

111TH CONGRESS
1ST SESSION

S. 1528

To establish a Foreign Intelligence and Information Commission, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2009

Mr. FEINGOLD introduced the following bill; which was read twice and
referred to the Select Committee on Intelligence

A BILL

To establish a Foreign Intelligence and Information
Commission, 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.**

4 This Act may be cited as the “Foreign Intelligence
5 and Information Commission Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) 2005 NATIONAL INTELLIGENCE STRAT-
9 EGY.—The term “2005 National Intelligence Strat-
10 egy” means the National Intelligence Strategy of the

1 United States of America released by the Director of
2 National Intelligence on October 26, 2005.

3 (2) 2006 ANNUAL REPORT OF THE UNITED
4 STATES INTELLIGENCE COMMUNITY AND 2006 AN-
5 NUAL REPORT.—The terms “2006 Annual Report of
6 the United States Intelligence Community” and
7 “2006 Annual Report” mean the 2006 Annual Re-
8 port of the United States Intelligence Community
9 released by the Director of National Intelligence in
10 February 2007.

11 (3) COMMISSION.—The term “Commission”
12 means the Foreign Intelligence and Information
13 Commission established in section 4(a).

14 (4) FOREIGN INTELLIGENCE, INTELLIGENCE.—
15 The terms “foreign intelligence” and “intelligence”
16 have the meaning given those terms in section 3 of
17 the National Security Act of 1947 (50 U.S.C. 401a).

18 (5) INFORMATION.—The term “information”
19 includes information of relevance to the foreign pol-
20 icy of the United States collected and conveyed
21 through diplomatic reporting and other reporting by
22 personnel of the Government of the United States
23 who are not employed by an element of the intel-
24 ligence community, including public and open-source
25 information.

1 (6) STRATEGIC PLAN OF THE DEPARTMENT OF
2 STATE.—The term “Strategic Plan of the Depart-
3 ment of State” means the Strategic Plan for Fiscal
4 Years 2007–2012 of the Department of State and
5 the United States Agency for International Develop-
6 ment revised on May 7, 2007.

7 **SEC. 3. FINDINGS.**

8 Congress makes the following findings:

9 (1) Accurate, timely, and comprehensive foreign
10 intelligence and information are critical to the na-
11 tional security of United States and the furtherance
12 of the foreign policy goals of the United States.

13 (2) It is in the national security and foreign
14 policy interest of the United States to ensure the
15 global deployment of personnel of the Government of
16 the United States who are responsible for collecting
17 and reporting foreign intelligence and information,
18 including personnel from the intelligence community,
19 the Department of State, and other agencies and de-
20 partments of the Government of the United States,
21 and that adequate resources are committed to effect
22 such collection and reporting.

23 (3) The 2005 National Intelligence Strategy
24 and the 2006 Annual Report of the United States
25 Intelligence Community identified 5 major missions

1 of the intelligence community to support the na-
2 tional security requirements of the United States,
3 the first 2 of which, defeating terrorism and pre-
4 venting and countering the spread of weapons of
5 mass destruction, are global and transnational in na-
6 ture.

7 (4) The third major mission identified by the
8 2005 National Intelligence Strategy and the 2006
9 Annual Report, bolstering the growth of democracy
10 and sustaining peaceful democratic states, requires a
11 global commitment of collection, reporting, and ana-
12 lytical capabilities.

13 (5) The 2005 National Intelligence Strategy
14 and the 2006 Annual Report identify as a major
15 mission the need to “anticipate developments of
16 strategic concern and identify opportunities as well
17 as vulnerabilities for decision makers”.

18 (6) The 2006 Annual Report provides the fol-
19 lowing:

20 (A) “In a world in which developments in
21 distant reaches of the globe can quickly affect
22 American citizens and interests at home and
23 abroad, the Intelligence Community must alert
24 policy makers to problems before they escalate
25 and provide insights into their causes and ef-

1 fects. Analysis must do more than just describe
2 what is happening and why; it must identify a
3 range of opportunities for (and likely con-
4 sequences of) diplomatic, military, law enforce-
5 ment, economic, financial, or homeland security
6 action. To support policymakers, the Intel-
7 ligence Community should develop, sustain, and
8 maintain access to expertise on every region,
9 every transnational security issue, and every
10 threat to the American people.”.

11 (B) “We still need to re-balance, integrate,
12 and optimize collection capabilities to meet cur-
13 rent and future customer and analytic prior-
14 ities. Collection is . . . what gives the [Intel-
15 ligence Community] its ‘competitive advantage’
16 in protecting the United States and its inter-
17 ests.”.

18 (C) “One challenge to improving the cov-
19 erage of emerging and strategic issues across
20 the Intelligence Community has been the diver-
21 sion of resources to current crisis support
22 . . .”.

23 (D) “Collection against terrorists in places
24 like Iraq and Afghanistan took a substantial

1 share of the [Intelligence Community's] re-
2 sources and efforts in FY 2006.”.

3 (E) “With so many [Intelligence Commu-
4 nity] resources dedicated to the War on Terror
5 and WMD programs in closed regimes, the [In-
6 telligence] Community’s collection efforts still
7 have to devote significant attention to potential
8 or emerging threats of strategic consequence.”.

9 (7) On January 23, 2007, the Deputy Director
10 of National Intelligence for Collection testified to the
11 Select Committee on Intelligence of the Senate that
12 there is a “need to get the Intelligence Community
13 back to what I grew up calling global reach”, stating
14 that “we don’t have that today”. She further testi-
15 fied that “our challenge is . . . with [Congress] help
16 [to get back] to a place where we can do global
17 reach, and pay attention to places that we are not.”.

18 (8) On February 14, 2008, the Director of Na-
19 tional Intelligence testified to the Select Committee
20 on Intelligence of the Senate that “certainly current
21 crisis support takes a disproportionate share” of in-
22 telligence resources over emerging and strategic
23 issues.

24 (9) In responses to questions posed by the Se-
25 lect Committee on Intelligence of the Senate in ad-

1 vance of the February 5, 2009, hearing on the nomi-
2 nation of Leon Panetta to be Director of the Central
3 Intelligence Agency, Mr. Panetta stated that “I am
4 also concerned that we have not devoted sufficient
5 resources to a broader set of national intelligence
6 challenges—such as Russia, China, the global eco-
7 nomic downturn, as well as unstable and weak gov-
8 ernments in places such as Africa and Latin Amer-
9 ica.”.

10 (10) On February 12, 2009, the Director of
11 National Intelligence testified to the Select Com-
12 mittee on Intelligence of the Senate that “I’d say
13 the most significant gaps are the areas that are not
14 traditional State threats, that we have not figured
15 out the right way to collect information and we have
16 not grown the analysts to do it. . . . We’re not as
17 good with non-state actors.”.

18 (11) On March 26, 2009, the Director of Na-
19 tional Intelligence stated that “We re-evaluate that
20 National Intelligence Priority Framework formally
21 ever six months and informally, as we have. And its
22 quite remarkable, if you—you know those time-lapse
23 pictures where things change? If you showed a time-
24 lapse picture of that National Intelligence Priority
25 Framework, you’d see, sort of, colors shifting over

1 time as things came up, in terms of their threat or
2 in terms of an opportunity that they—so I just, I
3 think it’s a mistake to tie us down to, this is my im-
4 portant priority. There are enduring things we have
5 to spend a lot of time on because you can’t instantly
6 generate intelligence about a country that’s very
7 good at keeping its secrets that you know is going
8 to be a factor for a long time. And we have to work
9 on those—we have to work on those every time. We
10 have to keep an excellent baseline understanding of
11 what’s going on in the world, but then we need to
12 be able to flex.”.

13 (12) The National Commission on Terrorist At-
14 tacks Upon the United States (hereinafter referred
15 to as the “9/11 Commission”) reported that “To
16 find sanctuary, terrorist organizations have fled to
17 some of the least governed, most lawless places in
18 the world. The intelligence community has prepared
19 a world map that highlights possible terrorist ha-
20 vens, using no secret intelligence—just indicating
21 areas that combine rugged terrain, weak governance,
22 room to hide or receive supplies, and low population
23 density with a town or city near enough to allow
24 necessary interaction with the outside world. Large

1 areas scattered around the world meet these cri-
2 teria.”.

3 (13) The 9/11 Commission recommended that
4 the “U.S. Government must identify and prioritize
5 actual or potential terrorist sanctuaries. For each, it
6 should have a realistic strategy to keep possible ter-
7 rorists insecure and on the run, using all elements
8 of national power. We should reach out, listen to,
9 and work with other countries that can help.”.

10 (14) On May 6, 2008, the Acting Director of
11 the National Counterterrorism Center testified to
12 the Select Committee on Intelligence of the Senate
13 that “I wish I had more resources to dedicate to
14 longer-term threats, absolutely,” that “much of the
15 information about the instability that can lead to
16 safe havens or ideological radicalization comes not
17 from covert collection but from open collection, best
18 done by Foreign Service officers,” and that there
19 should be ways to direct resources toward whoever
20 is best positioned to learn about safe-haven condi-
21 tions.

22 (15) On November 1, 2005, the Director of Na-
23 tional Intelligence Open Source Center was estab-
24 lished with functions that “include collection, anal-
25 ysis and research, training, and information tech-

1 nology management to facilitate government-wide
2 access and use” of openly available information.

3 (16) The Strategic Plan of the Department of
4 State provides as a strategic goal that “Our diplo-
5 matic and development activities will reduce the
6 threat or impact of violent conflict by developing
7 early warning . . . capability.”.

8 (17) On January 22, 2009, James Steinberg, a
9 nominee to be Deputy Secretary of State, testified to
10 the Committee on Foreign Relations of the Senate
11 that “if we’re going to be effective in this move to-
12 wards smart power, then we have to understand how
13 we reprioritize our resources to be able to achieve
14 that . . . If we only think about the crisis of the
15 moment, then we’re not prepared as new challenges
16 emerge. And we’ve seen this time and time again,
17 that issues that were not immediately on the radar
18 screen don’t get the attention they deserve. . . . So
19 the idea of looking forward and trying to figure out
20 over the long-term where our priorities need to be,
21 how do we anticipate some of these challenges, and
22 then judge how we have sort of assigned resources
23 to take care of not only those current needs but also
24 those long-term challenges I think has to be very im-
25 portant and part of a strategic planning strategy

1 . . . although we have a very strong intelligence
2 community, that there is a tremendous resource of
3 people who've lived and worked out in the countries
4 that we're dealing with and that, for a variety of
5 reasons, the intelligence community is not always the
6 best equipped to do that. They bring their own spe-
7 cial skills. But the Foreign Service officers, and also
8 people from outside the government, are enormous
9 sources of information and value. And we need to
10 find better ways, in my judgment, to have more con-
11 tact with people in the private sector, from the
12 NGOs, from the business community, from univer-
13 sities and the like, as part of our being able to touch
14 and feel what's going on the ground.”.

15 (18) On January 22, 2009, Jacob Lew, a nomi-
16 nee to be Deputy Secretary of State, testified to the
17 Committee on Foreign Relations of the Senate that
18 “I believe strongly that resources have to follow pri-
19 orities. The decision of where we need to be and
20 what kinds of skills we need have to fit into a com-
21 prehensive strategy. . . . We need to work with our
22 other Cabinet agency partners. There are 20 govern-
23 ment agencies that have resources that work in or
24 through our embassies. We don't need to recreate
25 the wheel; we need to cooperate with each other and

1 make sure that we have enough Foreign Service,
2 civil service and locally engaged staff so that we can
3 effectively coordinate the efforts that the United
4 States puts on the ground. I think that it all begins
5 with the strategic planning process. If we don't have
6 a clear vision of what we need and what we want,
7 were not going to be able to make the right resource
8 allocation decisions. And we have to be able to look
9 beyond this week, next week, or even next year. . . .
10 We need to reach not just into the building but all
11 the way into the field and make it clear that we have
12 every intention of bringing the resources of the State
13 Department to bear as we deal with these kinds of
14 problems and challenges abroad, that we have
15 knowledge in our embassies, in our consulates, about
16 a range of issues, not just political issues—economic
17 issues, scientific issues, cultural issues—that give us
18 the broadest understanding of what's going on in an
19 increasingly global world.”.

20 (19) The Legal Attache offices and sub-offices
21 of the Federal Bureau of Investigation are currently
22 located in 75 cities around the world, providing cov-
23 erage for more than 200 countries, territories, and
24 islands.

1 (20) On October 4, 2007, Thomas V. Fuentes,
2 Assistant Director of the Federal Bureau of Inves-
3 tigation for Office of International Operations, testi-
4 fied to the Subcommittee on Border, Maritime, and
5 Global Counterterrorism of the Committee on Home-
6 land Security of the House of Representatives that
7 the “core mission” of the Legal Attache offices “is
8 to establish and maintain liaison with principal law
9 enforcement and security services in designated for-
10 eign countries . . . enabl[ing] the FBI to effectively
11 and expeditiously conduct its responsibilities in com-
12 bating international terrorism, organized crime,
13 cyber crime, and general criminal matters,” and that
14 while “they do not conduct foreign intelligence gath-
15 ering,” “typical duties” include . . . “conducting in-
16 vestigations in coordination with the host govern-
17 ment; sharing investigative leads and information;
18 briefing Embassy counterparts from other agencies,
19 including law enforcement agencies, as appropriate,
20 and Ambassadors . . . providing situation reports
21 concerning cultural protocol; [and] assessing political
22 and security climates.”.

23 (21) The July 2008 Preliminary Findings by
24 the Project on National Security Reform, entitled
25 “Enduring Security in an Unpredictable World: the

1 Urgent Need for National Security Reform,” in-
2 cluded the following:

3 (A) The lack of a national security strat-
4 egy that clearly links ends, ways, and means
5 and assigned roles and responsibilities to each
6 department has encouraged a proliferation of
7 department-level strategies. These department
8 strategies are uncoordinated and do not system-
9 atically generate capabilities required for na-
10 tional objectives.

11 (B) The resource allocation process is not
12 driven by any overall national plan or strategy
13 for achieving broad objectives, and the results
14 or effectiveness of the budgeting process cannot
15 be measured against such objectives.

16 (C) The national security system tends to
17 overemphasize traditional security threats and
18 under emphasize emerging challenges.

19 **SEC. 4. ESTABLISHMENT AND FUNCTIONS OF THE COMMIS-**
20 **SION.**

21 (a) **ESTABLISHMENT.**—There is established in the
22 legislative branch a Foreign Intelligence and Information
23 Commission.

24 (b) **FUNCTIONS.**—The Commission shall—

1 (1) evaluate any current processes or systems
2 for the strategic integration of the intelligence com-
3 munity, including the Open Source Center, and
4 other elements of the United States Government, in-
5 cluding the Department of State, with regard to the
6 collection, reporting and analysis of foreign intel-
7 ligence and information;

8 (2) provide recommendations to improve or de-
9 velop such processes or systems to include the devel-
10 opment of an inter-agency strategy that identifies—

11 (A) the collection, reporting, and analysis
12 requirements of the United States Government;

13 (B) the elements of the United States Gov-
14 ernment best positioned to meet collection and
15 reporting requirements;

16 (C) collection and reporting missions for
17 the intelligence community and other elements
18 of the United States Government based on the
19 requirements of the United States Government,
20 comparative institutional advantages, and other
21 relevant factors;

22 (D) analytical capabilities needed to
23 achieve the requirements of the United States
24 Government; and

1 (E) inter-agency budget and resource allo-
2 cations necessary to achieve such collection, re-
3 porting, and analytical requirements;

4 (3) evaluate the extent to which current intel-
5 ligence collection, reporting, and analysis strategies
6 are aimed at providing global coverage and antici-
7 pating future threats, challenges, and crises;

8 (4) provide recommendations on how to incor-
9 porate into the inter-agency strategy the means to
10 anticipate future threats, challenges, and crises, in-
11 cluding by identifying and supporting collection, re-
12 porting, and analytical capabilities which are global
13 in scope and which are directed at emerging, long-
14 term, and strategic targets;

15 (5) provide recommendations on strategies for
16 sustaining human and budgetary resources to effect
17 the global collection and reporting missions identi-
18 fied in the inter-agency strategy, including the
19 prepositioning of collection and reporting capabili-
20 ties;

21 (6) provide recommendations for developing,
22 clarifying, and, if necessary, bolstering current and
23 future collection and reporting roles and capabilities
24 of elements of the United States Government outside
25 the intelligence community deployed overseas;

1 (7) provide recommendations related to the role
2 of individual country missions in contributing to the
3 inter-agency strategy;

4 (8) evaluate the extent to which the establish-
5 ment of new embassies and out-of-embassy posts are
6 able to contribute to expanded global coverage and
7 increased collection and reporting and provide rec-
8 ommendations related to the establishment of new
9 embassies and out-of-embassy posts;

10 (9) provide recommendations related to the es-
11 tablishment of any new executive branch entity, or
12 the expansion of the authorities of any existing exec-
13 utive branch entity, as needed to improve the stra-
14 tegic integration described in paragraph (1) and de-
15 velop and oversee the implementation of the inter-
16 agency strategy;

17 (10) provide recommendations on any legislative
18 changes necessary to establish any new entity or to
19 expand the authorities of any existing entity, as de-
20 scribed in paragraph (9);

21 (11) provide recommendations on processes for
22 developing and presenting to Congress budget re-
23 quests for each relevant element of the United
24 States Government that reflect the allocations iden-
25 tified in the inter-agency strategy and for congres-

sional oversight of the development and implementation of the strategy; and

(12) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 5. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

1 (A) IN GENERAL.—Members of the Com-
2 mission shall be individuals who—

3 (i) are private citizens; and

4 (ii) have—

5 (I) knowledge and experience in
6 foreign information and intelligence
7 collection, reporting, and analysis, in-
8 cluding clandestine collection and clas-
9 sified analysis, diplomatic reporting
10 and analysis, and collection of public
11 and open source information;

12 (II) knowledge and experience in
13 issues related to the national security
14 and foreign policy of the United
15 States gained by serving as a senior
16 official of the Department of State, a
17 member of the Foreign Service, an
18 employee or officer of an appropriate
19 agency or department of the United
20 States, or an independent organiza-
21 tion with expertise in the field of
22 international affairs; or

23 (III) knowledge and experience
24 with foreign policy decisionmaking.

1 (B) DIVERSITY OF EXPERIENCE.—The in-
2 dividuals appointed to the Commission should
3 be selected with a view to establishing diversity
4 of experience with regard to various geographic
5 regions, functions, and issues.

6 (3) TIME OF APPOINTMENT.—The appoint-
7 ments under subsection (a) shall be made not later
8 than 60 days after the date of the enactment of this
9 Act.

10 (4) TERM OF APPOINTMENT.—Members shall
11 be appointed for the life of the Commission.

12 (5) VACANCIES.—Any vacancy of the Commis-
13 sion shall not affect the powers of the Commission
14 and shall be filled in the manner in which the origi-
15 nal appointment was made.

16 (6) CHAIR.—The members of the Commission
17 shall designate 1 of the voting members to serve as
18 the chair of the Commission.

19 (7) QUORUM.—Six members of the Commission
20 shall constitute a quorum for purposes of
21 transacting the business of the Commission.

22 (8) MEETINGS.—The Commission shall meet at
23 the call of the chair and shall meet regularly, not
24 less than once every 3 months, during the life of the
25 Commission.

1 (b) STAFF.—

2 (1) IN GENERAL.—The chair of the Commission
3 may, without regard to the civil service laws and
4 regulations, appoint and terminate an executive di-
5 rector and, in consultation with the executive direc-
6 tor, appoint and terminate such other additional per-
7 sonnel as may be necessary to enable the Commis-
8 sion to perform its duties. In addition to the execu-
9 tive director and 1 full-time support staff for the ex-
10 ecutive director, there shall be additional staff with
11 relevant intelligence and foreign policy experience to
12 help support the Commission’s work.

13 (2) SELECTION OF THE EXECUTIVE DIREC-
14 TOR.—The executive director shall be selected with
15 the approval of a majority of the members of the
16 Commission.

17 (3) COMPENSATION.—

18 (A) EXECUTIVE DIRECTOR.—The executive
19 director shall be compensated at the rate pay-
20 able for level IV of the Executive Schedule
21 under section 5315 of title 5, United States
22 Code.

23 (B) STAFF.—The chair of the Commission
24 may fix the compensation of other staff of the
25 Commission without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of
2 title 5, United States Code, relating to classi-
3 fication of positions and General Schedule pay
4 rates, except that the rate of pay for such per-
5 sonnel may not exceed the rate payable for level
6 IV of the Executive Schedule under section
7 5315 of such title.

8 (c) EXPERTS AND CONSULTANTS.—This Commission
9 is authorized to procure temporary or intermittent services
10 of experts and consultants as necessary to the extent au-
11 thorized by section 3109 of title 5, United States Code,
12 at rates not to exceed the maximum annual rate of basic
13 pay payable under section 5376 of such title.

14 (d) STAFF AND SERVICES OF OTHER AGENCIES OR
15 DEPARTMENT OF THE UNITED STATES.—Upon the re-
16 quest of the Commission, the head of an agency or depart-
17 ment of the United States may detail, on a reimbursable
18 or nonreimbursable basis, any of the personnel of that de-
19 partment or agency to the Commission to assist it in car-
20 rying out this Act. The detail of any such personnel shall
21 be without interruption or loss of civil service or Foreign
22 Service status or privilege.

23 (e) SECURITY CLEARANCE.—The appropriate agen-
24 cies or departments of the United States shall cooperate
25 with the Commission in expeditiously providing to the

1 members and staff of the Commission appropriate security
 2 clearances to the extent possible pursuant to existing pro-
 3 cedures and requirements.

4 **SEC. 6. POWERS AND DUTIES OF THE COMMISSION.**

5 (a) IN GENERAL.—

6 (1) HEARINGS AND EVIDENCE.—The Commis-
 7 sion may, for the purpose of carrying out this Act—

8 (A) hold hearings, sit and act at times and
 9 places in the United States and in countries in
 10 which the United States has a diplomatic pres-
 11 ence, take testimony, and receive evidence as
 12 the Commission considers advisable to carry out
 13 this Act; and

14 (B) subject to subsection (b)(1), require,
 15 by subpoena or otherwise, the attendance and
 16 testimony of such witnesses and the production
 17 of such books, records, correspondence, memo-
 18 randa , papers, and documents, as the Commis-
 19 sion considers necessary.

20 (b) SUBPOENAS.—

21 (1) ISSUANCE.—

22 (A) IN GENERAL.—A subpoena may be
 23 issued under this section only—

24 (i) by the agreement of the chair of
 25 the Commission; and

1 (ii) by the affirmative vote of 5 mem-
2 bers of the Commission.

3 (B) SIGNATURE.—Subject to subparagraph
4 (A), subpoenas issued under this section may be
5 issued under the signature of the chair or any
6 member designated by a majority of the Com-
7 mission and may be served by any person des-
8 ignated by the chair or by a member designated
9 by a majority of the Commission.

10 (2) ENFORCEMENT.—

11 (A) IN GENERAL.—In the case of contu-
12 macy or failure to obey a subpoena issued
13 under this section, the United States district
14 court for the judicial district in which the sub-
15 poenaed person resides, is served, or may be
16 found, or where the subpoena is returnable,
17 may issue an order requiring such person to ap-
18 pear at any designated place to testify or to
19 produce documentary or other evidence. Any
20 failure to obey the order of the court may be
21 punished by the court as a contempt of that
22 court.

23 (B) ADDITIONAL ENFORCEMENT.—In the
24 case of any failure of any witness to comply
25 with any subpoena or to testify when sum-

1 moned under authority of this section, the Com-
2 mission may, by majority vote, certify a state-
3 ment of fact constituting such failure to the ap-
4 propriate United States attorney, who may
5 bring the matter before the grand jury for its
6 action, under the same statutory authority and
7 procedures as if the United States attorney had
8 received a certification under sections 102, 103,
9 or 104 of the Revised Statutes of the United
10 States (2 U.S.C. 192, 193, and 194).

11 (c) INFORMATION FROM FEDERAL AGENCIES.—The
12 Commission may secure directly from any agency or de-
13 partment of the United States such information as the
14 Commission considers necessary to carry out this Act.
15 Upon request of the chair of the Commission, the head
16 of such agency or department shall furnish such informa-
17 tion to the Commission, subject to applicable law.

18 (d) POSTAL SERVICES.—The Commission may use
19 the United States mails in the same manner and under
20 the same conditions as an agency or department of the
21 United States.

22 (e) ADMINISTRATIVE SUPPORT.—The Administrator
23 of the General Services Administration shall provide to the
24 Commission on a reimbursable basis (or, in the discretion
25 of the Administrator, on a nonreimbursable basis) such

1 administrative support services as the Commission may re-
2 quest to carry out this Act.

3 (f) ADMINISTRATIVE PROCEDURES.—The Commis-
4 sion may adopt such rules and regulations, relating to ad-
5 ministrative procedure, as may be reasonably necessary to
6 enable it to carry out this Act.

7 (g) TRAVEL.—

8 (1) IN GENERAL.—The members and staff of
9 the Commission may, with the approval of the Com-
10 mission, conduct such travel as is necessary to carry
11 out this Act.

12 (2) EXPENSES.—Members of the Commission
13 shall serve without pay but shall be allowed travel
14 expenses, including per diem in lieu of subsistence,
15 at rates authorized for employees of agencies under
16 subchapter I of chapter 57 of title 5, United States
17 Code, while away from their homes or regular places
18 of business in the performance of services for the
19 Commission.

20 (h) GIFTS.—No member of the Commission may re-
21 ceive a gift or benefit by reason of such member's service
22 on the Commission.

23 **SEC. 7. REPORT OF THE COMMISSION.**

24 (a) IN GENERAL.—

1 (1) INTERIM REPORT.—Not later than 1 year
2 after the members of the Commission are appointed
3 under section 5(a), the Commission shall submit an
4 interim report to the congressional intelligence com-
5 mittees setting forth the preliminary findings and
6 recommendations of the Commission described in
7 section 4(b).

8 (2) FINAL REPORT.—Not later than 4 months
9 after the submission of the report required by para-
10 graph (1), the Commission shall submit a final re-
11 port setting forth the final findings and rec-
12 ommendations of the Commission described in sec-
13 tion 4(b) to the following:

14 (A) The President.

15 (B) The Director of National Intelligence.

16 (C) The Secretary of State.

17 (D) The congressional intelligence commit-
18 tees.

19 (E) The Committee on Foreign Relations
20 of the Senate.

21 (F) The Committee on Foreign Affairs of
22 the House of Representatives.

23 (b) INDIVIDUAL OR DISSENTING VIEWS.—Each
24 member of the Commission may include that member's

1 dissenting views in a report required by paragraph (1) or
2 (2) of subsection (a).

3 (c) FORM OF REPORT.—The reports required by
4 paragraphs (1) and (2) of subsection (a), including any
5 finding or recommendation of such report, shall be sub-
6 mitted in both an unclassified and a classified form.

7 **SEC. 8. TERMINATION.**

8 The Commission shall terminate 60 days after the
9 submission of the report required by section 7(a)(2).

10 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
11 **MITTEE ACT.**

12 The Federal Advisory Committee Act (5 U.S.C. App.)
13 shall not apply to the Commission.

14 **SEC. 10. FUNDING.**

15 (a) TRANSFER FROM THE NATIONAL INTELLIGENCE
16 PROGRAM.—Of the amounts available for the National In-
17 telligence Program for fiscal year 2009, \$4,000,000 shall
18 be available for transfer to the Commission to carry out
19 this Act.

20 (b) AVAILABILITY.—The amounts made available to
21 the Commission pursuant to subsection (a) shall remain
22 available until the termination of the Commission.

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