

109TH CONGRESS
1ST SESSION

H. R. 2475

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2005

Received; read twice and referred to the Select Committee on Intelligence

AN ACT

To authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Intelligence Authorization Act for Fiscal Year 2006”.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
 Sec. 102. Classified Schedule of Authorizations.
 Sec. 103. Personnel ceiling adjustments.
 Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
 Sec. 302. Restriction on conduct of intelligence activities.
 Sec. 303. Clarification of delegation of transfer or reprogramming authority.
 Sec. 304. Additional duties for the Director of Science and Technology.
 Sec. 305. Comprehensive inventory of special access programs.
 Sec. 306. Sense of Congress on budget execution authority procedures.
 Sec. 307. Sense of Congress with respect to multi-level security clearances.
 Sec. 308. Reports on failure to timely implement the National Counterterrorism
 Center.

8 **TITLE I—INTELLIGENCE**
 9 **ACTIVITIES**

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

11 Funds are hereby authorized to be appropriated for
 12 fiscal year 2006 for the conduct of the intelligence and
 13 intelligence-related activities of the following elements of
 14 the United States Government:

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

17 (2) The Central Intelligence Agency.

18 (3) The Department of Defense.

1 (4) The Defense Intelligence Agency.

2 (5) The National Security Agency.

3 (6) The Department of the Army, the Depart-
4 ment of the Navy, and the Department of the Air
5 Force.

6 (7) The Department of State.

7 (8) The Department of the Treasury.

8 (9) The Department of Energy.

9 (10) The Department of Justice.

10 (11) The Federal Bureau of Investigation.

11 (12) The National Reconnaissance Office.

12 (13) The National Geospatial-Intelligence Agen-
13 cy.

14 (14) The Coast Guard.

15 (15) The Department of Homeland Security.

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

17 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
18 CEILINGS.—The amounts authorized to be appropriated
19 under section 101, and the authorized personnel ceilings
20 as of September 30, 2006, for the conduct of the intel-
21 ligence and intelligence-related activities of the elements
22 listed in such section, are those specified in the classified
23 Schedule of Authorizations prepared to accompany the bill
24 H.R. 2475 of the One Hundred Ninth Congress.

1 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
2 THORIZATIONS.—The Schedule of Authorizations shall be
3 made available to the Committees on Appropriations of
4 the Senate and House of Representatives and to the Presi-
5 dent. The President shall provide for suitable distribution
6 of the Schedule, or of appropriate portions of the Sched-
7 ule, within the executive branch.

8 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

9 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
10 proval of the Director of the Office of Management and
11 Budget, the Director of National Intelligence may author-
12 ize employment of civilian personnel in excess of the num-
13 ber authorized for fiscal year 2006 under section 102
14 when the Director of National Intelligence determines that
15 such action is necessary to the performance of important
16 intelligence functions.

17 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
18 Director of National Intelligence shall notify promptly the
19 Select Committee on Intelligence of the Senate and the
20 Permanent Select Committee on Intelligence of the House
21 of Representatives whenever the Director exercises the au-
22 thority granted by this section.

1 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated for the Intelligence Commu-
5 nity Management Account of the Director of National In-
6 telligence for fiscal year 2006 the sum of \$446,144,000.
7 Within such amount, funds identified in the classified
8 Schedule of Authorizations referred to in section 102(a)
9 for advanced research and development shall remain avail-
10 able until September 30, 2007.

11 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
12 ments within the Intelligence Community Management
13 Account of the Director of National Intelligence are au-
14 thorized 817 full-time personnel as of September 30,
15 2006. Personnel serving in such elements may be perma-
16 nent employees of the Intelligence Community Manage-
17 ment Account or personnel detailed from other elements
18 of the United States Government.

19 (c) CLASSIFIED AUTHORIZATIONS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—In
21 addition to amounts authorized to be appropriated
22 for the Intelligence Community Management Ac-
23 count by subsection (a), there are also authorized to
24 be appropriated for the Intelligence Community
25 Management Account for fiscal year 2006 such addi-
26 tional amounts as are specified in the classified

1 Schedule of Authorizations referred to in section
2 102(a). Such additional amounts for advanced re-
3 search and development shall remain available until
4 September 30, 2007.

5 (2) AUTHORIZATION OF PERSONNEL.—In addi-
6 tion to the personnel authorized by subsection (b)
7 for elements of the Intelligence Community Manage-
8 ment Account as of September 30, 2006, there are
9 also authorized such additional personnel for such
10 elements as of that date as are specified in the clas-
11 sified Schedule of Authorizations.

12 (d) REIMBURSEMENT.—Except as provided in section
13 113 of the National Security Act of 1947 (50 U.S.C.
14 404h), during fiscal year 2006 any officer or employee of
15 the United States or a member of the Armed Forces who
16 is detailed to the staff of the Intelligence Community Man-
17 agement Account from another element of the United
18 States Government shall be detailed on a reimbursable
19 basis, except that any such officer, employee, or member
20 may be detailed on a nonreimbursable basis for a period
21 of less than one year for the performance of temporary
22 functions as required by the Director of National Intel-
23 ligence.

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

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2006 the sum of \$244,600,000.

9 **TITLE III—GENERAL**
10 **PROVISIONS**

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

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

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

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

1 **SEC. 303. CLARIFICATION OF DELEGATION OF TRANSFER**
 2 **OR REPROGRAMMING AUTHORITY.**

3 Paragraph (5)(B) of section 102A(d) of the National
 4 Security Act of 1947 (50 U.S.C. 403–1(d)), as added by
 5 section 1011(a) of the National Security Intelligence Re-
 6 form Act of 2004 (title I of Public Law 108–458; 118
 7 Stat. 3643), is amended by striking “or agency involved”
 8 in the second sentence and inserting “involved or the Di-
 9 rector of the Central Intelligence Agency (in the case of
 10 the Central Intelligence Agency)”.

11 **SEC. 304. ADDITIONAL DUTIES FOR THE DIRECTOR OF**
 12 **SCIENCE AND TECHNOLOGY.**

13 (a) COORDINATION AND PRIORITIZATION OF RE-
 14 SEARCH CONDUCTED BY ELEMENTS OF THE INTEL-
 15 LIGENCE COMMUNITY.—Subsection (d) of section 103E of
 16 the National Security Act of 1947 (50 U.S.C. 403–3e),
 17 as added by section 1011(a) of the National Security In-
 18 telligence Reform Act of 2004 (title I of Public Law 108–
 19 458; 118 Stat. 3643), is amended—

20 (1) by inserting “and prioritize” after “coordi-
 21 nate” in paragraph (3)(A); and

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

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

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

3 (b) DEVELOPMENT OF TECHNOLOGY GOALS.—Sec-
4 tion 103E of such Act (50 U.S.C. 403–3e), as so added,
5 is amended—

6 (1) in subsection (c)—

7 (A) by striking “and” at the end of para-
8 graph (4);

9 (B) by redesignating paragraph (5) as
10 paragraph (6); and

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

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

16 (2) by adding at the end the following new sub-
17 section:

18 “(e) GOALS FOR TECHNOLOGY NEEDS OF THE IN-
19 TELLIGENCE COMMUNITY.—In carrying out subsection
20 (c)(5), the Director of Science and Technology shall—

21 “(1) perform systematic identification and as-
22 sessment of the most significant intelligence chal-
23 lenges that require technical solutions; and

24 “(2) examine options to enhance the responsive-
25 ness of research and design programs to meet the

1 requirements of the intelligence community for time-
2 ly support.”.

3 (c) REPORT.—Not later than June 30, 2006, the Di-
4 rector of National Intelligence shall submit to Congress
5 a report containing a strategy for the development and
6 use of technology in the intelligence community through
7 2021. Such report may be submitted in classified form and
8 shall include—

9 (1) an assessment of the highest priority intel-
10 ligence gaps across the intelligence community that
11 may be resolved by the use of technology;

12 (2) goals for advanced research and develop-
13 ment and a strategy to achieve such goals;

14 (3) an explanation of how each advanced re-
15 search and development project funded under the
16 National Intelligence Program addresses an identi-
17 fied intelligence gap;

18 (4) a list of all current and projected research
19 and development projects by research type (basic,
20 advanced, or applied) with estimated funding levels,
21 estimated initiation dates, and estimated completion
22 dates; and

23 (5) a plan to incorporate technology from re-
24 search and development projects into National Intel-
25 ligence Program acquisition programs.

1 **SEC. 305. COMPREHENSIVE INVENTORY OF SPECIAL AC-**
2 **CESS PROGRAMS.**

3 Not later than January 15, 2006, the Director of Na-
4 tional Intelligence shall submit to the congressional intel-
5 ligence committees (as defined in section 3(7) of the Na-
6 tional Security Act of 1947 (50 U.S.C. 401a(7))) a classi-
7 fied report providing a comprehensive inventory of all spe-
8 cial access programs under the National Intelligence Pro-
9 gram (as defined in section 3(6) of the National Security
10 Act of 1947 (50 U.S.C. 401a(6))).

11 **SEC. 306. SENSE OF CONGRESS ON BUDGET EXECUTION AU-**
12 **THORITY PROCEDURES.**

13 It is the sense of Congress that the Director of Na-
14 tional Intelligence should expeditiously establish the nec-
15 essary budgetary processes and procedures with the heads
16 of the departments containing agencies or organizations
17 within the intelligence community, and the heads of such
18 agencies and organizations, in order to—

19 (1) implement the budget execution authorities
20 provided under, and submit the reports to Congress
21 required by, subsection (c) of section 102A of the
22 National Security Act of 1947 (50 U.S.C. 403–1),
23 as amended by section 1011(a) of the National Se-
24 curity Intelligence Reform Act of 2004 (title I of
25 Public Law 108–458; 118 Stat. 3643); and

1 (2) carry out the duties and authorities of the
2 Director of National Intelligence with respect to the
3 transfer and reprogramming of funds under the Na-
4 tional Intelligence Program under subsection (d) of
5 such section, as so amended.

6 **SEC. 307. SENSE OF CONGRESS WITH RESPECT TO MULTI-**
7 **LEVEL SECURITY CLEARANCES.**

8 It is the sense of Congress that the Director of Na-
9 tional Intelligence should promptly establish and oversee
10 the implementation of a multi-level security clearance sys-
11 tem across the intelligence community to leverage the cul-
12 tural and linguistic skills of subject matter experts and
13 individuals proficient in foreign languages critical to na-
14 tional security.

15 **SEC. 308. REPORTS ON FAILURE TO TIMELY IMPLEMENT**
16 **THE NATIONAL COUNTERTERRORISM CEN-**
17 **TER.**

18 (a) INITIAL REPORT ON FAILURE TO MEET DEAD-
19 LINES IMPOSED UNDER LAW.—Not later than 30 days
20 after the date of the enactment of this Act, the Director
21 of National Intelligence shall provide written notice to
22 Congress explaining the failure of the executive branch to
23 implement the National Counterterrorism Center, as es-
24 tablished under section 119 of the National Security Act
25 of 1947, as added by section 1021 of the National Security

1 Intelligence Reform Act of 2004 (title I of the Intelligence
2 Reform and Terrorism Prevention Act of 2004; Public
3 Law 108–458), by the deadlines imposed under section
4 1097(a) of such Act for the implementation of such Cen-
5 ter, including the failure by the President to nominate an
6 individual to serve as Director of the National
7 Counterterrorism Center.

8 (b) SUBSEQUENT MONTHLY UPDATES.—The Direc-
9 tor of National Intelligence shall provide to Congress
10 monthly updates to the initial notice to Congress under
11 subsection (a) until the National Counterterrorism Center
12 is fully implemented and operational.

Passed the House of Representatives June 21, 2005.

Attest:

JEFF TRANDAHL,

Clerk.