
8 and requirements;

9 (iii) address and facilitate information
10 sharing between and among departments
11 and agencies of the intelligence community,
12 the Department of Defense, the Homeland
13 Security community and the law enforce-
14 ment community;

15 (iv) address and facilitate information
16 sharing between Federal departments and
17 agencies and State, tribal and local govern-
18 ments;

19 (v) address and facilitate, as appro-
20 priate, information sharing between Fed-
21 eral departments and agencies and the pri-
22 vate sector;

23 (vi) address and facilitate, as appro-
24 priate, information sharing between Fed-

1 eral departments and agencies with foreign
2 partners and allies; and

3 (vii) ensure the protection of privacy
4 and civil liberties.

5 (2) APPOINTMENT OF PRINCIPAL OFFICER.—

6 Not later than 30 days after the date of the enact-
7 ment of this Act, the Director of Management and
8 Budget shall appoint, with approval of the Presi-
9 dent, a principal officer in the Office of Management
10 and Budget whose primary responsibility shall be to
11 carry out the day-to-day duties of the Director speci-
12 fied in this section. The officer shall report directly
13 to the Director of Management and Budget, have
14 the rank of a Deputy Director and shall be paid at
15 the rate of pay payable for a position at level III of
16 the Executive Schedule under section 5314 of title
17 5, United States Code.

18 (h) EXECUTIVE COUNCIL ON INFORMATION SHAR-

19 ING.—

20 (1) ESTABLISHMENT.—There is established an

21 Executive Council on Information Sharing that shall
22 assist the Director of Management and Budget in
23 the execution of the Director's duties under this Act
24 concerning information sharing.

1 (2) MEMBERSHIP.—The members of the Execu-
2 tive Council shall be—

3 (A) the Director of Management and
4 Budget, who shall serve as Chairman of the Ex-
5 ecutive Council;

6 (B) the Secretary of Homeland Security or
7 his designee;

8 (C) the Secretary of Defense or his des-
9 ignee;

10 (D) the Attorney General or his designee;

11 (E) the Secretary of State or his designee;

12 (F) the Director of the Federal Bureau of
13 Investigation or his designee;

14 (G) the National Intelligence Director or
15 his designee;

16 (H) such other Federal officials as the
17 President shall designate;

18 (I) representatives of State, tribal, and
19 local governments, to be appointed by the Presi-
20 dent; and

21 (J) individuals who are employed in private
22 businesses or nonprofit organizations that own
23 or operate critical infrastructure, to be ap-
24 pointed by the President.

1 (3) RESPONSIBILITIES.—The Executive Council
2 shall assist the Director of Management and Budget
3 in—

4 (A) implementing and managing the Net-
5 work;

6 (B) developing policies, procedures, guide-
7 lines, rules, and standards necessary to estab-
8 lish and implement the Network;

9 (C) ensuring there is coordination among
10 departments and agencies participating in the
11 Network in the development and implementa-
12 tion of the Network;

13 (D) reviewing, on an ongoing basis, poli-
14 cies, procedures, guidelines, rules, and stand-
15 ards related to the implementation of the Net-
16 work;

17 (E) establishing a dispute resolution proc-
18 ess to resolve disagreements among depart-
19 ments and agencies about whether particular
20 information should be shared and in what man-
21 ner; and

22 (F) considering such reports as are sub-
23 mitted by the Advisory Board on Information
24 Sharing under subsection (i)(2).

1 (4) INAPPLICABILITY OF FEDERAL ADVISORY
2 COMMITTEE ACT.—The Council shall not be subject
3 to the requirements of the Federal Advisory Com-
4 mittee Act (5 U.S.C. App.).

5 (5) REPORTS.—Not later than 1 year after the
6 date of the enactment of this Act, and annually
7 thereafter, the Director of Management and Budget,
8 in the capacity of Chair of the Executive Council,
9 shall submit a report to the President and to Con-
10 gress that shall include—

11 (A) a description of the activities and ac-
12 complishments of the Council in the preceding
13 year; and

14 (B) the number and dates of the meetings
15 held by the Council and a list of attendees at
16 each meeting.

17 (6) INFORMING THE PUBLIC.—The Executive
18 Council shall—

19 (A) make its reports to Congress available
20 to the public to the greatest extent that is con-
21 sistent with the protection of classified informa-
22 tion and applicable law; and

23 (B) otherwise inform the public of its ac-
24 tivities, as appropriate and in a manner con-

1 sistent with the protection of classified informa-
2 tion and applicable law.

3 (i) ADVISORY BOARD ON INFORMATION SHARING.—

4 (1) ESTABLISHMENT.—There is established an
5 Advisory Board on Information Sharing to advise
6 the President and the Executive Council on policy,
7 technical, and management issues related to the de-
8 sign and operation of the Network.

9 (2) RESPONSIBILITIES.—The Advisory Board
10 shall advise the Executive Council on policy, tech-
11 nical, and management issues related to the design
12 and operation of the Network. At the request of the
13 Executive Council, or the Director of Management
14 and Budget in the capacity as Chair of the Execu-
15 tive Council, or on its own initiative, the Advisory
16 Board shall submit reports to the Executive Council
17 concerning the findings and recommendations of the
18 Advisory Board regarding the design and operation
19 of the Network.

20 (3) MEMBERSHIP AND QUALIFICATIONS.—The
21 Advisory Board shall be composed of no more than
22 15 members, to be appointed by the President from
23 outside the Federal Government. The members of
24 the Advisory Board shall have significant experience
25 or expertise in policy, technical and operational mat-

1 ters, including issues of security, privacy, or civil lib-
2 erties, and shall be selected solely on the basis of
3 their professional qualifications, achievements, public
4 stature and relevant experience.

5 (4) CHAIR.—The President shall designate one
6 of the members of the Advisory Board to act as
7 chair of the Advisory Board.

8 (5) ADMINISTRATIVE SUPPORT.—The Office of
9 Management and Budget shall provide administra-
10 tive support for the Advisory Board.

11 (j) REPORTS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, and semiannu-
14 ally thereafter, the President through the Director of
15 Management and Budget shall submit a report to
16 Congress on the state of the Network and of infor-
17 mation sharing across the Federal Government.

18 (2) CONTENT.—Each report under this sub-
19 section shall include—

20 (A) a progress report on the extent to
21 which the Network has been implemented, in-
22 cluding how the Network has fared on the gov-
23 ernment-wide and agency-specific performance
24 measures and whether the performance goals
25 set in the preceding year have been met;

1 (B) objective systemwide performance
2 goals for the following year;

3 (C) an accounting of how much was spent
4 on the Network in the preceding year;

5 (D) actions taken to ensure that agencies
6 procure new technology that is consistent with
7 the Network and information on whether new
8 systems and technology are consistent with the
9 Network;

10 (E) the extent to which, in appropriate cir-
11 cumstances, all terrorism watch lists are avail-
12 able for combined searching in real time
13 through the Network and whether there are
14 consistent standards for placing individuals on,
15 and removing individuals from, the watch lists,
16 including the availability of processes for cor-
17 recting errors;

18 (F) the extent to which unnecessary road-
19 blocks, impediments, or disincentives to infor-
20 mation sharing, including the inappropriate use
21 of paper-only intelligence products and require-
22 ments for originator approval, have been elimi-
23 nated;

24 (G) the extent to which positive incentives
25 for information sharing have been implemented;

1 (H) the extent to which classified informa-
2 tion is also made available through the Net-
3 work, in whole or in part, in unclassified form;

4 (I) the extent to which State, tribal, and
5 local officials—

6 (i) are participating in the Network;

7 (ii) have systems which have become
8 integrated into the Network;

9 (iii) are providing as well as receiving
10 information; and

11 (iv) are using the Network to commu-
12 nicate with each other;

13 (J) the extent to which—

14 (i) private sector data, including infor-
15 mation from owners and operators of crit-
16 ical infrastructure, is incorporated in the
17 Network; and

18 (ii) the private sector is both pro-
19 viding and receiving information;

20 (K) where private sector data has been
21 used by the Government or has been incor-
22 porated into the Network—

23 (i) the measures taken to protect sen-
24 sitive business information; and

1 (ii) where the data involves informa-
2 tion about individuals, the measures taken
3 to ensure the accuracy of such data;

4 (L) the measures taken by the Federal
5 Government to ensure the accuracy of other in-
6 formation on the Network and, in particular,
7 the accuracy of information about individuals;

8 (M) an assessment of the Network's pri-
9 vacy and civil liberties protections, including ac-
10 tions taken in the preceding year to implement
11 or enforce privacy and civil liberties protections
12 and a report of complaints received about inter-
13 ference with an individual's privacy or civil lib-
14 erties; and

15 (N) an assessment of the security protec-
16 tions of the Network.

17 (k) AGENCY RESPONSIBILITIES.—The head of each
18 department or agency possessing or using intelligence or
19 homeland security information or otherwise participating
20 in the Network shall—

21 (1) ensure full department or agency compli-
22 ance with information sharing policies, procedures,
23 guidelines, rules, and standards established for the
24 Network under subsections (c) and (g);

1 (2) ensure the provision of adequate resources
2 for systems and activities supporting operation of
3 and participation in the Network; and

4 (3) ensure full agency or department coopera-
5 tion in the development of the Network and associ-
6 ated enterprise architecture to implement govern-
7 mentwide information sharing, and in the manage-
8 ment and acquisition of information technology con-
9 sistent with applicable law.

10 (l) AGENCY PLANS AND REPORTS.—Each Federal
11 department or agency that possesses or uses intelligence
12 and homeland security information, operates a system in
13 the Network or otherwise participates, or expects to par-
14 ticipate, in the Network, shall submit to the Director of
15 Management and Budget—

16 (1) not later than 1 year after the date of the
17 enactment of this Act, a report including—

18 (A) a strategic plan for implementation of
19 the Network’s requirements within the depart-
20 ment or agency;

21 (B) objective performance measures to as-
22 sess the progress and adequacy of the depart-
23 ment or agency’s information sharing efforts;
24 and

1 (C) budgetary requirements to integrate
 2 the agency into the Network, including pro-
 3 jected annual expenditures for each of the fol-
 4 lowing 5 years following the submission of the
 5 report; and

6 (2) annually thereafter, reports including—

7 (A) an assessment of the progress of the
 8 department or agency in complying with the
 9 Network's requirements, including how well the
 10 agency has performed on the objective measures
 11 developed under paragraph (1)(B);

12 (B) the agency's expenditures to imple-
 13 ment and comply with the Network's require-
 14 ments in the preceding year; and

15 (C) the agency's or department's plans for
 16 further implementation of the Network in the
 17 year following the submission of the report.

18 (m) PERIODIC ASSESSMENTS.—

19 (1) COMPTROLLER GENERAL.—

20 (A) IN GENERAL.—Not later than 1 year
 21 after the date of the enactment of this Act, and
 22 periodically thereafter, the Comptroller General
 23 shall evaluate the implementation of the Net-
 24 work, both generally and, at the discretion of
 25 the Comptroller General, within specific depart-

1 ments and agencies, to determine the extent of
2 compliance with the Network's requirements
3 and to assess the effectiveness of the Network
4 in improving information sharing and collabora-
5 tion and in protecting privacy and civil liberties,
6 and shall report to Congress on the findings of
7 the Comptroller General.

8 (B) INFORMATION AVAILABLE TO THE
9 COMPTROLLER GENERAL.—Upon request by the
10 Comptroller General, information relevant to an
11 evaluation under subsection (a) shall be made
12 available to the Comptroller General under sec-
13 tion 716 of title 31, United States Code.

14 (C) CONSULTATION WITH CONGRESSIONAL
15 COMMITTEES.—If a record is not made avail-
16 able to the Comptroller General within a rea-
17 sonable time, before the Comptroller General
18 files a report under section 716(b)(1) of title
19 31, United States Code, the Comptroller Gen-
20 eral shall consult with the Select Committee on
21 Intelligence of the Senate, the Permanent Se-
22 lect Committee on Intelligence of the House of
23 Representatives, the Committee on Govern-
24 mental Affairs of the Senate, and the Com-
25 mittee on Government Reform of the House of

1 Representatives concerning the Comptroller's
2 intent to file a report.

3 (2) INSPECTORS GENERAL.—The Inspector
4 General in any Federal department or agency that
5 possesses or uses intelligence or homeland security
6 information or that otherwise participates in the
7 Network shall, at the discretion of the Inspector
8 General—

9 (A) conduct audits or investigations to—

10 (i) determine the compliance of that
11 department or agency with the Network's
12 requirements; and

13 (ii) assess the effectiveness of that de-
14 partment or agency in improving informa-
15 tion sharing and collaboration and in pro-
16 tecting privacy and civil liberties; and

17 (B) issue reports on such audits and inves-
18 tigations.

19 (n) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated—

21 (1) \$50,000,000 to the Director of Management
22 and Budget to carry out this section for fiscal year
23 2005; and

24 (2) such sums as are necessary to carry out this
25 section in each fiscal year thereafter, to be disbursed

and allocated in accordance with the Network implementation plan required by subsection (f).

Subtitle B—Privacy and Civil Liberties

SEC. 211. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this subtitle as the “Board”).

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(c) PURPOSE.—The Board shall—

1 (1) analyze and review actions the executive
2 branch takes to protect the Nation from terrorism;
3 and

4 (2) ensure that liberty concerns are appro-
5 priately considered in the development and imple-
6 mentation of laws, regulations, and policies related
7 to efforts to protect the Nation against terrorism.

8 (d) FUNCTIONS.—

9 (1) ADVICE AND COUNSEL ON POLICY DEVEL-
10 OPMENT AND IMPLEMENTATION.—The Board
11 shall—

12 (A) review proposed legislation, regula-
13 tions, and policies related to efforts to protect
14 the Nation from terrorism, including the devel-
15 opment and adoption of information sharing
16 guidelines under section 205(g);

17 (B) review the implementation of new and
18 existing legislation, regulations, and policies re-
19 lated to efforts to protect the Nation from ter-
20 rorism, including the implementation of infor-
21 mation sharing guidelines under section 205(g);

22 (C) advise the President and the depart-
23 ments, agencies, and elements of the executive
24 branch to ensure that privacy and civil liberties
25 are appropriately considered in the development

1 and implementation of such legislation, regula-
2 tions, policies, and guidelines; and

3 (D) in providing advice on proposals to re-
4 tain or enhance a particular governmental
5 power, consider whether the department, agen-
6 cy, or element of the executive branch has ex-
7 plained—

8 (i) that the power actually materially
9 enhances security;

10 (ii) that there is adequate supervision
11 of the use by the executive branch of the
12 power to ensure protection of privacy and
13 civil liberties; and

14 (iii) that there are adequate guidelines
15 and oversight to properly confine its use.

16 (2) OVERSIGHT.—The Board shall continually
17 review—

18 (A) the regulations, policies, and proce-
19 dures, and the implementation of the regula-
20 tions, policies, and procedures, of the depart-
21 ments, agencies, and elements of the executive
22 branch to ensure that privacy and civil liberties
23 are protected;

24 (B) the information sharing practices of
25 the departments, agencies, and elements of the

1 executive branch to determine whether they ap-
2 propriately protect privacy and civil liberties
3 and adhere to the information sharing guide-
4 lines prescribed under section 205(g) and to
5 other governing laws, regulations, and policies
6 regarding privacy and civil liberties; and

7 (C) other actions by the executive branch
8 related to efforts to protect the Nation from
9 terrorism to determine whether such actions—

10 (i) appropriately protect privacy and
11 civil liberties; and

12 (ii) are consistent with governing
13 laws, regulations, and policies regarding
14 privacy and civil liberties.

15 (3) RELATIONSHIP WITH PRIVACY AND CIVIL
16 LIBERTIES OFFICERS.—The Board shall—

17 (A) review and assess reports and other in-
18 formation from privacy officers and civil lib-
19 erties officers described in section 212;

20 (B) when appropriate, make recommenda-
21 tions to such privacy officers and civil liberties
22 officers regarding their activities; and

23 (C) when appropriate, coordinate the ac-
24 tivities of such privacy officers and civil liberties
25 officers on relevant interagency matters.

1 (4) TESTIMONY.—The Members of the Board
2 shall appear and testify before Congress upon re-
3 quest.

4 (e) REPORTS.—

5 (1) IN GENERAL.—The Board shall—

6 (A) receive and review reports from privacy
7 officers and civil liberties officers described in
8 section 212; and

9 (B) periodically submit, not less than semi-
10 annually, reports—

11 (i)(I) to the appropriate committees of
12 Congress, including the Committees on the
13 Judiciary of the Senate and the House of
14 Representatives, the Committee on Govern-
15 mental Affairs of the Senate, the Com-
16 mittee on Government Reform of the
17 House of Representatives, the Select Com-
18 mittee on Intelligence of the Senate, and
19 the Permanent Select Committee on Intel-
20 ligence of the House of Representatives;
21 and

22 (II) to the President; and

23 (ii) which shall be in unclassified form
24 to the greatest extent possible, with a clas-
25 sified annex where necessary.

1 (2) CONTENTS.—Not less than 2 reports sub-
2 mitted each year under paragraph (1)(B) shall in-
3 clude—

4 (A) a description of the major activities of
5 the Board during the preceding period; and

6 (B) information on the findings, conclu-
7 sions, and recommendations of the Board re-
8 sulting from its advice and oversight functions
9 under subsection (d).

10 (f) INFORMING THE PUBLIC.—The Board
11 shall—

12 (1) make its reports, including its reports to
13 Congress, available to the public to the greatest ex-
14 tent that is consistent with the protection of classi-
15 fied information and applicable law; and

16 (2) hold public hearings and otherwise inform
17 the public of its activities, as appropriate and in a
18 manner consistent with the protection of classified
19 information and applicable law.

20 (g) ACCESS TO INFORMATION.—

21 (1) AUTHORIZATION.—If determined by the
22 Board to be necessary to carry out its responsibil-
23 ities under this section, the Board is authorized to—

24 (A) have access from any department,
25 agency, or element of the executive branch, or

1 any Federal officer or employee, to all relevant
2 records, reports, audits, reviews, documents, pa-
3 pers, recommendations, or other relevant mate-
4 rial, including classified information consistent
5 with applicable law;

6 (B) interview, take statements from, or
7 take public testimony from personnel of any de-
8 partment, agency, or element of the executive
9 branch, or any Federal officer or employee;

10 (C) request information or assistance from
11 any State, tribal, or local government; and

12 (D) require, by subpoena issued at the di-
13 rection of a majority of the members of the
14 Board, persons (other than departments, agen-
15 cies, and elements of the executive branch) to
16 produce any relevant information, documents,
17 reports, answers, records, accounts, papers, and
18 other documentary or testimonial evidence.

19 (2) ENFORCEMENT OF SUBPOENA.—In the case
20 of contumacy or failure to obey a subpoena issued
21 under paragraph (1)(D), the United States district
22 court for the judicial district in which the subpoe-
23 naed person resides, is served, or may be found may
24 issue an order requiring such person to produce the
25 evidence required by such subpoena.

1 (3) AGENCY COOPERATION.—Whenever infor-
2 mation or assistance requested under subparagraph
3 (A) or (B) of paragraph (1) is, in the judgment of
4 the Board, unreasonably refused or not provided, the
5 Board shall report the circumstances to the head of
6 the department, agency, or element concerned with-
7 out delay. The head of the department, agency, or
8 element concerned shall ensure that the Board is
9 given access to the information, assistance, material,
10 or personnel the Board determines to be necessary
11 to carry out its functions.

12 (h) MEMBERSHIP.—

13 (1) MEMBERS.—The Board shall be composed
14 of a full-time chairman and 4 additional members,
15 who shall be appointed by the President, by and
16 with the advice and consent of the Senate.

17 (2) QUALIFICATIONS.—Members of the Board
18 shall be selected solely on the basis of their profes-
19 sional qualifications, achievements, public stature,
20 expertise in civil liberties and privacy, and relevant
21 experience, and without regard to political affiliation,
22 but in no event shall more than 3 members of the
23 Board be members of the same political party.

24 (3) INCOMPATIBLE OFFICE.—An individual ap-
25 pointed to the Board may not, while serving on the

1 Board, be an elected official, officer, or employee of
2 the Federal Government, other than in the capacity
3 as a member of the Board.

4 (4) TERM.—Each member of the Board shall
5 serve a term of six years, except that—

6 (A) a member appointed to a term of office
7 after the commencement of such term may
8 serve under such appointment only for the re-
9 mainder of such term;

10 (B) upon the expiration of the term of of-
11 fice of a member, the member shall continue to
12 serve until the member's successor has been ap-
13 pointed and qualified, except that no member
14 may serve under this subparagraph—

15 (i) for more than 60 days when Con-
16 gress is in session unless a nomination to
17 fill the vacancy shall have been submitted
18 to the Senate; or

19 (ii) after the adjournment sine die of
20 the session of the Senate in which such
21 nomination is submitted; and

22 (C) the members initially appointed under
23 this subsection shall serve terms of two, three,
24 four, five, and six years, respectively, from the

1 effective date of this Act, with the term of each
2 such member to be designated by the President.

3 (5) QUORUM AND MEETINGS.—After its initial
4 meeting, the Board shall meet upon the call of the
5 chairman or a majority of its members. Three mem-
6 bers of the Board shall constitute a quorum.

7 (i) COMPENSATION AND TRAVEL EXPENSES.—

8 (1) COMPENSATION.—

9 (A) CHAIRMAN.—The chairman shall be
10 compensated at the rate of pay payable for a
11 position at level III of the Executive Schedule
12 under section 5314 of title 5, United States
13 Code.

14 (B) MEMBERS.—Each member of the
15 Board shall be compensated at a rate of pay
16 payable for a position at level IV of the Execu-
17 tive Schedule under section 5315 of title 5,
18 United States Code, for each day during which
19 that member is engaged in the actual perform-
20 ance of the duties of the Board.

21 (2) TRAVEL EXPENSES.—Members of the
22 Board shall be allowed travel expenses, including per
23 diem in lieu of subsistence, at rates authorized for
24 persons employed intermittently by the Government
25 under section 5703(b) of title 5, United States Code,

1 while away from their homes or regular places of
2 business in the performance of services for the
3 Board.

4 (j) STAFF.—

5 (1) APPOINTMENT AND COMPENSATION.—The
6 Chairman, in accordance with rules agreed upon by
7 the Board, shall appoint and fix the compensation of
8 a full-time executive director and such other per-
9 sonnel as may be necessary to enable the Board to
10 carry out its functions, without regard to the provi-
11 sions of title 5, United States Code, governing ap-
12 pointments in the competitive service, and without
13 regard to the provisions of chapter 51 and sub-
14 chapter III of chapter 53 of such title relating to
15 classification and General Schedule pay rates, except
16 that no rate of pay fixed under this subsection may
17 exceed the equivalent of that payable for a position
18 at level V of the Executive Schedule under section
19 5316 of title 5, United States Code.

20 (2) DETAILEES.—Any Federal employee may
21 be detailed to the Board without reimbursement
22 from the Board, and such detailee shall retain the
23 rights, status, and privileges of the detailee's regular
24 employment without interruption.

1 (3) CONSULTANT SERVICES.—The Board may
 2 procure the temporary or intermittent services of ex-
 3 perts and consultants in accordance with section
 4 3109 of title 5, United States Code, at rates that do
 5 not exceed the daily rate paid a person occupying a
 6 position at level IV of the Executive Schedule under
 7 section 5315 of such title.

8 (k) SECURITY CLEARANCES.—The appropriate de-
 9 partments, agencies, and elements of the executive branch
 10 shall cooperate with the Board to expeditiously provide the
 11 Board members and staff with appropriate security clear-
 12 ances to the extent possible under existing procedures and
 13 requirements.

14 (l) TREATMENT AS AGENCY, NOT AS ADVISORY COM-
 15 MITTEE.—The Board—

16 (1) is an agency (as defined in section 551(1)
 17 of title 5, United States Code); and

18 (2) is not an advisory committee (as defined in
 19 section 3(2) of the Federal Advisory Committee Act
 20 (5 U.S.C. App.)).

21 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

22 (a) DESIGNATION AND FUNCTIONS.—The Attorney
 23 General, the Secretary of Defense, the Secretary of State,
 24 the Secretary of the Treasury, the Secretary of Health and
 25 Human Services, the Secretary of Homeland Security, the

1 National Intelligence Director, the Director of the Central
2 Intelligence Agency, and the head of any other depart-
3 ment, agency, or element of the executive branch des-
4 ignated by the Privacy and Civil Liberties Oversight
5 Board to be appropriate for coverage under this section
6 shall designate not less than 1 senior officer to—

7 (1) assist the head of such department, agency,
8 or element and other officials of such department,
9 agency, or element in appropriately considering pri-
10 vacy and civil liberties concerns when such officials
11 are proposing, developing, or implementing laws,
12 regulations, policies, procedures, or guidelines re-
13 lated to efforts to protect the Nation against ter-
14 rorism;

15 (2) periodically investigate and review depart-
16 ment, agency, or element actions, policies, proce-
17 dures, guidelines, and related laws and their imple-
18 mentation to ensure that such department, agency,
19 or element is adequately considering privacy and
20 civil liberties in its actions;

21 (3) ensure that such department, agency, or
22 element has adequate procedures to receive, inves-
23 tigate, respond to, and redress complaints from indi-
24 viduals who allege such department, agency, or ele-
25 ment has violated their privacy or civil liberties; and

1 (4) in providing advice on proposals to retain or
2 enhance a particular governmental power the officer
3 shall consider whether such department, agency, or
4 element has explained—

5 (i) that the power actually materially
6 enhances security;

7 (ii) that there is adequate supervision
8 of the use by such department, agency, or
9 element of the power to ensure protection
10 of privacy and civil liberties; and

11 (iii) that there are adequate guidelines
12 and oversight to properly confine its use.

13 (b) EXCEPTION TO DESIGNATION AUTHORITY.—

14 (1) PRIVACY OFFICERS.—In any department,
15 agency, or element referred to in subsection (a) or
16 designated by the Board, which has a statutorily
17 created privacy officer, such officer shall perform the
18 functions specified in subsection (a) with respect to
19 privacy.

20 (2) CIVIL LIBERTIES OFFICERS.—In any de-
21 partment, agency, or element referred to in sub-
22 section (a) or designated by the Board, which has a
23 statutorily created civil liberties officer, such officer
24 shall perform the functions specified in subsection
25 (a) with respect to civil liberties.

1 (c) SUPERVISION AND COORDINATION.—Each pri-
2 vacy officer or civil liberties officer described in subsection
3 (a) or (b) shall—

4 (1) report directly to the head of the depart-
5 ment, agency, or element concerned; and

6 (2) coordinate their activities with the Inspector
7 General of such department, agency, or element to
8 avoid duplication of effort.

9 (d) AGENCY COOPERATION.—The head of each de-
10 partment, agency, or element shall ensure that each pri-
11 vacy officer and civil liberties officer—

12 (1) has the information, material, and resources
13 necessary to fulfill the functions of such officer;

14 (2) is advised of proposed policy changes;

15 (3) is consulted by decision makers; and

16 (4) is given access to material and personnel
17 the officer determines to be necessary to carry out
18 the functions of such officer.

19 (e) REPRISAL FOR MAKING COMPLAINT.—No action
20 constituting a reprisal, or threat of reprisal, for making
21 a complaint or for disclosing information to a privacy offi-
22 cer or civil liberties officer described in subsection (a) or
23 (b), or to the Privacy and Civil Liberties Oversight Board,
24 that indicates a possible violation of privacy protections
25 or civil liberties in the administration of the programs and

1 operations of the Federal Government relating to efforts
2 to protect the Nation from terrorism shall be taken by
3 any Federal employee in a position to take such action,
4 unless the complaint was made or the information was dis-
5 closed with the knowledge that it was false or with willful
6 disregard for its truth or falsity.

7 (f) PERIODIC REPORTS.—

8 (1) IN GENERAL.—The privacy officers and civil
9 liberties officers of each department, agency, or ele-
10 ment referred to or described in subsection (a) or
11 (b) shall periodically, but not less than quarterly,
12 submit a report on the activities of such officers—

13 (A)(i) to the appropriate committees of
14 Congress, including the Committees on the Ju-
15 diciary of the Senate and the House of Rep-
16 resentatives, the Committee on Governmental
17 Affairs of the Senate, the Committee on Gov-
18 ernment Reform of the House of Representa-
19 tives, the Select Committee on Intelligence of
20 the Senate, and the Permanent Select Com-
21 mittee on Intelligence of the House of Rep-
22 resentatives;

23 (ii) to the head of such department, agen-
24 cy, or element; and

1 (iii) to the Privacy and Civil Liberties
2 Oversight Board; and

3 (B) which shall be in unclassified form to
4 the greatest extent possible, with a classified
5 annex where necessary.

6 (2) CONTENTS.—Each report submitted under
7 paragraph (1) shall include information on the dis-
8 charge of each of the functions of the officer con-
9 cerned, including—

10 (A) information on the number and types
11 of reviews undertaken;

12 (B) the type of advice provided and the re-
13 sponse given to such advice;

14 (C) the number and nature of the com-
15 plaints received by the department, agency, or
16 element concerned for alleged violations; and

17 (D) a summary of the disposition of such
18 complaints, the reviews and inquiries conducted,
19 and the impact of the activities of such officer.

20 (g) INFORMING THE PUBLIC.—Each privacy officer
21 and civil liberties officer shall—

22 (1) make the reports of such officer, including
23 reports to Congress, available to the public to the
24 greatest extent that is consistent with the protection
25 of classified information and applicable law; and

1 (2) otherwise inform the public of the activities
 2 of such officer, as appropriate and in a manner con-
 3 sistent with the protection of classified information
 4 and applicable law.

5 (h) SAVINGS CLAUSE.—Nothing in this section shall
 6 be construed to limit or otherwise supplant any other au-
 7 thorities or responsibilities provided by law to privacy offi-
 8 cers or civil liberties officers.

9 **Subtitle C—Independence of** 10 **Intelligence Agencies**

11 **SEC. 221. INDEPENDENCE OF NATIONAL INTELLIGENCE DI-** 12 **RECTOR.**

13 (a) LOCATION OUTSIDE EXECUTIVE OFFICE OF THE
 14 PRESIDENT.—The National Intelligence Director shall not
 15 be located within the Executive Office of the President.

16 (b) PROVISION OF NATIONAL INTELLIGENCE.—The
 17 National Intelligence Director shall provide to the Presi-
 18 dent and Congress national intelligence that is timely, ob-
 19 jective, and independent of political considerations, and
 20 has not been shaped to serve policy goals.

21 **SEC. 222. INDEPENDENCE OF INTELLIGENCE.**

22 (a) DIRECTOR OF NATIONAL COUNTERTERRORISM
 23 CENTER.—The Director of the National Counterterrorism
 24 Center shall provide to the President, Congress, and the
 25 National Intelligence Director national intelligence related

1 to counterterrorism that is timely, objective, and inde-
2 pendent of political considerations, and has not been
3 shaped to serve policy goals.

4 (b) DIRECTORS OF NATIONAL INTELLIGENCE CEN-
5 TERS.—Each Director of a national intelligence center es-
6 tablished under section 144 shall provide to the President,
7 Congress, and the National Intelligence Director intel-
8 ligence information that is timely, objective, and inde-
9 pendent of political considerations, and has not been
10 shaped to serve policy goals.

11 (c) DIRECTOR OF CENTRAL INTELLIGENCE AGEN-
12 CY.—The Director of the Central Intelligence Agency shall
13 ensure that intelligence produced by the Central Intel-
14 ligence Agency is objective and independent of political
15 considerations, and has not been shaped to serve policy
16 goals.

17 (d) NATIONAL INTELLIGENCE COUNCIL.—The Na-
18 tional Intelligence Council shall produce national intel-
19 ligence estimates for the United States Government that
20 are timely, objective, and independent of political consider-
21 ations, and have not been shaped to serve policy goals.

1 **SEC. 223. INDEPENDENCE OF NATIONAL**
2 **COUNTERTERRORISM CENTER.**

3 No officer, department, agency, or element of the ex-
4 ecutive branch shall have any authority to require the Di-
5 rector of the National Counterterrorism Center—

6 (1) to receive permission to testify before Con-
7 gress; or

8 (2) to submit testimony, legislative rec-
9 ommendations, or comments to any officer or agency
10 of the United States for approval, comments, or re-
11 view prior to the submission of such recommenda-
12 tions, testimony, or comments to Congress if such
13 recommendations, testimony, or comments include a
14 statement indicating that the views expressed there-
15 in are those of the agency submitting them and do
16 not necessarily represent the views of the Adminis-
17 tration.

18 **SEC. 224. ACCESS OF CONGRESSIONAL COMMITTEES TO**
19 **NATIONAL INTELLIGENCE.**

20 (a) DOCUMENTS REQUIRED TO BE PROVIDED TO
21 CONGRESSIONAL COMMITTEES.—The National Intel-
22 ligence Director, the Director of the National
23 Counterterrorism Center, and the Director of a national
24 intelligence center shall provide to the Select Committee
25 on Intelligence of the Senate, the Permanent Select Com-
26 mittee on Intelligence of the House of Representatives,

1 and any other committee of Congress with jurisdiction
2 over the subject matter to which the information relates,
3 all intelligence assessments, intelligence estimates, sense
4 of intelligence community memoranda, and daily senior ex-
5 ecutive intelligence briefs, other than the Presidential
6 Daily Brief and those reports prepared exclusively for the
7 President.

8 (b) RESPONSE TO REQUESTS FROM CONGRESS RE-
9 QUIRED.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), in addition to providing material under
12 subsection (a), the National Intelligence Director,
13 the Director of the National Counterterrorism Cen-
14 ter, or the Director of a national intelligence center
15 shall, not later than 15 days after receiving a re-
16 quest for any intelligence assessment, report, or esti-
17 mate or other intelligence information from the Se-
18 lect Committee on Intelligence of the Senate, the
19 Permanent Select Committee on Intelligence of the
20 House of Representatives, or any other committee of
21 Congress with jurisdiction over the subject matter to
22 which the information relates, make available to
23 such committee such intelligence assessment, report,
24 or estimate or other intelligence information.

1 (2) CERTAIN MEMBERS.—In addition to re-
2 requests described in paragraph (1), the National In-
3 telligence Director shall respond to requests from
4 the Chairman and Vice Chairman of the Select Com-
5 mittee on Intelligence of the Senate and the Chair-
6 man and Ranking Member of the Permanent Select
7 Committee on Intelligence of the House of Rep-
8 resentatives. Upon making a request covered by this
9 paragraph, the Chairman, Vice Chairman, or Rank-
10 ing Member, as the case may be, of such committee
11 shall notify the other of the Chairman, Vice Chair-
12 man, or Ranking Member, as the case may be, of
13 such committee of such request.

14 (3) ASSERTIONS OF PRIVILEGE.—In response
15 to requests described under paragraph (1) or (2),
16 the National Intelligence Director, the Director of
17 the National Counterterrorism Center, or the Direc-
18 tor of a national intelligence center shall provide in-
19 formation, unless the President certifies that such
20 information is not being provided because the Presi-
21 dent is asserting a privilege pursuant to the United
22 States Constitution.

23 **SEC. 225. COMMUNICATIONS WITH CONGRESS.**

24 (a) DISCLOSURE OF CERTAIN INFORMATION AU-
25 THORIZED.—

1 (1) IN GENERAL.—Employees of covered agen-
2 cies and employees of contractors carrying out ac-
3 tivities under classified contracts with covered agen-
4 cies may disclose information described in paragraph
5 (2) to the individuals referred to in paragraph (3)
6 without first reporting such information to the ap-
7 propriate Inspector General.

8 (2) COVERED INFORMATION.—Paragraph (1)
9 applies to information, including classified informa-
10 tion, that an employee reasonably believes provides
11 direct and specific evidence of a false or inaccurate
12 statement to Congress contained in, or withheld
13 from Congress, any intelligence information material
14 to, any intelligence assessment, report, or estimate,
15 but does not apply to information the disclosure of
16 which is prohibited by rule 6(e) of the Federal Rules
17 of Criminal Procedure.

18 (3) COVERED INDIVIDUALS.—

19 (A) IN GENERAL.—The individuals to
20 whom information in paragraph (2) may be dis-
21 closed are—

22 (i) a Member of a committee of Con-
23 gress having primary responsibility for
24 oversight of a department, agency, or ele-
25 ment of the United States Government to

1 which the disclosed information relates and
 2 who is authorized to receive information of
 3 the type disclosed;

4 (ii) any other Member of Congress
 5 who is authorized to receive information of
 6 the type disclosed; and

7 (iii) an employee of Congress who has
 8 the appropriate security clearance and is
 9 authorized to receive information of the
 10 type disclosed.

11 (B) PRESUMPTION OF NEED FOR INFOR-
 12 MATION.—An individual described in subpara-
 13 graph (A) to whom information is disclosed
 14 under paragraph (2) shall be presumed to have
 15 a need to know such information.

16 (b) CONSTRUCTION WITH OTHER REPORTING RE-
 17 QUIREMENTS.—Nothing in this section may be construed
 18 to modify, alter, or otherwise affect—

19 (1) any reporting requirement relating to intel-
 20 ligence activities that arises under this Act, the Na-
 21 tional Security Act of 1947 (50 U.S.C. 401 et seq.),
 22 or any other provision of law; or

23 (2) the right of any employee of the United
 24 States Government to disclose to Congress in ac-

1 cordance with applicable law information not de-
2 scribed in this section.

3 (c) COVERED AGENCIES DEFINED.—In this section,
4 the term “covered agencies” means the following:

5 (1) The National Intelligence Authority, includ-
6 ing the National Counterterrorism Center.

7 (2) The Central Intelligence Agency.

8 (3) The Defense Intelligence Agency.

9 (4) The National Geospatial-Intelligence Agen-
10 cy.

11 (5) The National Security Agency.

12 (6) The Federal Bureau of Investigation.

13 (7) Any other Executive agency, or element or
14 unit thereof, determined by the President under sec-
15 tion 2302(a)(2)(C)(ii) of title 5, United States Code,
16 to have as its principal function the conduct of for-
17 eign intelligence or counterintelligence activities.

1 **TITLE III—MODIFICATIONS OF**
2 **LAWS RELATING TO INTEL-**
3 **LIGENCE COMMUNITY MAN-**
4 **AGEMENT**

5 **Subtitle A—Conforming and Other**
6 **Amendments**

7 **SEC. 301. RESTATEMENT AND MODIFICATION OF BASIC AU-**
8 **THORITY ON THE CENTRAL INTELLIGENCE**
9 **AGENCY.**

10 (a) IN GENERAL.—Title I of the National Security
11 Act of 1947 (50 U.S.C. 402 et seq.) is amended by strik-
12 ing sections 102 through 104 and inserting the following
13 new sections:

14 “CENTRAL INTELLIGENCE AGENCY

15 “SEC. 102. (a) CENTRAL INTELLIGENCE AGENCY.—
16 There is a Central Intelligence Agency.

17 “(b) FUNCTION.—The function of the Central Intel-
18 ligence Agency is to assist the Director of the Central In-
19 telligence Agency in carrying out the responsibilities speci-
20 fied in section 103(d).

21 “DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

22 “SEC. 103. (a) DIRECTOR OF CENTRAL INTEL-
23 LIGENCE AGENCY.—There is a Director of the Central In-
24 telligence Agency who shall be appointed by the President,
25 by and with the advice and consent of the Senate.

1 “(b) SUPERVISION.—The Director of the Central In-
2 telligence Agency shall report to the National Intelligence
3 Director regarding the activities of the Director of the
4 Central Intelligence Agency.

5 “(c) DUTIES.—The Director of the Central Intel-
6 ligence Agency shall—

7 “(1) serve as the head of the Central Intel-
8 ligence Agency; and

9 “(2) carry out the responsibilities specified in
10 subsection (d).

11 “(d) RESPONSIBILITIES.—The Director of the Cen-
12 tral Intelligence Agency shall—

13 “(1) collect intelligence through human sources
14 and by other appropriate means, except that the Di-
15 rector of the Central Intelligence Agency shall have
16 no police, subpoena, or law enforcement powers or
17 internal security functions;

18 “(2) correlate and evaluate intelligence related
19 to the national security and provide appropriate dis-
20 semination of such intelligence;

21 “(3) provide overall direction for and coordina-
22 tion of the collection of national intelligence outside
23 the United States through human sources by ele-
24 ments of the intelligence community authorized to
25 undertake such collection and, in coordination with

1 other departments, agencies, or elements of the
2 United States Government which are authorized to
3 undertake such collection, ensure that the most ef-
4 fective use is made of resources and that appropriate
5 account is taken of the risks to the United States
6 and those involved in such collection; and

7 “(4) perform such other functions and duties
8 pertaining to intelligence relating to the national se-
9 curity as the President or the National Intelligence
10 Director may direct.

11 “(e) TERMINATION OF EMPLOYMENT OF CIA EM-
12 PLOYEES.—(1) Notwithstanding the provisions of any
13 other law, the Director of the Central Intelligence Agency
14 may, in the discretion of the Director, terminate the em-
15 ployment of any officer or employee of the Central Intel-
16 ligence Agency whenever the Director considers the termi-
17 nation of employment of such officer or employee nec-
18 essary or advisable in the interests of the United States.

19 “(2) Any termination of employment of an officer or
20 employee under paragraph (1) shall not affect the right
21 of the officer or employee to seek or accept employment
22 in any other department, agency, or element of the United
23 States Government if declared eligible for such employ-
24 ment by the Office of Personnel Management.

1 “(f) COORDINATION WITH FOREIGN GOVERN-
2 MENTS.—Under the direction of the National Intelligence
3 Director and in a manner consistent with section 207 of
4 the Foreign Service Act of 1980 (22 U.S.C. 3927), the
5 Director of the Central Intelligence Agency shall coordi-
6 nate the relationships between elements of the intelligence
7 community and the intelligence or security services of for-
8 eign governments on all matters involving intelligence re-
9 lated to the national security or involving intelligence ac-
10 quired through clandestine means.”.

11 (b) TRANSFORMATION OF CENTRAL INTELLIGENCE
12 AGENCY.—The Director of the Central Intelligence Agen-
13 cy shall, in accordance with standards developed by the
14 Director in consultation with the National Intelligence Di-
15 rector—

16 (1) enhance the analytic, human intelligence,
17 and other capabilities of the Central Intelligence
18 Agency;

19 (2) develop and maintain an effective language
20 program within the Agency;

21 (3) emphasize the hiring of personnel of diverse
22 backgrounds for purposes of improving the capabili-
23 ties of the Agency;

24 (4) establish and maintain effective relation-
25 ships between human intelligence and signals intel-

1 ligence within the Agency at the operational level;
2 and

3 (5) achieve a more effective balance within the
4 Agency with respect to unilateral operations and liai-
5 son operations.

6 (c) REPORTS.—(1) Not later than 180 days after the
7 effective date of this section, and annually thereafter, the
8 Director of the Central Intelligence Agency shall submit
9 to the National Intelligence Director and the congressional
10 intelligence committees a report setting forth the fol-
11 lowing:

12 (A) A strategy for improving the conduct of
13 analysis (including strategic analysis) by the Central
14 Intelligence Agency, and the progress of the Agency
15 in implementing the strategy.

16 (B) A strategy for improving the human intel-
17 ligence and other capabilities of the Agency, and the
18 progress of the Agency in implementing the strategy,
19 including—

20 (i) the recruitment, training, equipping,
21 and deployment of personnel required to ad-
22 dress the current and projected threats to the
23 national security of the United States during
24 each of the 2-year, 5-year, and 10-year periods
25 beginning on the date of such report, including

1 personnel with the backgrounds, education, and
2 experience necessary for ensuring a human in-
3 telligence capability adequate for such projected
4 threats;

5 (ii) the achievement of a proper balance
6 between unilateral operations and liaison oper-
7 ations;

8 (iii) the development of language capabili-
9 ties (including the achievement of high stand-
10 ards in such capabilities by the use of financial
11 incentives and other mechanisms);

12 (iv) the sound financial management of the
13 Directorate of Operations; and

14 (v) the identification of other capabilities
15 required to address the current and projected
16 threats to the national security of the United
17 States during each of the 2-year, 5-year, and
18 10-year periods beginning on the date of such
19 report.

20 (C) In conjunction with the Director of the Na-
21 tional Security Agency, a strategy for achieving inte-
22 gration between signals and human intelligence ca-
23 pabilities, and the progress in implementing the
24 strategy.

1 (D) Metrics and milestones for measuring
2 progress in the implementation of each such strat-
3 egy.

4 (2)(A) The information in each report under para-
5 graph (1) on the element of the strategy referred to in
6 paragraph (1)(B)(i) shall identify the number and types
7 of personnel required to implement the strategy during
8 each period addressed in such report, include a plan for
9 the recruitment, training, equipping, and deployment of
10 such personal, and set forth an estimate of the costs of
11 such activities.

12 (B) If as of the date of a report under paragraph
13 (1), a proper balance does not exist between unilateral op-
14 erations and liaison operations, such report shall set forth
15 the steps to be taken to achieve such balance.

16 (C) The information in each report under paragraph
17 (1) on the element of the strategy referred to in paragraph
18 (1)(B)(v) shall identify the other capabilities required to
19 implement the strategy during each period addressed in
20 such report, include a plan for developing such capabili-
21 ties, and set forth an estimate of the costs of such activi-
22 ties.

1 **SEC. 302. CONFORMING AMENDMENTS RELATING TO**
 2 **ROLES OF NATIONAL INTELLIGENCE DIREC-**
 3 **TOR AND DIRECTOR OF THE CENTRAL INTEL-**
 4 **LIGENCE AGENCY.**

5 (a) NATIONAL SECURITY ACT OF 1947.—(1) The
 6 National Security Act of 1947 (50 U.S.C. 401 et seq.)
 7 is amended by striking “Director of Central Intelligence”
 8 each place it appears in the following provisions and in-
 9 serting “National Intelligence Director”:

10 (A) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

11 (B) Section 101(h)(2)(A) (50 U.S.C.
 12 402(h)(2)(A)).

13 (C) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

14 (D) Section 101(i)(2)(A) (50 U.S.C.
 15 402(i)(2)(A)).

16 (E) Section 101(j) (50 U.S.C. 402(j)).

17 (F) Section 105(a) (50 U.S.C. 403–5(a)).

18 (G) Section 105(b)(6)(A) (50 U.S.C. 403–
 19 5(b)(6)(A)).

20 (H) Section 105B(a)(1) (50 U.S.C. 403–
 21 5b(a)(1)).

22 (I) Section 105B(b) (50 U.S.C. 403–5b(b)).

23 (J) Section 110(b) (50 U.S.C. 404e(b)).

24 (K) Section 110(c) (50 U.S.C. 404e(c)).

25 (L) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

26 (M) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

- 1 (N) Section 113(b)(2)(A) (50 U.S.C.
- 2 404h(b)(2)(A)).
- 3 (O) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).
- 4 (P) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).
- 5 (R) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).
- 6 (S) Section 115(b) (50 U.S.C. 404j(b)).
- 7 (T) Section 115(c)(1)(B) (50 U.S.C.
- 8 404j(c)(1)(B)).
- 9 (U) Section 116(a) (50 U.S.C. 404k(a)).
- 10 (V) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).
- 11 (W) Section 303(a) (50 U.S.C. 405(a)), both
- 12 places it appears.
- 13 (X) Section 501(d) (50 U.S.C. 413(d)).
- 14 (Y) Section 502(a) (50 U.S.C. 413a(a)).
- 15 (Z) Section 502(c) (50 U.S.C. 413a(c)).
- 16 (AA) Section 503(b) (50 U.S.C. 413b(b)).
- 17 (BB) Section 504(a)(2) (50 U.S.C. 414(a)(2)).
- 18 (CC) Section 504(a)(3)(C) (50 U.S.C.
- 19 414(a)(3)(C)).
- 20 (DD) Section 504(d)(2) (50 U.S.C. 414(d)(2)).
- 21 (EE) Section 506A(a)(1) (50 U.S.C. 415a–
- 22 1(a)(1)).
- 23 (FF) Section 603(a) (50 U.S.C. 423(a)).
- 24 (GG) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

1 (HH) Section 702(a)(6)(B)(viii) (50 U.S.C.
2 432(a)(6)(B)(viii)).

3 (II) Section 702(b)(1) (50 U.S.C. 432(b)(1)),
4 both places it appears.

5 (JJ) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

6 (KK) Section 703(a)(6)(B)(viii) (50 U.S.C.
7 432a(a)(6)(B)(viii)).

8 (LL) Section 703(b)(1) (50 U.S.C. 432a(b)(1)),
9 both places it appears.

10 (MM) Section 704(a)(1) (50 U.S.C.
11 432b(a)(1)).

12 (NN) Section 704(f)(2)(H) (50 U.S.C.
13 432b(f)(2)(H)).

14 (OO) Section 704(g)(1) (50 U.S.C.
15 432b(g)(1)), both places it appears.

16 (PP) Section 1001(a) (50 U.S.C. 441g(a)).

17 (QQ) Section 1102(a)(1) (50 U.S.C.
18 442a(a)(1)).

19 (RR) Section 1102(b)(1) (50 U.S.C.
20 442a(b)(1)).

21 (SS) Section 1102(c)(1) (50 U.S.C.
22 442a(c)(1)).

23 (TT) Section 1102(d) (50 U.S.C. 442a(d)).

1 (2) That Act is further amended by striking “of Cen-
2 tral Intelligence” each place it appears in the following
3 provisions:

4 (A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

5 (B) Section 105B(a)(2) (50 U.S.C. 403–
6 5b(a)(2)).

7 (C) Section 105B(b) (50 U.S.C. 403–5b(b)),
8 the second place it appears.

9 (3) That Act is further amended by striking “Direc-
10 tor” each place it appears in the following provisions and
11 inserting “National Intelligence Director”:

12 (A) Section 114(c) (50 U.S.C. 404i(c)).

13 (B) Section 116(b) (50 U.S.C. 404k(b)).

14 (C) Section 1001(b) (50 U.S.C. 441g(b)).

15 (D) Section 1001(c) (50 U.S.C. 441g(c)), the
16 first place it appears.

17 (E) Section 1001(d)(1)(B) (50 U.S.C.
18 441g(d)(1)(B)).

19 (F) Section 1001(e) (50 U.S.C. 441g(e)), the
20 first place it appears.

21 (4) Section 114A of that Act (50 U.S.C. 404i–1) is
22 amended by striking “Director of Central Intelligence”
23 and inserting “National Intelligence Director, the Director
24 of the Central Intelligence Agency”.

1 (5) Section 701 of that Act (50 U.S.C. 431) is
2 amended—

3 (A) in subsection (a), by striking “Operational
4 files of the Central Intelligence Agency may be ex-
5 empted by the Director of Central Intelligence” and
6 inserting “The Director of the Central Intelligence
7 Agency, with the coordination of the National Intel-
8 ligence Director, may exempt operational files of the
9 Central Intelligence Agency”; and

10 (B) in subsection (g)(1), by striking “Director
11 of Central Intelligence” and inserting “Director of
12 the Central Intelligence Agency and the National In-
13 telligence Director”.

14 (6) The heading for section 114 of that Act (50
15 U.S.C. 404i) is amended to read as follows:

16 “ADDITIONAL ANNUAL REPORTS FROM THE NATIONAL
17 INTELLIGENCE DIRECTOR”.

18 (b) CENTRAL INTELLIGENCE AGENCY ACT OF
19 1949.—(1) Section 1 of the Central Intelligence Agency
20 Act of 1949 (50 U.S.C. 403a) is amended—

21 (A) by redesignating paragraphs (a), (b), and
22 (c) as paragraphs (1), (2), and (3), respectively; and

23 (B) by striking paragraph (2), as so redesign-
24 nated, and inserting the following new paragraph
25 (2):

1 “(2) ‘Director’ means the Director of the Central In-
2 telligence Agency; and”.

3 (2) That Act (50 U.S.C. 403a et seq.) is further
4 amended by striking “Director of Central Intelligence”
5 each place it appears in the following provisions and in-
6 serting “National Intelligence Director”:

7 (A) Section 6 (50 U.S.C. 403g).

8 (B) Section 17(f) (50 U.S.C. 403q(f)), both
9 places it appears.

10 (3) That Act is further amended by striking “of Cen-
11 tral Intelligence” in each of the following provisions:

12 (A) Section 2 (50 U.S.C. 403b).

13 (B) Section 16(c)(1)(B) (50 U.S.C.
14 403p(c)(1)(B)).

15 (C) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

16 (D) Section 20(c) (50 U.S.C. 403t(c)).

17 (4) That Act is further amended by striking “Direc-
18 tor of Central Intelligence” each place it appears in the
19 following provisions and inserting “Director of the Central
20 Intelligence Agency”:

21 (A) Section 14(b) (50 U.S.C. 403n(b)).

22 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

23 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)),
24 both places it appears.

25 (D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

1 (E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

2 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
3 ACT.—Section 101 of the Central Intelligence Agency Re-
4 tirement Act (50 U.S.C. 2001) is amended by striking
5 paragraph (2) and inserting the following new paragraph
6 (2):

7 “(2) DIRECTOR.—The term ‘Director’ means
8 the Director of the Central Intelligence Agency.”.

9 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Sub-
10 section (a)(1) of section 2 of the Central Intelligence
11 Agency Voluntary Separation Pay Act (50 U.S.C. 2001
12 note) is amended to read as follows:

13 “(1) the term ‘Director’ means the Director of
14 the Central Intelligence Agency;”.

15 (e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
16 1978.—(1) The Foreign Intelligence Surveillance Act of
17 1978 (50 U.S.C. 1801 et seq.) is amended by striking “Di-
18 rector of Central Intelligence” each place it appears and
19 inserting “National Intelligence Director”.

20 (f) CLASSIFIED INFORMATION PROCEDURES ACT.—
21 Section 9(a) of the Classified Information Procedures Act
22 (5 U.S.C. App.) is amended by striking “Director of Cen-
23 tral Intelligence” and inserting “National Intelligence Di-
24 rector”.

25 (g) INTELLIGENCE AUTHORIZATION ACTS.—

1 (1) PUBLIC LAW 103–359.—Section 811(c)(6)(C)
2 of the Counterintelligence and Security Enhance-
3 ments Act of 1994 (title VIII of Public Law 103–
4 359) is amended by striking “Director of Central In-
5 telligence” and inserting “National Intelligence Di-
6 rector”.

7 (2) PUBLIC LAW 107–306.—(A) The Intelligence
8 Authorization Act for Fiscal Year 2003 (Public Law
9 107–306) is amended by striking “Director of Cen-
10 tral Intelligence, acting as the head of the intel-
11 ligence community,” each place it appears in the fol-
12 lowing provisions and inserting “National Intel-
13 ligence Director”:

14 (i) Section 313(a) (50 U.S.C. 404n(a)).

15 (ii) Section 343(a)(1) (50 U.S.C. 404n–
16 2(a)(1))

17 (B) Section 341 of that Act (50 U.S.C. 404n–
18 1) is amended by striking “Director of Central Intel-
19 ligence, acting as the head of the intelligence com-
20 munity, shall establish in the Central Intelligence
21 Agency” and inserting “National Intelligence Direc-
22 tor shall establish within the Central Intelligence
23 Agency”.

1 (C) Section 352(b) of that Act (50 U.S.C. 404–
 2 3 note) is amended by striking “Director” and in-
 3 serting “National Intelligence Director”.

4 (3) PUBLIC LAW 108–177.—(A) The Intelligence
 5 Authorization Act for Fiscal Year 2004 (Public Law
 6 108–177) is amended by striking “Director of Cen-
 7 tral Intelligence” each place it appears in the fol-
 8 lowing provisions and inserting “National Intel-
 9 ligence Director”:

10 (i) Section 317(a) (50 U.S.C. 403–3 note).

11 (ii) Section 317(h)(1).

12 (iii) Section 318(a) (50 U.S.C. 441g note).

13 (iv) Section 319(b) (50 U.S.C. 403 note).

14 (v) Section 341(b) (28 U.S.C. 519 note).

15 (vi) Section 357(a) (50 U.S.C. 403 note).

16 (vii) Section 504(a) (117 Stat. 2634), both
 17 places it appears.

18 (B) Section 319(f)(2) of that Act (50 U.S.C.
 19 403 note) is amended by striking “Director” the
 20 first place it appears and inserting “National Intel-
 21 ligence Director”.

22 (C) Section 404 of that Act (18 U.S.C. 4124
 23 note) is amended by striking “Director of Central
 24 Intelligence” and inserting “Director of the Central
 25 Intelligence Agency”.

1 **SEC. 303. OTHER CONFORMING AMENDMENTS**

2 (a) NATIONAL SECURITY ACT OF 1947.—(1) Section
3 101(j) of the National Security Act of 1947 (50 U.S.C.
4 402(j)) is amended by striking “Deputy Director of Cen-
5 tral Intelligence” and inserting “Principal Deputy Na-
6 tional Intelligence Director”.

7 (2) Section 112(d)(1) of that Act (50 U.S.C.
8 404g(d)(1)) is amended by striking “section 103(c)(6) of
9 this Act” and inserting “section 112(a)(11) of the Na-
10 tional Intelligence Reform Act of 2004”.

11 (3) Section 116(b) of that Act (50 U.S.C. 404k(b))
12 is amended by striking “to the Deputy Director of Central
13 Intelligence, or with respect to employees of the Central
14 Intelligence Agency, the Director may delegate such au-
15 thority to the Deputy Director for Operations” and insert-
16 ing “to the Principal Deputy National Intelligence Direc-
17 tor, or, with respect to employees of the Central Intel-
18 ligence Agency, to the Director of the Central Intelligence
19 Agency”.

20 (4) Section 504(a)(2) of that Act (50 U.S.C.
21 414(a)(2)) is amended by striking “Reserve for Contin-
22 gencies of the Central Intelligence Agency” and inserting
23 “Reserve for Contingencies of the National Intelligence
24 Director”.

25 (5) Section 506A(b)(1) of that Act (50 U.S.C. 415a-
26 1(b)(1)) is amended by striking “Office of the Deputy Di-

1 rector of Central Intelligence” and inserting “Office of the
2 National Intelligence Director”.

3 (6) Section 701(c)(3) of that Act (50 U.S.C.
4 431(c)(3)) is amended by striking “or the Office of the
5 Director of Central Intelligence” and inserting “the Office
6 of the Director of the Central Intelligence Agency, or the
7 Office of the National Intelligence Director”.

8 (7) Section 1001(b) of that Act (50 U.S.C. 441g(b))
9 is amended by striking “Assistant Director of Central In-
10 telligence for Administration” and inserting “Office of the
11 National Intelligence Director”.

12 (b) CENTRAL INTELLIGENCE AGENCY ACT OF
13 1949.—Section 6 of the Central Intelligence Agency Act
14 of 1949 (50 U.S.C. 403g) is amended by striking “section
15 103(c)(7) of the National Security Act of 1947 (50 U.S.C.
16 403–3(c)(7))” and inserting “section 112(a)(11) of the
17 National Intelligence Reform Act of 2004”.

18 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
19 ACT.—Section 201(c) of the Central Intelligence Agency
20 Retirement Act (50 U.S.C. 2011(c)) is amended by strik-
21 ing “paragraph (6) of section 103(c) of the National Secu-
22 rity Act of 1947 (50 U.S.C. 403–3(c)) that the Director
23 of Central Intelligence” and inserting “section 112(a)(11)
24 of the National Intelligence Reform Act of 2004 that the
25 National Intelligence Director”.

1 (d) INTELLIGENCE AUTHORIZATION ACTS.—

2 (1) PUBLIC LAW 107–306.—Section 343(c) of
 3 the Intelligence Authorization Act for Fiscal Year
 4 2003 (Public Law 107–306; 50 U.S.C. 404n–2(c)) is
 5 amended by striking “section 103(c)(6) of the Na-
 6 tional Security Act of 1947 (50 U.S.C. 403–
 7 3((c)(6)))” and inserting “section 112(a)(11) of the
 8 National Intelligence Reform Act of 2004”.

9 (2) PUBLIC LAW 108–177.—Section 317 of the
 10 Intelligence Authorization Act for Fiscal Year 2004
 11 (Public Law 108–177; 50 U.S.C. 403–3 note) is
 12 amended—

13 (A) in subsection (g), by striking “Assist-
 14 ant Director of Central Intelligence for Analysis
 15 and Production” and inserting “Principal Dep-
 16 uty National Intelligence Director”; and

17 (B) in subsection (h)(2)(C), by striking
 18 “Assistant Director” and inserting “Principal
 19 Deputy National Intelligence Director”.

20 **SEC. 304. MODIFICATIONS OF FOREIGN INTELLIGENCE AND**
 21 **COUNTERINTELLIGENCE UNDER NATIONAL**
 22 **SECURITY ACT OF 1947.**

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

1 (1) in paragraph (2), by striking “or foreign
2 persons, or international terrorist activities” and in-
3 serting “foreign persons, or international terrorists”;
4 and

5 (2) in paragraph (3), by striking “or foreign
6 persons, or international terrorist activities” and in-
7 serting “foreign persons, or international terrorists”.

8 **SEC. 305. ELEMENTS OF INTELLIGENCE COMMUNITY**
9 **UNDER NATIONAL SECURITY ACT OF 1947.**

10 Paragraph (4) of section 3 of the National Security
11 Act of 1947 (50 U.S.C. 401a) is amended to read as fol-
12 lows:

13 “(4) The term ‘intelligence community’ includes
14 the following:

15 “(A) The National Intelligence Authority.

16 “(B) The Central Intelligence Agency.

17 “(C) The National Security Agency.

18 “(D) The Defense Intelligence Agency.

19 “(E) The National Geospatial-Intelligence
20 Agency.

21 “(F) The National Reconnaissance Office.

22 “(G) Other offices within the Department
23 of Defense for the collection of specialized na-
24 tional intelligence through reconnaissance pro-
25 grams.

1 “(H) The intelligence elements of the
2 Army, the Navy, the Air Force, the Marine
3 Corps, the Federal Bureau of Investigation, and
4 the Department of Energy.

5 “(I) The Bureau of Intelligence and Re-
6 search of the Department of State.

7 “(J) The Office of Intelligence and Anal-
8 ysis of the Department of the Treasury.

9 “(K) The elements of the Department of
10 Homeland Security concerned with the analysis
11 of intelligence information, including the Office
12 of Intelligence of the Coast Guard.

13 “(L) Such other elements of any depart-
14 ment or agency as may be designated by the
15 President, or designated jointly by the National
16 Intelligence Director and the head of the de-
17 partment or agency concerned, as an element of
18 the intelligence community.”.

19 **SEC. 306. REDESIGNATION OF NATIONAL FOREIGN INTEL-**
20 **LIGENCE PROGRAM AS NATIONAL INTEL-**
21 **LIGENCE PROGRAM.**

22 (a) REDESIGNATION.—Section 3 of the National Se-
23 curity Act of 1947 (50 U.S.C. 401a), as amended by this
24 Act, is further amended—

25 (1) by striking paragraph (6); and

1 (2) by redesignating paragraph (7) as para-
2 graph (6).

3 (b) CONFORMING AMENDMENTS.—(1) The National
4 Security Act of 1947, as amended by this Act, is further
5 amended by striking “National Foreign Intelligence Pro-
6 gram” each place it appears in the following provisions
7 and inserting “National Intelligence Program”:

8 (A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

9 (B) Section 105(a)(3) (50 U.S.C. 403–5(a)(3)).

10 (C) Section 506(a) (50 U.S.C. 415a(a)).

11 (2) Section 17(f) of the Central Intelligence Agency
12 Act of 1949 (50 U.S.C. 403q(f)) is amended by striking
13 “National Foreign Intelligence Program” and inserting
14 “National Intelligence Program”.

15 (c) HEADING AMENDMENTS.—(1) The heading of
16 section 105 of that Act is amended to read as follows:

17 “RESPONSIBILITIES OF THE SECRETARY OF DEFENSE
18 PERTAINING TO THE NATIONAL INTELLIGENCE PRO-
19 GRAM”.

20 (2) The heading of section 506 of that Act is amend-
21 ed to read as follows:

1 “SPECIFICITY OF NATIONAL INTELLIGENCE PROGRAM
 2 BUDGET AMOUNTS FOR COUNTERTERRORISM,
 3 COUNTERPROLIFERATION, COUNTERNARCOTICS, AND
 4 COUNTERINTELLIGENCE”.

5 **SEC. 307. CONFORMING AMENDMENT ON COORDINATION**
 6 **OF BUDGETS OF ELEMENTS OF THE INTEL-**
 7 **LIGENCE COMMUNITY WITHIN THE DEPART-**
 8 **MENT OF DEFENSE.**

9 Section 105(a)(1) of the National Security Act of
 10 1947 (50 U.S.C. 403–5(a)(1)) is amended by striking “en-
 11 sure” and inserting “assist the Director in ensuring”.

12 **SEC. 308. REPEAL OF SUPERSEDED AUTHORITIES.**

13 (a) APPOINTMENT OF CERTAIN INTELLIGENCE OF-
 14 FICIALS.—Section 106 of the National Security Act of
 15 1947 (50 U.S.C. 403–6) is repealed.

16 (b) COLLECTION TASKING AUTHORITY.—Section
 17 111 of the National Security Act of 1947 (50 U.S.C. 404f)
 18 is repealed.

19 **SEC. 309. CLERICAL AMENDMENTS TO NATIONAL SECURITY**
 20 **ACT OF 1947.**

21 The table of contents for the National Security Act
 22 of 1947 is amended—

23 (1) by inserting after the item relating to sec-
 24 tion 101 the following new item:

“Sec. 101A. Joint Intelligence Community Council.”;

1 (2) by striking the items relating to sections
 2 102 through 104 and inserting the following new
 3 items:

“Sec. 102. Central Intelligence Agency.
 “Sec. 103. Director of the Central Intelligence Agency.”;

4 (3) by striking the item relating to section 105
 5 and inserting the following new item:

“Sec 105. Responsibilities of the Secretary of Defense pertaining to the Na-
 tional Intelligence Program.”;

6 (4) by striking the item relating to section 114
 7 and inserting the following new item:

“Sec. 114. Additional annual reports from the National Intelligence Director.”;

8 and

9 (5) by striking the item relating to section 506
 10 and inserting the following new item:

“Sec. 506. Specificity of National Intelligence Program budget amounts for
 counterterrorism, counterproliferation, counternarcotics, and
 counterintelligence”.

11 **SEC. 310. MODIFICATION OF AUTHORITIES RELATING TO**
 12 **NATIONAL COUNTERINTELLIGENCE EXECU-**
 13 **TIVE.**

14 (a) APPOINTMENT OF NATIONAL COUNTERINTEL-
 15 LIGENCE EXECUTIVE.—Subsection (a)(2) of section 902
 16 of the Counterintelligence Enhancement Act of 2002 (title
 17 IX of Public Law 107–306; 116 Stat. 2432; 50 U.S.C.
 18 402b) is amended by striking “Director of Central Intel-
 19 ligence” and inserting “National Intelligence Director,
 20 and Director of the Central Intelligence Agency”.

1 (b) COMPONENT OF OFFICE OF NATIONAL INTEL-
 2 LIGENCE DIRECTOR.—Such section is further amended—

3 (1) by redesignating subsections (b) and (c) as
 4 subsections (c) and (d), respectively; and

5 (2) by inserting after subsection (a) the fol-
 6 lowing new subsection (b):

7 “(b) COMPONENT OF OFFICE OF NATIONAL INTEL-
 8 LIGENCE DIRECTOR.—The National Counterintelligence
 9 Executive is a component of the Office of the National
 10 Intelligence Director under subtitle C of the National In-
 11 telligence Reform Act of 2004.”.

12 (c) DUTIES.—Subsection (d) of such section, as re-
 13 designated by subsection (a)(1) of this section, is amended
 14 by adding at the end the following new paragraph:

15 “(5) To perform such other duties as may be
 16 provided under section 131(b) of the National Intel-
 17 ligence Reform Act of 2004.”.

18 (d) OFFICE OF NATIONAL COUNTERINTELLIGENCE
 19 EXECUTIVE.—Section 904 of the Counterintelligence En-
 20 hancement Act of 2002 (116 Stat. 2434; 50 U.S.C. 402c)
 21 is amended—

22 (1) by striking “Office of the Director of Cen-
 23 tral Intelligence” each place it appears in sub-
 24 sections (c) and (l)(1) and inserting “Office of the
 25 National Intelligence Director”;

1 (2) by striking “Director of Central Intel-
 2 ligence” each place it appears in subsections (e)(4),
 3 (e)(5), (h)(1), and (h)(2) and inserting “National
 4 Intelligence Director”; and

5 (3) in subsection (m), by striking “Director of
 6 Central Intelligence” and inserting “National Intel-
 7 ligence Director, the Director of the Central Intel-
 8 ligence Agency”.

9 **SEC. 311. CONFORMING AMENDMENT TO INSPECTOR GEN-**
 10 **ERAL ACT OF 1978.**

11 Section 8H(a)(1) of the Inspector General Act of
 12 1978 (5 U.S.C. App.) is amended by adding at the end
 13 the following new subparagraph:

14 “(D) An employee of the National Intelligence Au-
 15 thority, an employee of an entity other than the Authority
 16 who is assigned or detailed to the Authority, or of a con-
 17 tractor of the Authority, who intends to report to Congress
 18 a complaint or information with respect to an urgent con-
 19 cern may report the complaint or information to the In-
 20 specter General of the National Intelligence Authority in
 21 accordance with section 141(h)(5) of the National Intel-
 22 ligence Reform Act of 2004.”.

1 **SEC. 312. CONFORMING AMENDMENT RELATING TO CHIEF**
 2 **FINANCIAL OFFICER OF THE NATIONAL IN-**
 3 **TELLIGENCE AUTHORITY.**

4 Section 901(b)(1) of title 31, United States Code, is
 5 amended by adding at the end the following new subpara-
 6 graph:

7 “(Q) The National Intelligence Authority.”.

8 **Subtitle B—Transfers and**
 9 **Terminations**

10 **SEC. 321. TRANSFER OF OFFICE OF DEPUTY DIRECTOR OF**
 11 **CENTRAL INTELLIGENCE FOR COMMUNITY**
 12 **MANAGEMENT.**

13 (a) TRANSFER.—There shall be transferred to the
 14 Office of the National Intelligence Director the staff of
 15 the Office of the Deputy Director of Central Intelligence
 16 for Community Management as of the date of the enact-
 17 ment of this Act, including all functions and activities dis-
 18 charged by the Office of the Deputy Director of Central
 19 Intelligence for Community Management as of that date.

20 (b) ADMINISTRATION.—The National Intelligence Di-
 21 rector shall administer the staff of the Office of the Dep-
 22 uty Director of Central Intelligence for Community Man-
 23 agement after the date of the enactment of this Act as
 24 a component of the Office of the National Intelligence Di-
 25 rector under section 121(d).

1 **SEC. 322. TRANSFER OF NATIONAL COUNTERTERRORISM**

2 **EXECUTIVE.**

3 (a) TRANSFER.—There shall be transferred to the
4 Office of the National Intelligence Director the National
5 Counterintelligence Executive and the Office of the Na-
6 tional Counterintelligence Executive under the Counter-
7 intelligence Enhancement Act of 2002 (title IX of Public
8 Law 107–306; 50 U.S.C. 402b et seq.), as amended by
9 section 309 of this Act, including all functions and activi-
10 ties discharged by the National Counterintelligence Execu-
11 tive and the Office of the National Counterintelligence Ex-
12 ecutive as of the date of the enactment of this Act.

13 (b) ADMINISTRATION.—The National Intelligence Di-
14 rector shall treat the National Counterintelligence Execu-
15 tive, and administer the Office of the National Counter-
16 intelligence Executive, after the date of the enactment of
17 this Act as components of the Office of the National Intel-
18 ligence Director under section 121(c).

19 **SEC. 323. TRANSFER OF TERRORIST THREAT INTEGRATION**

20 **CENTER.**

21 (a) TRANSFER.—There shall be transferred to the
22 National Counterterrorism Center the Terrorist Threat
23 Integration Center (TTIC), including all functions and ac-
24 tivities discharged by the Terrorist Threat Integration
25 Center as of the date of the enactment of this Act.

1 (b) ADMINISTRATION.—The Director of the National
2 Counterterrorism Center shall administer the Terrorist
3 Threat Integration Center after the date of the enactment
4 of this Act as a component of the Directorate of Intel-
5 ligence of the National Counterterrorism Center under
6 section 143(g)(2).

7 **SEC. 324. TERMINATION OF CERTAIN POSITIONS WITHIN**
8 **THE CENTRAL INTELLIGENCE AGENCY.**

9 (a) TERMINATION.—The positions within the Central
10 Intelligence Agency referred to in subsection (b) are here-
11 by abolished.

12 (b) COVERED POSITIONS.—The positions within the
13 Central Intelligence Agency referred to in this subsection
14 are as follows:

15 (1) The Deputy Director of Central Intelligence
16 for Community Management.

17 (2) The Assistant Director of Central Intel-
18 ligence for Collection.

19 (3) The Assistant Director of Central Intel-
20 ligence for Analysis and Production.

21 (4) The Assistant Director of Central Intel-
22 ligence for Administration.

1 **Subtitle C—Other Transition**
2 **Matters**

3 **SEC. 331. EXECUTIVE SCHEDULE MATTERS.**

4 (a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312
5 of title 5, United States Code, is amended by adding the
6 end the following new item:

7 “National Intelligence Director.”.

8 (b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
9 of title 5, United States Code, is amended—

10 (1) by striking the item relating to the Director
11 of Central Intelligence; and

12 (2) by adding at the end the following new
13 items:

14 “Deputy National Intelligence Directors (5).

15 “Director of the National Counterterrorism
16 Center.”.

17 (c) EXECUTIVE SCHEDULE LEVEL III.—Section
18 5314 of title 5, United States Code, is amended by strik-
19 ing the item relating to the Deputy Directors of Central
20 Intelligence and inserting the following new item:

21 “Director of the Central Intelligence Agency.”.

22 (d) EXECUTIVE SCHEDULE LEVEL IV.—Section
23 5315 of title 5, United States Code, is amended by strik-
24 ing the item relating to the Assistant Directors of Central
25 Intelligence.

1 **SEC. 332. PRESERVATION OF INTELLIGENCE CAPABILITIES.**

2 The National Intelligence Director, the Director of
3 the Central Intelligence Agency, and the Secretary of De-
4 fense shall jointly take such actions as are appropriate to
5 preserve the intelligence capabilities of the United States
6 during the establishment of the National Intelligence Au-
7 thority under this Act.

8 **SEC. 333. REORGANIZATION.**

9 (a) REORGANIZATION.—The National Intelligence
10 Director may, with the approval of the President and after
11 consultation with the department, agency, or element con-
12 cerned, allocate or reallocate functions among the officers
13 of the National Intelligence Program, and may establish,
14 consolidate, alter, or discontinue organizational units with-
15 in the Program, but only after providing notice of such
16 action to Congress, which shall include an explanation of
17 the rationale for the action.

18 (b) LIMITATION.—The authority under subsection (a)
19 does not extend to any action inconsistent with law.

20 (c) CONGRESSIONAL REVIEW.—An action may be
21 taken under the authority under subsection (a) only with
22 the approval of the following:

23 (1) Each of the congressional intelligence com-
24 mittees.

1 (2) Each of the Committee on Governmental
2 Affairs of the Senate and the Committee on Govern-
3 ment Reform of the House of Representatives.

4 **SEC. 334. NATIONAL INTELLIGENCE DIRECTOR REPORT ON**
5 **IMPLEMENTATION OF INTELLIGENCE COM-**
6 **MUNITY REFORM.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the National Intelligence Director shall
9 submit to Congress a report on the progress made in the
10 implementation of this Act, including the amendments
11 made by this Act. The report shall include a comprehen-
12 sive description of the progress made, and may include
13 such recommendations for additional legislative or admin-
14 istrative action as the Director considers appropriate.

15 **SEC. 335. COMPTROLLER GENERAL REPORTS ON IMPLE-**
16 **MENTATION OF INTELLIGENCE COMMUNITY**
17 **REFORM.**

18 (a) REPORTS.—(1) Not later than two years after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall submit to Congress a com-
21 prehensive report on the implementation of this Act and
22 the amendments made by this Act.

23 (2) The Comptroller General may submit to Congress
24 at any time during the two-year period beginning on the
25 date of the enactment of this Act, such reports on the

1 progress made in the implementation of this Act and the
2 amendments made by this Act as the Comptroller General
3 considers appropriate.

4 (b) REPORT ELEMENTS.—Each report under sub-
5 section (a) shall include the following:

6 (1) The assessment of the Comptroller General
7 of the progress made in the implementation of this
8 Act (and the amendments made by this Act) as of
9 the date of such report.

10 (2) A description of any delays or other short-
11 falls in the implementation of this Act that have
12 been identified by the Comptroller General.

13 (3) Any recommendations for additional legisla-
14 tive or administrative action that the Comptroller
15 General considers appropriate.

16 (c) AGENCY COOPERATION.—Each department,
17 agency, and element of the United States Government
18 shall cooperate with the Comptroller General in the assess-
19 ment of the implementation of this Act, and shall provide
20 the Comptroller General timely and complete access to rel-
21 evant documents in accordance with section 716 of title
22 31, United States Code.

23 **SEC. 336. GENERAL REFERENCES.**

24 (a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
25 OF INTELLIGENCE COMMUNITY.—Any reference to the

1 Director of Central Intelligence or the Director of the Cen-
2 tral Intelligence Agency in the Director's capacity as the
3 head of the intelligence community in any law, regulation,
4 document, paper, or other record of the United States
5 shall be deemed to be a reference to the National Intel-
6 ligence Director.

7 (b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
8 OF CIA.—Any reference to the Director of Central Intel-
9 ligence or the Director of the Central Intelligence Agency
10 in the Director's capacity as the head of the Central Intel-
11 ligence Agency in any law, regulation, document, paper,
12 or other record of the United States shall be deemed to
13 be a reference to the Director of the Central Intelligence
14 Agency.

15 (c) OFFICE OF THE DEPUTY DIRECTOR OF CENTRAL
16 INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Any
17 reference to the Office of the Deputy Director of Central
18 Intelligence for Community Management in any law, regu-
19 lation, document, paper, or other record of the United
20 States shall be deemed to be a reference to the staff of
21 such office within the Office of the National Intelligence
22 Director under section 121.

1 **Subtitle D—Effective Date**

2 **SEC. 341. EFFECTIVE DATE.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), this Act, and the amendments made by this Act, shall
5 take effect 180 days after the date of the enactment of
6 this Act.

7 (b) EARLIER EFFECTIVE DATE.—In order to ensure
8 the rapid implementation of this Act while simultaneously
9 ensuring a smooth transition that will safeguard the na-
10 tional security of the United States, the President may
11 provide that this Act (including the amendments made by
12 this Act), or one or more particular provisions of this Act
13 (including the amendments made by such provision or pro-
14 visions), shall take effect on such date that is earlier than
15 the date otherwise provided under subsection (a) as the
16 President shall specify.

17 (c) NOTIFICATION OF EFFECTIVE DATES.—If the
18 President exercises the authority in subsection (b), the
19 President shall—

20 (1) notify Congress of the exercise of such au-
21 thority; and

22 (2) publish in the Federal Register notice of the
23 earlier effective date or dates involved, including
24 each provision (and amendment) covered by such
25 earlier effective date.

1 **Subtitle E—Other Matters**

2 **SEC. 351. SEVERABILITY.**

3 If any provision of this Act, or an amendment made
4 by this Act, or the application of such provision to any
5 person or circumstance is held invalid, the remainder of
6 this Act, or the application of such provision to persons
7 or circumstances other than those to which such provision
8 is held invalid, shall not be affected thereby.

9 **SEC. 352. AUTHORIZATION OF APPROPRIATIONS.**

10 There are specifically authorized to be appropriated
11 for fiscal year 2005 such sums as may be necessary to
12 carry out this Act and the amendments made by this Act.

Calendar No. 712

108TH CONGRESS
2D Session
S. 2840

A BILL

To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

SEPTEMBER 23, 2004

Read twice and placed on the calendar