

111TH CONGRESS
2^D SESSION

S. 3611

AN ACT

To authorize appropriations for fiscal year 2010 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 2010”.

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—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Restriction on conduct of intelligence activities.

Sec. 106. Budgetary provisions.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of the Cen-
 tral Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the in-
 telligence community.

Sec. 303. Pay authority for critical positions.

Sec. 304. Award of rank to members of the Senior National Intelligence Serv-
 ice.

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Temporary personnel authorizations for critical language training.

Sec. 307. Conflict of interest regulations for intelligence community employees.

Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars
 Program.

Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.

Sec. 313. Intelligence officer training program.

Sec. 314. Pilot program for intensive language instruction in African lan-
 guages.

Subtitle C—Acquisition Matters

- Sec. 321. Vulnerability assessments of major systems.
- Sec. 322. Intelligence community business system transformation.
- Sec. 323. Reports on the acquisition of major systems.
- Sec. 324. Critical cost growth in major systems.
- Sec. 325. Future budget projections.
- Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

- Sec. 331. Notification procedures.
- Sec. 332. Certification of compliance with oversight requirements.
- Sec. 333. Report on detention and interrogation activities.
- Sec. 334. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 335. Report and strategic plan on biological weapons.
- Sec. 336. Cybersecurity oversight.
- Sec. 337. Report on foreign language proficiency in the intelligence community.
- Sec. 338. Report on plans to increase diversity within the intelligence community.
- Sec. 339. Report on intelligence community contractors.
- Sec. 340. Study on electronic waste destruction practices of the intelligence community.
- Sec. 341. Review of records relating to potential health risks among Desert Storm veterans.
- Sec. 342. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.
- Sec. 343. Public release of information on procedures used in narcotics airbridge denial program in Peru.
- Sec. 344. Report on threat from dirty bombs.
- Sec. 345. Report on creation of space intelligence office.
- Sec. 346. Report on attempt to detonate explosive device on Northwest Airlines flight 253.
- Sec. 347. Repeal or modification of certain reporting requirements.
- Sec. 348. Incorporation of reporting requirements.
- Sec. 349. Conforming amendments for report submission dates.

Subtitle E—Other Matters

- Sec. 361. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 362. Modification of availability of funds for different intelligence activities.
- Sec. 363. Protection of certain national security information.
- Sec. 364. National Intelligence Program budget.
- Sec. 365. Improving the review authority of the Public Interest Declassification Board.
- Sec. 366. Authority to designate undercover operations to collect foreign intelligence or counterintelligence.
- Sec. 367. Security clearances: reports; reciprocity.
- Sec. 368. Correcting long-standing material weaknesses.
- Sec. 369. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Accountability reviews by the Director of National Intelligence.
- Sec. 402. Authorities for intelligence information sharing.
- Sec. 403. Location of the Office of the Director of National Intelligence.
- Sec. 404. Title and appointment of Chief Information Officer of the Intelligence Community.
- Sec. 405. Inspector General of the Intelligence Community.
- Sec. 406. Chief Financial Officer of the Intelligence Community.
- Sec. 407. Leadership and location of certain offices and officials.
- Sec. 408. Protection of certain files of the Office of the Director of National Intelligence.
- Sec. 409. Counterintelligence initiatives for the intelligence community.
- Sec. 410. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
- Sec. 411. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 412. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
- Sec. 413. Misuse of the Office of the Director of National Intelligence name, initials, or seal.
- Sec. 414. Plan to implement recommendations of the data center energy efficiency reports.
- Sec. 415. Director of National Intelligence support for reviews of International Traffic in Arms Regulations and Export Administration Regulations.

Subtitle B—Central Intelligence Agency

- Sec. 421. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
- Sec. 422. Appeals from decisions involving contracts of the Central Intelligence Agency.
- Sec. 423. Deputy Director of the Central Intelligence Agency.
- Sec. 424. Authority to authorize travel on a common carrier.
- Sec. 425. Inspector General for the Central Intelligence Agency.
- Sec. 426. Budget of the Inspector General for the Central Intelligence Agency.
- Sec. 427. Public availability of unclassified versions of certain intelligence products.

Subtitle C—Defense Intelligence Components

- Sec. 431. Inspector general matters.
- Sec. 432. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
- Sec. 433. Director of Compliance of the National Security Agency.

Subtitle D—Other Elements

- Sec. 441. Codification of additional elements of the intelligence community.
- Sec. 442. Authorization of appropriations for Coast Guard National Tactical Integration Office.
- Sec. 443. Retention and relocation bonuses for the Federal Bureau of Investigation.
- Sec. 444. Extension of the authority of the Federal Bureau of Investigation to waive mandatory retirement provisions.

Sec. 445. Report and assessments on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Sec. 501. Reorganization of the Diplomatic Telecommunications Service Program Office.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

Sec. 601. Short title.

Sec. 602. Definitions.

Sec. 603. Establishment and functions of the Commission.

Sec. 604. Members and staff of the Commission.

Sec. 605. Powers and duties of the Commission.

Sec. 606. Report of the Commission.

Sec. 607. Termination.

Sec. 608. Nonapplicability of Federal Advisory Committee Act.

Sec. 609. Authorization of appropriations.

TITLE VII—OTHER MATTERS

Sec. 701. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 702. Classification review of executive branch materials in the possession of the congressional intelligence committees.

TITLE VIII—TECHNICAL AMENDMENTS

Sec. 801. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.

Sec. 802. Technical amendments to the Central Intelligence Agency Act of 1949.

Sec. 803. Technical amendments to title 10, United States Code.

Sec. 804. Technical amendments to the National Security Act of 1947.

Sec. 805. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 806. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 807. Technical amendments to the Executive Schedule.

Sec. 808. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 809. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.

Sec. 810. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

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

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

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

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

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

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 3611 of the One Hundred Eleventh Congress.

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

9 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

10 (a) AUTHORITY FOR INCREASES.—The Director of
11 National Intelligence may authorize the employment of ci-
12 vilian personnel in excess of the number of full-time equiv-
13 alent positions for fiscal year 2010 authorized by the clas-
14 sified Schedule of Authorizations referred to in section
15 102(a) if the Director of National Intelligence determines
16 that such action is necessary for the performance of im-
17 portant intelligence functions, except that the number of
18 personnel employed in excess of the number authorized
19 under such section may not, for any element of the intel-
20 ligence community, exceed 3 percent of the number of ci-
21 vilian personnel authorized under such section for such
22 element.

23 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES
24 PERFORMED BY CONTRACT PERSONNEL.—

1 (1) IN GENERAL.—In addition to the authority
2 in subsection (a) and subject to paragraph (2), if the
3 head of an element of the intelligence community
4 makes a determination that activities currently being
5 performed by contract personnel should be per-
6 formed by employees of such element, the Director
7 of National Intelligence, in order to reduce a com-
8 parable number of contract personnel, may authorize
9 for that purpose employment of additional full-time
10 equivalent personnel in such element equal to the
11 number of full-time equivalent contract personnel
12 performing such activities.

13 (2) CONCURRENCE AND APPROVAL.—The au-
14 thority described in paragraph (1) may not be exer-
15 cised unless the Director of National Intelligence
16 concurs with the determination described in such
17 paragraph.

18 (c) TREATMENT OF CERTAIN PERSONNEL.—The Di-
19 rector of National Intelligence shall establish guidelines
20 that govern, for each element of the intelligence commu-
21 nity, the treatment under the personnel levels authorized
22 under section 102(a), including any exemption from such
23 personnel levels, of employment or assignment—

24 (1) in a student program, trainee program, or
25 similar program;

1 (2) in a reserve corps or as a reemployed annu-
2 itant; or

3 (3) in details, joint duty, or long-term, full-time
4 training.

5 (d) NOTICE TO CONGRESSIONAL INTELLIGENCE
6 COMMITTEES.—The Director of National Intelligence
7 shall notify the congressional intelligence committees in
8 writing at least 15 days prior to the initial exercise of an
9 authority described in subsection (a) or (b).

10 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
11 **COUNT.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated for the Intelligence Commu-
14 nity Management Account of the Director of National In-
15 telligence for fiscal year 2010 the sum of \$710,612,000.
16 Within such amount, funds identified in the classified
17 Schedule of Authorizations referred to in section 102(a)
18 for advanced research and development shall remain avail-
19 able until September 30, 2011.

20 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
21 ments within the Intelligence Community Management
22 Account of the Director of National Intelligence are au-
23 thorized 822 full-time equivalent personnel as of Sep-
24 tember 30, 2010. Personnel serving in such elements may
25 be permanent employees of the Office of the Director of

1 National Intelligence or personnel detailed from other ele-
2 ments of the United States Government.

3 (c) CONSTRUCTION OF AUTHORITIES.—The authori-
4 ties available to the Director of National Intelligence
5 under section 103 are also available to the Director for
6 the adjustment of personnel levels within the Intelligence
7 Community Management Account.

8 (d) CLASSIFIED AUTHORIZATIONS.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—In
10 addition to amounts authorized to be appropriated
11 for the Intelligence Community Management Ac-
12 count by subsection (a), there are authorized to be
13 appropriated for the Community Management Ac-
14 count for fiscal year 2010 such additional amounts
15 as are specified in the classified Schedule of Author-
16 izations referred to in section 102(a). Such addi-
17 tional amounts made available for advanced research
18 and development shall remain available until Sep-
19 tember 30, 2011.

20 (2) AUTHORIZATION OF PERSONNEL.—In addi-
21 tion to the personnel authorized by subsection (b)
22 for elements of the Intelligence Community Manage-
23 ment Account as of September 30, 2010, there are
24 authorized such full-time equivalent personnel for
25 the Community Management Account as of that

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

3 **SEC. 105. RESTRICTION ON CONDUCT OF INTELLIGENCE**
4 **ACTIVITIES.**

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

9 **SEC. 106. BUDGETARY PROVISIONS.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go-Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the Senate Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

18 **TITLE II—CENTRAL INTEL-**
19 **LIGENCE AGENCY RETIRE-**
20 **MENT AND DISABILITY SYS-**
21 **TEM**

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated for the Cen-
24 tral Intelligence Agency Retirement and Disability Fund
25 for fiscal year 2010 the sum of \$290,900,000.

1 **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RE-**
 2 **TIREMENT PROVISION OF THE CENTRAL IN-**
 3 **TELLIGENCE AGENCY RETIREMENT ACT.**

4 Subparagraph (A) of section 235(b)(1) of the Central
 5 Intelligence Agency Retirement Act (50 U.S.C.
 6 2055(b)(1)) is amended by striking “receiving compensa-
 7 tion under the Senior Intelligence Service pay schedule at
 8 the rate” and inserting “who is at the Senior Intelligence
 9 Service rank”.

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

13 **Subtitle A—Personnel Matters**

14 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
 15 **BENEFITS AUTHORIZED BY LAW.**

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

21 **SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**
 22 **DETAILS TO ELEMENTS OF THE INTEL-**
 23 **LIGENCE COMMUNITY.**

24 (a) IN GENERAL.—Title I of the National Security
 25 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-
 26 ing after section 113 the following new section:

1 “DETAIL OF OTHER PERSONNEL

2 “SEC. 113A. Except as provided in section 904(g)(2)
 3 of the Counterintelligence Enhancement Act of 2002 (50
 4 U.S.C. 402c(g)(2)) and section 113 of this Act, and not-
 5 withstanding any other provision of law, an officer or em-
 6 ployee of the United States or member of the Armed
 7 Forces may be detailed to the staff of an element of the
 8 intelligence community funded through the National Intel-
 9 ligence Program from another element of the intelligence
 10 community or from another element of the United States
 11 Government on a reimbursable or nonreimbursable basis,
 12 as jointly agreed to by the head of the receiving element
 13 and the head of the detailing element, for a period not
 14 to exceed 2 years.”.

15 (b) TABLE OF CONTENTS AMENDMENT.—The table
 16 of contents in the first section of such Act is amended
 17 by inserting after the item relating to section 113 the fol-
 18 lowing new item:

“Sec. 113A. Detail of other personnel.”.

19 **SEC. 303. PAY AUTHORITY FOR CRITICAL POSITIONS.**

20 Section 102A of the National Security Act of 1947
 21 (50 U.S.C. 403–1) is amended by adding at the end the
 22 following new subsection:

23 “(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—
 24 (1) Notwithstanding any pay limitation established under
 25 any other provision of law applicable to employees in ele-

1 ments of the intelligence community, the Director of Na-
2 tional Intelligence may, in coordination with the Director
3 of the Office of Personnel Management and the Director
4 of the Office of Management and Budget, grant authority
5 to the head of a department or agency to fix the rate of
6 basic pay for one or more positions within the intelligence
7 community at a rate in excess of any applicable limitation,
8 subject to the provisions of this subsection. The exercise
9 of authority so granted is at the discretion of the head
10 of the department or agency employing the individual in
11 a position covered by such authority, subject to the provi-
12 sions of this subsection and any conditions established by
13 the Director of National Intelligence when granting such
14 authority.

15 “(2) Authority under this subsection may be granted
16 or exercised only—

17 “(A) with respect to a position that requires an
18 extremely high level of expertise and is critical to
19 successful accomplishment of an important mission;
20 and

21 “(B) to the extent necessary to recruit or retain
22 an individual exceptionally well qualified for the po-
23 sition.

24 “(3) The head of a department or agency may not
25 fix a rate of basic pay under this subsection at a rate

1 greater than the rate payable for level II of the Executive
2 Schedule under section 5313 of title 5, United States
3 Code, except upon written approval of the Director of Na-
4 tional Intelligence or as otherwise authorized by law.

5 “(4) The head of a department or agency may not
6 fix a rate of basic pay under this subsection at a rate
7 greater than the rate payable for level I of the Executive
8 Schedule under section 5312 of title 5, United States
9 Code, except upon written approval of the President in re-
10 sponse to a request by the Director of National Intel-
11 ligence or as otherwise authorized by law.

12 “(5) Any grant of authority under this subsection for
13 a position shall terminate at the discretion of the Director
14 of National Intelligence.

15 “(6)(A) The Director of National Intelligence shall
16 notify the congressional intelligence committees not later
17 than 30 days after the date on which the Director grants
18 authority to the head of a department or agency under
19 this subsection.

20 “(B) The head of a department or agency to which
21 the Director of National Intelligence grants authority
22 under this subsection shall notify the congressional intel-
23 ligence committees and the Director of the exercise of such
24 authority not later than 30 days after the date on which
25 such head exercises such authority.”.

1 **SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR**
2 **NATIONAL INTELLIGENCE SERVICE.**

3 Section 102A of the National Security Act of 1947
4 (50 U.S.C. 403–1), as amended by section 303 of this Act,
5 is further amended by adding at the end the following new
6 subsection:

7 “(t) AWARD OF RANK TO MEMBERS OF THE SENIOR
8 NATIONAL INTELLIGENCE SERVICE.—(1) The President,
9 based on the recommendation of the Director of National
10 Intelligence, may award a rank to a member of the Senior
11 National Intelligence Service or other intelligence commu-
12 nity senior civilian officer not already covered by such a
13 rank award program in the same manner in which a career
14 appointee of an agency may be awarded a rank under sec-
15 tion 4507 of title 5, United States Code.

16 “(2) The President may establish procedures to
17 award a rank under paragraph (1) to a member of the
18 Senior National Intelligence Service or a senior civilian of-
19 ficer of the intelligence community whose identity as such
20 a member or officer is classified information (as defined
21 in section 606(1)).”.

22 **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
23 **THE INTELLIGENCE COMMUNITY.**

24 (a) ASSESSMENT.—Title V of the National Security
25 Act of 1947 (50 U.S.C. 413 et seq.) is amended by insert-
26 ing after section 506A the following new section:

1 “ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE
2 INTELLIGENCE COMMUNITY

3 “SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The
4 Director of National Intelligence shall, in consultation
5 with the head of each element of the intelligence commu-
6 nity, prepare an annual personnel level assessment for
7 such element that assesses the personnel levels for such
8 element for the fiscal year following the fiscal year in
9 which the assessment is submitted.

10 “(b) SCHEDULE.—Each assessment required by sub-
11 section (a) shall be submitted to the congressional intel-
12 ligence committees each year at the time that the Presi-
13 dent submits to Congress the budget for a fiscal year pur-
14 suant to section 1105 of title 31, United States Code.

15 “(c) CONTENTS.—Each assessment required by sub-
16 section (a) submitted during a fiscal year shall contain the
17 following information for the element of the intelligence
18 community concerned:

19 “(1) The budget submission for personnel costs
20 for the upcoming fiscal year.

21 “(2) The dollar and percentage increase or de-
22 crease of such costs as compared to the personnel
23 costs of the current fiscal year.

1 “(3) The dollar and percentage increase or de-
2 crease of such costs as compared to the personnel
3 costs during the prior 5 fiscal years.

4 “(4) The number of full-time equivalent posi-
5 tions that is the basis for which personnel funds are
6 requested for the upcoming fiscal year.

7 “(5) The numerical and percentage increase or
8 decrease of the number referred to in paragraph (4)
9 as compared to the number of full-time equivalent
10 positions of the current fiscal year.

11 “(6) The numerical and percentage increase or
12 decrease of the number referred to in paragraph (4)
13 as compared to the number of full-time equivalent
14 positions during the prior 5 fiscal years.

15 “(7) The best estimate of the number and costs
16 of core contract personnel to be funded by the ele-
17 ment for the upcoming fiscal year.

18 “(8) The numerical and percentage increase or
19 decrease of such costs of core contract personnel as
20 compared to the best estimate of the costs of core
21 contract personnel of the current fiscal year.

22 “(9) The numerical and percentage increase or
23 decrease of such number and such costs of core con-
24 tract personnel as compared to the number and cost

1 of core contract personnel during the prior 5 fiscal
2 years.

3 “(10) A justification for the requested per-
4 sonnel and core contract personnel levels.

5 “(11) The best estimate of the number of intel-
6 ligence collectors and analysts employed or con-
7 tracted by each element of the intelligence commu-
8 nity.

9 “(12) A statement by the Director of National
10 Intelligence that, based on current and projected
11 funding, the element concerned will have sufficient—

12 “(A) internal infrastructure to support the
13 requested personnel and core contract personnel
14 levels;

15 “(B) training resources to support the re-
16 quested personnel levels; and

17 “(C) funding to support the administrative
18 and operational activities of the requested per-
19 sonnel levels.”.

20 (b) APPLICABILITY DATE.—The first assessment re-
21 quired to be submitted under section 506B(b) of the Na-
22 tional Security Act of 1947, as added by subsection (a),
23 shall be submitted to the congressional intelligence com-
24 mittees at the time that the President submits to Congress

1 the budget for fiscal year 2012 pursuant to section 1105
 2 of title 31, United States Code.

3 (c) TABLE OF CONTENTS AMENDMENT.—The table
 4 of contents in the first section such Act, as amended by
 5 section 302 of this Act, is further amended by inserting
 6 after the item relating to section 506A the following new
 7 item:

“Sec. 506B. Annual personnel level assessments for the intelligence commu-
 nity.”.

8 **SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR**
 9 **CRITICAL LANGUAGE TRAINING.**

10 Section 102A(e) of the National Security Act of 1947
 11 (50 U.S.C. 403–1(e)) is amended by—

12 (1) redesignating paragraph (3) as paragraph
 13 (4); and

14 (2) inserting after paragraph (2) the following
 15 new paragraph:

16 “(3)(A) In addition to the number of full-time equiva-
 17 lent positions authorized for the Office of the Director of
 18 National Intelligence for a fiscal year, there is authorized
 19 for such Office for each fiscal year an additional 100 full-
 20 time equivalent positions that may be used only for the
 21 purposes described in subparagraph (B).

22 “(B) Except as provided in subparagraph (C), the Di-
 23 rector of National Intelligence may use a full-time equiva-
 24 lent position authorized under subparagraph (A) only for

1 the purpose of providing a temporary transfer of personnel
2 made in accordance with paragraph (2) to an element of
3 the intelligence community to enable such element to in-
4 crease the total number of personnel authorized for such
5 element, on a temporary basis—

6 “(i) during a period in which a permanent em-
7 ployee of such element is absent to participate in
8 critical language training; or

9 “(ii) to accept a permanent employee of another
10 element of the intelligence community to provide lan-
11 guage-capable services.

12 “(C) Paragraph (2)(B) shall not apply with respect
13 to a transfer of personnel made under subparagraph (B).

14 “(D) The Director of National Intelligence shall sub-
15 mit to the congressional intelligence committees an annual
16 report on the use of authorities under this paragraph.
17 Each such report shall include a description of—

18 “(i) the number of transfers of personnel made
19 by the Director pursuant to subparagraph (B),
20 disaggregated by each element of the intelligence
21 community;

22 “(ii) the critical language needs that were ful-
23 filled or partially fulfilled through the use of such
24 transfers; and

25 “(iii) the cost to carry out subparagraph (B).”.

1 **SEC. 307. CONFLICT OF INTEREST REGULATIONS FOR IN-**
 2 **TELLIGENCE COMMUNITY EMPLOYEES.**

3 Section 102A of the National Security Act of 1947
 4 (50 U.S.C. 403–1), as amended by section 304 of this Act,
 5 is further amended by adding at the end the following new
 6 subsection:

7 “(u) CONFLICT OF INTEREST REGULATIONS.—(1)
 8 The Director of National Intelligence, in consultation with
 9 the Director of the Office of Government Ethics, shall
 10 issue regulations prohibiting an officer or employee of an
 11 element of the intelligence community from engaging in
 12 outside employment if such employment creates a conflict
 13 of interest or appearance thereof.

14 “(2) The Director of National Intelligence shall annu-
 15 ally submit to the congressional intelligence committees a
 16 report describing all outside employment for officers and
 17 employees of elements of the intelligence community that
 18 was authorized by the head of an element of the intel-
 19 ligence community during the preceding calendar year.
 20 Such report shall be submitted each year on the date pro-
 21 vided in section 507.”.

22 **Subtitle B—Education Programs**

23 **SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROB-**
 24 **ERTS INTELLIGENCE SCHOLARS PROGRAM.**

25 (a) PERMANENT AUTHORIZATION.—Subtitle C of
 26 title X of the National Security Act of 1947 (50 U.S.C.

1 441m et seq.) is amended by adding at the end the fol-
 2 lowing new section:

3 “PROGRAM ON RECRUITMENT AND TRAINING

4 “SEC. 1022. (a) PROGRAM.—(1) The Director of Na-
 5 tional Intelligence shall carry out a program to ensure that
 6 selected students or former students are provided funds
 7 to continue academic training, or are reimbursed for aca-
 8 demic training previously obtained, in areas of specializa-
 9 tion that the Director, in consultation with the other heads
 10 of the elements of the intelligence community, identifies
 11 as areas in which the current capabilities of the intel-
 12 ligence community are deficient or in which future capa-
 13 bilities of the intelligence community are likely to be defi-
 14 cient.

15 “(2) A student or former student selected for partici-
 16 pation in the program shall commit to employment with
 17 an element of the intelligence community, following com-
 18 pletion of appropriate academic training, under such
 19 terms and conditions as the Director considers appro-
 20 priate.

21 “(3) The program shall be known as the Pat Roberts
 22 Intelligence Scholars Program.

23 “(b) ELEMENTS.—In carrying out the program under
 24 subsection (a), the Director shall—

25 “(1) establish such requirements relating to the
 26 academic training of participants as the Director

1 considers appropriate to ensure that participants are
2 prepared for employment as intelligence profes-
3 sionals; and

4 “(2) periodically review the areas of specializa-
5 tion of the elements of the intelligence community to
6 determine the areas in which such elements are, or
7 are likely to be, deficient in capabilities.

8 “(c) USE OF FUNDS.—Funds made available for the
9 program under subsection (a) shall be used—

10 “(1) to provide a monthly stipend for each
11 month that a student is pursuing a course of study;

12 “(2) to pay the full tuition of a student or
13 former student for the completion of such course of
14 study;

15 “(3) to pay for books and materials that the
16 student or former student requires or required to
17 complete such course of study;

18 “(4) to pay the expenses of the student or
19 former student for travel requested by an element of
20 the intelligence community in relation to such pro-
21 gram; or

22 “(5) for such other purposes the Director con-
23 sidered reasonably appropriate to carry out such pro-
24 gram.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) TABLE OF CONTENTS AMENDMENT.—The
 2 table of contents in the first section of such Act, as
 3 amended by section 305 of this Act, is further
 4 amended—

5 (A) by transferring the item relating to
 6 section 1002 so such item immediately follows
 7 the item relating to section 1001; and

8 (B) by inserting after the item relating to
 9 section 1021 the following new item:

“Sec. 1022. Program on recruitment and training.”.

10 (2) REPEAL OF PILOT PROGRAM.—

11 (A) AUTHORITY.—Section 318 of the In-
 12 telligence Authorization Act for Fiscal Year
 13 2004 (Public Law 108–177; 50 U.S.C. 441g
 14 note) is repealed.

15 (B) TABLE OF CONTENTS AMENDMENT.—
 16 The table of contents in section 1 of the Intel-
 17 ligence Authorization Act for Fiscal Year 2004
 18 (Public Law 108–177; 117 Stat. 2599) is
 19 amended by striking the item relating to section
 20 318.

21 **SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDU-**
 22 **CATIONAL SCHOLARSHIP PROGRAM.**

23 (a) EXPANSION OF THE LOUIS STOKES EDU-
 24 CATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STU-

1 DENTS.—Section 16 of the National Security Agency Act
2 of 1959 (50 U.S.C. 402 note) is amended—

3 (1) in subsection (a)—

4 (A) by inserting “and graduate” after “un-
5 dergraduate”; and

6 (B) by striking “the baccalaureate” and
7 inserting “a baccalaureate or graduate”;

8 (2) in subsection (b), by inserting “or grad-
9 uate” after “undergraduate”;

10 (3) in subsection (e)(2), by inserting “and grad-
11 uate” after “undergraduate”; and

12 (4) by adding at the end the following new sub-
13 section:

14 “(h) The undergraduate and graduate training pro-
15 gram established under this section shall be known as the
16 Louis Stokes Educational Scholarship Program.”.

17 (b) AUTHORITY FOR PARTICIPATION BY INDIVID-
18 UALS WHO ARE NOT EMPLOYED BY THE UNITED STATES
19 GOVERNMENT.—

20 (1) IN GENERAL.—Subsection (b) of section 16
21 of the National Security Agency Act of 1959 (50
22 U.S.C. 402 note), as amended by subsection (a)(2),
23 is further amended by striking “civilian employees”
24 and inserting “civilians who may or may not be em-
25 ployees”.

(2) CONFORMING AMENDMENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking “employees” and inserting “program participants”; and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike “an employee of the Agency,” and insert “a program participant,”;

(II) in subparagraph (A), by striking “employee” and inserting “program participant”;

(III) in subparagraph (C)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(IV) in subparagraph (D)—

1 (aa) by striking “employee”
 2 each place that term appears and
 3 inserting “program participant”;
 4 and

5 (bb) by striking “employ-
 6 ee’s” each place that term ap-
 7 pears and inserting “program
 8 participant’s”; and

9 (ii) in paragraph (3)(C)—

10 (I) by striking “employee” both
 11 places that term appears and insert-
 12 ing “program participant”; and

13 (II) by striking “employee’s” and
 14 inserting “program participant’s”.

15 (c) TERMINATION OF PROGRAM PARTICIPANTS.—

16 Subsection (d)(1)(C) of section 16 of the National Secu-
 17 rity Agency Act of 1959 (50 U.S.C. 402 note), as amended
 18 by subsection (b)(2)(B)(i)(III), is further amended by
 19 striking “terminated” and all that follows and inserting
 20 “terminated—

21 “(i) by the Agency due to misconduct by
 22 the program participant;

23 “(ii) by the program participant volun-
 24 tarily; or

1 “(iii) by the Agency for the failure of the
 2 program participant to maintain such level of
 3 academic standing in the educational course of
 4 training as the Director of the National Secu-
 5 rity Agency shall have specified in the agree-
 6 ment of the program participant under this
 7 subsection; and”.

8 (d) AUTHORITY TO WITHHOLD DISCLOSURE OF AF-
 9 FILATION WITH NSA.—Subsection (e) of Section 16 of
 10 the National Security Agency Act of 1959 (50 U.S.C. 402
 11 note) is amended by striking “(1) When an employee” and
 12 all that follows through “(2) Agency efforts” and inserting
 13 “Agency efforts”.

14 (e) AUTHORITY OF ELEMENTS OF THE INTEL-
 15 LIGENCE COMMUNITY TO ESTABLISH A STOKES EDU-
 16 CATIONAL SCHOLARSHIP PROGRAM.—

17 (1) AUTHORITY.—Subtitle C of title X of the
 18 National Security Act of 1947 (50 U.S.C. 441m et
 19 seq.), as amended by section 311 of this Act, is fur-
 20 ther amended by adding at the end the following
 21 new section:

22 “EDUCATIONAL SCHOLARSHIP PROGRAM

23 “SEC. 1023. The head of a department or agency
 24 containing an element of the intelligence community may
 25 establish an undergraduate or graduate training program
 26 with respect to civilian employees and prospective civilian

1 employees of such element similar in purpose, conditions,
 2 content, and administration to the program that the Sec-
 3 retary of Defense is authorized to establish under section
 4 16 of the National Security Agency Act of 1959 (50
 5 U.S.C. 402 note).”.

6 (2) TABLE OF CONTENTS AMENDMENT.—The
 7 table of contents in the first section of the National
 8 Security Act of 1947, as amended by section 311 of
 9 this Act, is further amended by inserting after the
 10 item relating to section 1022, as added by such sec-
 11 tion 311, the following new item:

“Sec. 1023. Educational scholarship program.”.

12 **SEC. 313. INTELLIGENCE OFFICER TRAINING PROGRAM.**

13 (a) PROGRAM.—Subtitle C of title X of the National
 14 Security Act of 1947 (50 U.S.C. 441m et seq.), as amend-
 15 ed by section 312(e) of this Act, is further amended by
 16 adding at the end the following new section:

17 “INTELLIGENCE OFFICER TRAINING PROGRAM

18 “SEC. 1024. (a) PROGRAMS.—(1) The Director of
 19 National Intelligence may carry out grant programs in ac-
 20 cordance with subsection (b) to enhance the recruitment
 21 and retention of an ethnically and culturally diverse intel-
 22 ligence community workforce with capabilities critical to
 23 the national security interests of the United States.

24 “(2) In carrying out paragraph (1), the Director shall
 25 identify the skills necessary to meet current or emergent

1 needs of the intelligence community and the educational
2 disciplines that will provide individuals with such skills.

3 “(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Di-
4 rector may provide grants to institutions of higher edu-
5 cation to support the establishment or continued develop-
6 ment of programs of study in educational disciplines iden-
7 tified under subsection (a)(2).

8 “(2) A grant provided under paragraph (1) may, with
9 respect to the educational disciplines identified under sub-
10 section (a)(2), be used for the following purposes:

11 “(A) Curriculum or program development.

12 “(B) Faculty development.

13 “(C) Laboratory equipment or improvements.

14 “(D) Faculty research.

15 “(c) APPLICATION.—An institution of higher edu-
16 cation seeking a grant under this section shall submit an
17 application describing the proposed use of the grant at
18 such time and in such manner as the Director may re-
19 quire.

20 “(d) REPORTS.—An institution of higher education
21 that receives a grant under this section shall submit to
22 the Director regular reports regarding the use of such
23 grant, including—

1 “(1) a description of the benefits to students
2 who participate in the course of study funded by
3 such grant;

4 “(2) a description of the results and accom-
5 plishments related to such course of study; and

6 “(3) any other information that the Director
7 may require.

8 “(e) REGULATIONS.—The Director shall prescribe
9 such regulations as may be necessary to carry out this
10 section.

11 “(f) DEFINITIONS.—In this section:

12 “(1) The term ‘Director’ means the Director of
13 National Intelligence.

14 “(2) The term ‘institution of higher education’
15 has the meaning given the term in section 101 of the
16 Higher Education Act of 1965 (20 U.S.C. 1001).”.

17 (b) REPEAL OF DUPLICATIVE PROVISIONS.—

18 (1) IN GENERAL.—The following provisions of
19 law are repealed:

20 (A) Subsections (b) through (g) of section
21 319 of the Intelligence Authorization Act for
22 Fiscal Year 2004 (Public Law 108–177; 50
23 U.S.C. 403 note).

24 (B) Section 1003 of the National Security
25 Act of 1947 (50 U.S.C. 441g–2).

1 (C) Section 922 of the Ronald W. Reagan
 2 National Defense Authorization Act for Fiscal
 3 Year 2005 (Public Law 108–375; 50 U.S.C.
 4 402 note).

5 (2) EXISTING AGREEMENTS.—Notwithstanding
 6 the repeals made by paragraph (1), nothing in this
 7 subsection shall be construed to amend, modify, or
 8 abrogate any agreement, contract, or employment
 9 relationship that was in effect in relation to the pro-
 10 visions repealed under paragraph (1) on the day
 11 prior to the date of the enactment of this Act.

12 (3) TECHNICAL AMENDMENT.—Section 319 of
 13 the Intelligence Authorization Act for Fiscal Year
 14 2004 (Public Law 108–177; 50 U.S.C. 403 note) is
 15 amended by striking “(a) FINDINGS.—”.

16 (c) TABLE OF CONTENTS AMENDMENT.—The table
 17 of contents in the first section of the National Security
 18 Act of 1947, as amended by section 312 of this Act, is
 19 further amended by striking the item relating to section
 20 1003 and inserting the following new item:

“Sec. 1024. Intelligence officer training program.”.

21 **SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE IN-**
 22 **STRUCTION IN AFRICAN LANGUAGES.**

23 (a) ESTABLISHMENT.—The Director of National In-
 24 telligence, in consultation with the National Security Edu-
 25 cation Board established under section 803(a) of the

1 David L. Boren National Security Education Act of 1991
2 (50 U.S.C. 1903(a)), may establish a pilot program for
3 intensive language instruction in African languages.

4 (b) PROGRAM.—A pilot program established under
5 subsection (a) shall provide scholarships for programs that
6 provide intensive language instruction—

7 (1) in any of the five highest priority African
8 languages for which scholarships are not offered
9 under the David L. Boren National Security Edu-
10 cation Act of 1991 (50 U.S.C. 1901 et seq.), as de-
11 termined by the Director of National Intelligence;
12 and

13 (2) both in the United States and in a country
14 in which the language is the native language of a
15 significant portion of the population, as determined
16 by the Director of National Intelligence.

17 (c) TERMINATION.—A pilot program established
18 under subsection (a) shall terminate on the date that is
19 five years after the date on which such pilot program is
20 established.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$2,000,000.

24 (2) AVAILABILITY.—Funds authorized to be ap-
25 propriated under paragraph (1) shall remain avail-

1 able until the termination of the pilot program in ac-
 2 cordance with subsection (c).

3 **Subtitle C—Acquisition Matters**

4 **SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYS-** 5 **TEMS.**

6 (a) VULNERABILITY ASSESSMENTS OF MAJOR SYS-
 7 TEMS.—

8 (1) IN GENERAL.—Title V of the National Se-
 9 curity Act of 1947 (50 U.S.C. 413 et seq.), as
 10 amended by section 305 of this Act, is further
 11 amended by inserting after section 506B, as added
 12 by section 305(a), the following new section:

13 “VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

14 “SEC. 506C. (a) INITIAL VULNERABILITY ASSESS-
 15 MENTS.—(1)(A) Except as provided in subparagraph (B),
 16 the Director of National Intelligence shall conduct and
 17 submit to the congressional intelligence committees an ini-
 18 tial vulnerability assessment for each major system and
 19 its significant items of supply—

20 “(i) except as provided in clause (ii), prior to
 21 the completion of Milestone B or an equivalent ac-
 22 quisition decision for the major system; or

23 “(ii) prior to the date that is 1 year after the
 24 date of the enactment of the Intelligence Authoriza-
 25 tion Act for Fiscal Year 2010 in the case of a major

1 system for which Milestone B or an equivalent ac-
2 quisition decision—

3 “(I) was completed prior to such date of
4 enactment; or

5 “(II) is completed on a date during the
6 180-day period following such date of enact-
7 ment.

8 “(B) The Director may submit to the congressional
9 intelligence committees an initial vulnerability assessment
10 required by clause (ii) of subparagraph (A) not later than
11 180 days after the date such assessment is required to
12 be submitted under such clause if the Director notifies the
13 congressional intelligence committees of the extension of
14 the submission date under this subparagraph and provides
15 a justification for such extension.

16 “(C) The initial vulnerability assessment of a major
17 system and its significant items of supply shall include use
18 of an analysis-based approach to—

19 “(i) identify vulnerabilities;

20 “(ii) define exploitation potential;

21 “(iii) examine the system’s potential effective-
22 ness;

23 “(iv) determine overall vulnerability; and

24 “(v) make recommendations for risk reduction.

1 “(2) If an initial vulnerability assessment for a major
2 system is not submitted to the congressional intelligence
3 committees as required by paragraph (1), funds appro-
4 priated for the acquisition of the major system may not
5 be obligated for a major contract related to the major sys-
6 tem. Such prohibition on the obligation of funds for the
7 acquisition of the major system shall cease to apply on
8 the date on which the congressional intelligence commit-
9 tees receive the initial vulnerability assessment.

10 “(b) SUBSEQUENT VULNERABILITY ASSESS-
11 MENTS.—(1) The Director of National Intelligence shall,
12 periodically throughout the procurement of a major sys-
13 tem or if the Director determines that a change in cir-
14 cumstances warrants the issuance of a subsequent vulner-
15 ability assessment, conduct a subsequent vulnerability as-
16 sessment of each major system and its significant items
17 of supply within the National Intelligence Program.

18 “(2) Upon the request of a congressional intelligence
19 committee, the Director of National Intelligence may, if
20 appropriate, recertify the previous vulnerability assess-
21 ment or may conduct a subsequent vulnerability assess-
22 ment of a particular major system and its significant items
23 of supply within the National Intelligence Program.

24 “(3) Any subsequent vulnerability assessment of a
25 major system and its significant items of supply shall in-

1 clude use of an analysis-based approach and, if applicable,
2 a testing-based approach, to monitor the exploitation po-
3 tential of such system and reexamine the factors described
4 in clauses (i) through (v) of subsection (a)(1)(C).

5 “(c) MAJOR SYSTEM MANAGEMENT.—The Director
6 of National Intelligence shall give due consideration to the
7 vulnerability assessments prepared for a given major sys-
8 tem when developing and determining the National Intel-
9 ligence Program budget.

10 “(d) CONGRESSIONAL OVERSIGHT.—(1) The Direc-
11 tor of National Intelligence shall provide to the congres-
12 sional intelligence committees a copy of each vulnerability
13 assessment conducted under subsection (a) or (b) not later
14 than 10 days after the date of the completion of such as-
15 sessment.

16 “(2) The Director of National Intelligence shall pro-
17 vide the congressional intelligence committees with a pro-
18 posed schedule for subsequent periodic vulnerability as-
19 sessments of a major system under subsection (b)(1) when
20 providing such committees with the initial vulnerability as-
21 sessment under subsection (a) of such system as required
22 by paragraph (1).

23 “(e) DEFINITIONS.—In this section:

24 “(1) The term ‘item of supply’ has the meaning
25 given that term in section 4(10) of the Office of

1 Federal Procurement Policy Act (41 U.S.C.
2 403(10)).

3 “(2) The term ‘major contract’ means each of
4 the 6 largest prime, associate, or Government-fur-
5 nished equipment contracts under a major system
6 that is in excess of \$40,000,000 and that is not a
7 firm, fixed price contract.

8 “(3) The term ‘major system’ has the meaning
9 given that term in section 506A(e).

10 “(4) The term ‘Milestone B’ means a decision
11 to enter into major system development and dem-
12 onstration pursuant to guidance prescribed by the
13 Director of National Intelligence.

14 “(5) The term ‘vulnerability assessment’ means
15 the process of identifying and quantifying
16 vulnerabilities in a major system and its significant
17 items of supply.”.

18 (2) TABLE OF CONTENTS AMENDMENT.—The
19 table of contents in the first section of the National
20 Security Act of 1947, as amended by section 313 of
21 this Act, is further amended by inserting after the
22 item relating to section 506B, as added by section
23 305(c) of this Act, the following new item:

“Sec. 506C. Vulnerability assessments of major systems.”.

24 (b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3)
25 of section 506A(e) of the National Security Act of 1947

1 (50 U.S.C. 415a–1(e)) is amended by striking “(in current
 2 fiscal year dollars)” and inserting “(based on fiscal year
 3 2010 constant dollars)”.

4 **SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM**
 5 **TRANSFORMATION.**

6 (a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
 7 TRANSFORMATION.—

8 (1) IN GENERAL.—Title V of the National Se-
 9 curity Act of 1947 (50 U.S.C. 413 et seq.), as
 10 amended by section 321 of this Act, is further
 11 amended by inserting after section 506C, as added
 12 by section 321(a), the following new section:

13 “INTELLIGENCE COMMUNITY BUSINESS SYSTEM
 14 TRANSFORMATION

15 “SEC. 506D. (a) LIMITATION ON OBLIGATION OF
 16 FUNDS.—(1) Subject to paragraph (3), no funds appro-
 17 priated to any element of the intelligence community may
 18 be obligated for an intelligence community business sys-
 19 tem transformation that will have a total cost in excess
 20 of \$3,000,000 unless—

21 “(A) the Director of the Office of Business
 22 Transformation of the Office of the Director of Na-
 23 tional Intelligence makes a certification described in
 24 paragraph (2) with respect to such intelligence com-
 25 munity business system transformation; and

1 “(B) such certification is approved by the board
2 established under subsection (f).

3 “(2) The certification described in this paragraph for
4 an intelligence community business system transformation
5 is a certification made by the Director of the Office of
6 Business Transformation of the Office of the Director of
7 National Intelligence that the intelligence community busi-
8 ness system transformation—

9 “(A) complies with the enterprise architecture
10 under subsection (b) and such other policies and
11 standards that the Director of National Intelligence
12 considers appropriate; or

13 “(B) is necessary—

14 “(i) to achieve a critical national security
15 capability or address a critical requirement; or

16 “(ii) to prevent a significant adverse effect
17 on a project that is needed to achieve an essen-
18 tial capability, taking into consideration any al-
19 ternative solutions for preventing such adverse
20 effect.

21 “(3) With respect to a fiscal year after fiscal year
22 2010, the amount referred to in paragraph (1) in the mat-
23 ter preceding subparagraph (A) shall be equal to the sum
24 of—

1 “(A) the amount in effect under such para-
2 graph (1) for the preceding fiscal year (determined
3 after application of this paragraph), plus

4 “(B) such amount multiplied by the annual per-
5 centage increase in the consumer price index (all
6 items; U.S. city average) as of September of the pre-
7 vious fiscal year.

8 “(b) ENTERPRISE ARCHITECTURE FOR INTEL-
9 LIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Di-
10 rector of National Intelligence shall, acting through the
11 board established under subsection (f), develop and imple-
12 ment an enterprise architecture to cover all intelligence
13 community business systems, and the functions and activi-
14 ties supported by such business systems. The enterprise
15 architecture shall be sufficiently defined to effectively
16 guide, constrain, and permit implementation of interoper-
17 able intelligence community business system solutions,
18 consistent with applicable policies and procedures estab-
19 lished by the Director of the Office of Management and
20 Budget.

21 “(2) The enterprise architecture under paragraph (1)
22 shall include the following:

23 “(A) An information infrastructure that will en-
24 able the intelligence community to—

1 “(i) comply with all Federal accounting, fi-
2 nancial management, and reporting require-
3 ments;

4 “(ii) routinely produce timely, accurate,
5 and reliable financial information for manage-
6 ment purposes;

7 “(iii) integrate budget, accounting, and
8 program information and systems; and

9 “(iv) provide for the measurement of per-
10 formance, including the ability to produce time-
11 ly, relevant, and reliable cost information.

12 “(B) Policies, procedures, data standards, and
13 system interface requirements that apply uniformly
14 throughout the intelligence community.

15 “(c) RESPONSIBILITIES FOR INTELLIGENCE COMMU-
16 NITY BUSINESS SYSTEM TRANSFORMATION.—The Direc-
17 tor of National Intelligence shall be responsible for the en-
18 tire life cycle of an intelligence community business system
19 transformation, including review, approval, and oversight
20 of the planning, design, acquisition, deployment, oper-
21 ation, and maintenance of the business system trans-
22 formation.

23 “(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
24 INVESTMENT REVIEW.—(1) The Director of the Office of
25 Business Transformation of the Office of the Director of

1 National Intelligence shall establish and implement, not
2 later than September 30, 2010, an investment review
3 process for the intelligence community business systems
4 for which the Director of the Office of Business Trans-
5 formation is responsible.

6 “(2) The investment review process under paragraph
7 (1) shall—

8 “(A) meet the requirements of section 11312 of
9 title 40, United States Code; and

10 “(B) specifically set forth the responsibilities of
11 the Director of the Office of Business Trans-
12 formation under such review process.

13 “(3) The investment review process under paragraph
14 (1) shall include the following elements:

15 “(A) Review and approval by an investment re-
16 view board (consisting of appropriate representatives
17 of the intelligence community) of each intelligence
18 community business system as an investment before
19 the obligation of funds for such system.

20 “(B) Periodic review, but not less often than
21 annually, of every intelligence community business
22 system investment.

23 “(C) Thresholds for levels of review to ensure
24 appropriate review of intelligence community busi-

1 ness system investments depending on the scope,
2 complexity, and cost of the system involved.

3 “(D) Procedures for making certifications in
4 accordance with the requirements of subsection
5 (a)(2).

6 “(e) BUDGET INFORMATION.—For each fiscal year
7 after fiscal year 2011, the Director of National Intel-
8 ligence shall include in the materials the Director submits
9 to Congress in support of the budget for such fiscal year
10 that is submitted to Congress under section 1105 of title
11 31, United States Code, the following information:

12 “(1) An identification of each intelligence com-
13 munity business system for which funding is pro-
14 posed in such budget.

15 “(2) An identification of all funds, by appro-
16 priation, proposed in such budget for each such sys-
17 tem, including—

18 “(A) funds for current services to operate
19 and maintain such system;

20 “(B) funds for business systems mod-
21 ernization identified for each specific appropria-
22 tion; and

23 “(C) funds for associated business process
24 improvement or reengineering efforts.

1 “(3) The certification, if any, made under sub-
2 section (a)(2) with respect to each such system.

3 “(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
4 TRANSFORMATION GOVERNANCE BOARD.—(1) The Direc-
5 tor of National Intelligence shall establish a board within
6 the intelligence community business system trans-
7 formation governance structure (in this subsection re-
8 ferred to as the ‘Board’).

9 “(2) The Board shall—

10 “(A) recommend to the Director policies and
11 procedures necessary to effectively integrate all busi-
12 ness activities and any transformation, reform, reor-
13 ganization, or process improvement initiatives under-
14 taken within the intelligence community;

15 “(B) review and approve any major update of—

16 “(i) the enterprise architecture developed
17 under subsection (b); and

18 “(ii) any plans for an intelligence commu-
19 nity business systems modernization;

20 “(C) manage cross-domain integration con-
21 sistent with such enterprise architecture;

22 “(D) coordinate initiatives for intelligence com-
23 munity business system transformation to maximize
24 benefits and minimize costs for the intelligence com-
25 munity, and periodically report to the Director on

1 the status of efforts to carry out an intelligence com-
2 munity business system transformation;

3 “(E) ensure that funds are obligated for intel-
4 ligence community business system transformation
5 in a manner consistent with subsection (a); and

6 “(F) carry out such other duties as the Direc-
7 tor shall specify.

8 “(g) RELATION TO ANNUAL REGISTRATION RE-
9 QUIREMENTS.—Nothing in this section shall be construed
10 to alter the requirements of section 8083 of the Depart-
11 ment of Defense Appropriations Act, 2005 (Public Law
12 108–287; 118 Stat. 989), with regard to information tech-
13 nology systems (as defined in subsection (d) of such sec-
14 tion).

15 “(h) RELATIONSHIP TO DEFENSE BUSINESS ENTER-
16 PRISE ARCHITECTURE.—Nothing in this section shall be
17 construed to exempt funds authorized to be appropriated
18 to the Department of Defense from the requirements of
19 section 2222 of title 10, United States Code, to the extent
20 that such requirements are otherwise applicable.

21 “(i) RELATION TO CLINGER-COHEN ACT.—(1) Exec-
22 utive agency responsibilities in chapter 113 of title 40,
23 United States Code, for any intelligence community busi-
24 ness system transformation shall be exercised jointly by—

1 “(A) the Director of National Intelligence and
2 the Chief Information Officer of the Intelligence
3 Community; and

4 “(B) the head of the executive agency that con-
5 tains the element of the intelligence community in-
6 volved and the chief information officer of that exec-
7 utive agency.

8 “(2) The Director of National Intelligence and the
9 head of the executive agency referred to in paragraph
10 (1)(B) shall enter into a Memorandum of Understanding
11 to carry out the requirements of this section in a manner
12 that best meets the needs of the intelligence community
13 and the executive agency.

14 “(j) REPORTS.—Not later than March 31 of each of
15 the years 2011 through 2015, the Director of National
16 Intelligence shall submit to the congressional intelligence
17 committees a report on the compliance of the intelligence
18 community with the requirements of this section. Each
19 such report shall—

20 “(1) describe actions taken and proposed for
21 meeting the requirements of subsection (a), includ-
22 ing—

23 “(A) specific milestones and actual per-
24 formance against specified performance meas-

1 ures, and any revision of such milestones and
2 performance measures; and

3 “(B) specific actions on the intelligence
4 community business system transformations
5 submitted for certification under such sub-
6 section;

7 “(2) identify the number of intelligence commu-
8 nity business system transformations that received a
9 certification described in subsection (a)(2); and

10 “(3) describe specific improvements in business
11 operations and cost savings resulting from successful
12 intelligence community business systems trans-
13 formation efforts.

14 “(k) DEFINITIONS.—In this section:

15 “(1) The term ‘enterprise architecture’ has the
16 meaning given that term in section 3601(4) of title
17 44, United States Code.

18 “(2) The terms ‘information system’ and ‘infor-
19 mation technology’ have the meanings given those
20 terms in section 11101 of title 40, United States
21 Code.

22 “(3) The term ‘intelligence community business
23 system’ means an information system, including a
24 national security system, that is operated by, for, or
25 on behalf of an element of the intelligence commu-

1 nity, including a financial system, mixed system, fi-
2 nancial data feeder system, and the business infra-
3 structure capabilities shared by the systems of the
4 business enterprise architecture, including people,
5 process, and technology, that build upon the core in-
6 frastructure used to support business activities, such
7 as acquisition, financial management, logistics, stra-
8 tegic planning and budgeting, installations and envi-
9 ronment, and human resource management.

10 “(4) The term ‘intelligence community business
11 system transformation’ means—

12 “(A) the acquisition or development of a
13 new intelligence community business system; or

14 “(B) any significant modification or en-
15 hancement of an existing intelligence commu-
16 nity business system (other than necessary to
17 maintain current services).

18 “(5) The term ‘national security system’ has
19 the meaning given that term in section 3542 of title
20 44, United States Code.

21 “(6) The term ‘Office of Business Trans-
22 formation of the Office of the Director of National
23 Intelligence’ includes any successor office that as-
24 sumes the functions of the Office of Business Trans-
25 formation of the Office of the Director of National

1 Intelligence as carried out by the Office of Business
 2 Transformation on the date of the enactment of the
 3 Intelligence Authorization Act for Fiscal Year
 4 2010.”.

5 (2) TABLE OF CONTENTS AMENDMENT.—The
 6 table of contents in the first section of that Act, as
 7 amended by section 321 of this Act, is further
 8 amended by inserting after the item relating to sec-
 9 tion 506C, as added by section 321(a)(2), the fol-
 10 lowing new item:

“Sec. 506D. Intelligence community business system transformation.”.

11 (b) IMPLEMENTATION.—

12 (1) CERTAIN DUTIES.—Not later than 60 days
 13 after the date of the enactment of this Act, the Di-
 14 rector of National Intelligence shall designate a
 15 chair and other members to serve on the board es-
 16 tablished under subsection (f) of such section 506D
 17 of the National Security Act of 1947 (as added by
 18 subsection (a)).

19 (2) ENTERPRISE ARCHITECTURE.—

20 (A) SCHEDULE FOR DEVELOPMENT.—The
 21 Director shall develop the enterprise architec-
 22 ture required by subsection (b) of such section
 23 506D (as so added), including the initial Busi-
 24 ness Enterprise Architecture for business trans-
 25 formation, not later than September 30, 2010.

1 (B) REQUIREMENT FOR IMPLEMENTATION
2 PLAN.—In developing such an enterprise archi-
3 tecture, the Director shall develop an implemen-
4 tation plan for such enterprise architecture that
5 includes the following:

6 (i) An acquisition strategy for new
7 systems that are expected to be needed to
8 complete such enterprise architecture, in-
9 cluding specific time-phased milestones,
10 performance metrics, and a statement of
11 the financial and nonfinancial resource
12 needs.

13 (ii) An identification of the intel-
14 ligence community business systems in op-
15 eration or planned as of September 30,
16 2010, that will not be a part of such enter-
17 prise architecture, together with the sched-
18 ule for the phased termination of the utili-
19 zation of any such systems.

20 (iii) An identification of the intel-
21 ligence community business systems in op-
22 eration or planned as of September 30,
23 2010, that will be a part of such enterprise
24 architecture, together with a strategy for
25 modifying such systems to ensure that

1 such systems comply with such enterprise
2 architecture.

3 (C) SUBMISSION OF ACQUISITION STRAT-
4 EGY.—Based on the results of an enterprise
5 process management review and the availability
6 of funds, the Director shall submit the acquisi-
7 tion strategy described in subparagraph (B)(i)
8 to the congressional intelligence committees not
9 later than March 31, 2011.

10 **SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYS-**
11 **TEMS.**

12 (a) REPORTS.—

13 (1) IN GENERAL.—Title V of the National Se-
14 curity Act of 1947 (50 U.S.C. 413 et seq.), as
15 amended by section 322 of this Act, is further
16 amended by inserting after section 506D, as added
17 by section 322(a)(1), the following new section:

18 “REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

19 “SEC. 506E. (a) DEFINITIONS.—In this section:

20 “(1) The term ‘cost estimate’—

21 “(A) means an assessment and quantifica-
22 tion of all costs and risks associated with the
23 acquisition of a major system based upon rea-
24 sonably available information at the time the
25 Director establishes the 2010 adjusted total ac-
26 quisition cost for such system pursuant to sub-

1 section (h) or restructures such system pursu-
2 ant to section 506F(c); and

3 “(B) does not mean an ‘independent cost
4 estimate’.

5 “(2) The term ‘critical cost growth threshold’
6 means a percentage increase in the total acquisition
7 cost for a major system of at least 25 percent over
8 the total acquisition cost for the major system as
9 shown in the current Baseline Estimate for the
10 major system.

11 “(3)(A) The term ‘current Baseline Estimate’
12 means the projected total acquisition cost of a major
13 system that is—

14 “(i) approved by the Director, or a des-
15 ignee of the Director, at Milestone B or an
16 equivalent acquisition decision for the develop-
17 ment, procurement, and construction of such
18 system;

19 “(ii) approved by the Director at the time
20 such system is restructured pursuant to section
21 506F(c); or

22 “(iii) the 2010 adjusted total acquisition
23 cost determined pursuant to subsection (h).

24 “(B) A current Baseline Estimate may be in
25 the form of an independent cost estimate.

1 “(4) Except as otherwise specifically provided,
2 the term ‘Director’ means the Director of National
3 Intelligence.

4 “(5) The term ‘independent cost estimate’ has
5 the meaning given that term in section 506A(e).

6 “(6) The term ‘major contract’ means each of
7 the 6 largest prime, associate, or Government-fur-
8 nished equipment contracts under a major system
9 that is in excess of \$40,000,000 and that is not a
10 firm, fixed price contract.

11 “(7) The term ‘major system’ has the meaning
12 given that term in section 506A(e).

13 “(8) The term ‘Milestone B’ means a decision
14 to enter into major system development and dem-
15 onstration pursuant to guidance prescribed by the
16 Director.

17 “(9) The term ‘program manager’ means—

18 “(A) the head of the element of the intel-
19 ligence community that is responsible for the
20 budget, cost, schedule, and performance of a
21 major system; or

22 “(B) in the case of a major system within
23 the Office of the Director of National Intel-
24 ligence, the deputy who is responsible for the

1 budget, cost, schedule, and performance of the
2 major system.

3 “(10) The term ‘significant cost growth thresh-
4 old’ means the percentage increase in the total ac-
5 quisition cost for a major system of at least 15 per-
6 cent over the total acquisition cost for such system
7 as shown in the current Baseline Estimate for such
8 system.

9 “(11) The term ‘total acquisition cost’ means
10 the amount equal to the total cost for development
11 and procurement of, and system-specific construc-
12 tion for, a major system.

13 “(b) MAJOR SYSTEM COST REPORTS.—(1) The pro-
14 gram manager for a major system shall, on a quarterly
15 basis, submit to the Director a major system cost report
16 as described in paragraph (2).

17 “(2) A major system cost report shall include the fol-
18 lowing information (as of the last day of the quarter for
19 which the report is made):

20 “(A) The total acquisition cost for the major
21 system.

22 “(B) Any cost variance or schedule variance in
23 a major contract for the major system since the con-
24 tract was entered into.

1 “(C) Any changes from a major system sched-
 2 ule milestones or performances that are known, ex-
 3 pected, or anticipated by the program manager.

4 “(D) Any significant changes in the total acqui-
 5 sition cost for development and procurement of any
 6 software component of the major system, schedule
 7 milestones for such software component of the major
 8 system, or expected performance of such software
 9 component of the major system that are known, ex-
 10 pected, or anticipated by the program manager.

11 “(3) Each major system cost report required by para-
 12 graph (1) shall be submitted not more than 30 days after
 13 the end of the reporting quarter.

14 “(c) REPORTS FOR BREACH OF SIGNIFICANT OR
 15 CRITICAL COST GROWTH THRESHOLDS.—If the program
 16 manager of a major system for which a report has pre-
 17 viously been submitted under subsection (b) determines at
 18 any time during a quarter that there is reasonable cause
 19 to believe that the total acquisition cost for the major sys-
 20 tem has increased by a percentage equal to or greater than
 21 the significant cost growth threshold or critical cost
 22 growth threshold and if a report indicating an increase
 23 of such percentage or more has not previously been sub-
 24 mitted to the Director, then the program manager shall
 25 immediately submit to the Director a major system cost

1 report containing the information, determined as of the
2 date of the report, required under subsection (b).

3 “(d) NOTIFICATION TO CONGRESS OF COST
4 GROWTH.—(1) Whenever a major system cost report is
5 submitted to the Director, the Director shall determine
6 whether the current acquisition cost for the major system
7 has increased by a percentage equal to or greater than
8 the significant cost growth threshold or the critical cost
9 growth threshold.

10 “(2) If the Director determines that the current total
11 acquisition cost has increased by a percentage equal to or
12 greater than the significant cost growth threshold or crit-
13 ical cost growth threshold, the Director shall submit to
14 Congress a Major System Congressional Report pursuant
15 to subsection (e).

16 “(e) REQUIREMENT FOR MAJOR SYSTEM CONGRES-
17 SIONAL REPORT.—(1) Whenever the Director determines
18 under subsection (d) that the total acquisition cost of a
19 major system has increased by a percentage equal to or
20 greater than the significant cost growth threshold for the
21 major system, a Major System Congressional Report shall
22 be submitted to Congress not later than 45 days after the
23 date on which the Director receives the major system cost
24 report for such major system.

1 “(2) If the total acquisition cost of a major system
2 (as determined by the Director under subsection (d)) in-
3 creases by a percentage equal to or greater than the crit-
4 ical cost growth threshold for the program or subprogram,
5 the Director shall take actions consistent with the require-
6 ments of section 506F.

7 “(f) MAJOR SYSTEM CONGRESSIONAL REPORT ELE-
8 MENTS.—(1) Except as provided in paragraph (2), each
9 Major System Congressional Report shall include the fol-
10 lowing:

11 “(A) The name of the major system.

12 “(B) The date of the preparation of the report.

13 “(C) The program phase of the major system
14 as of the date of the preparation of the report.

15 “(D) The estimate of the total acquisition cost
16 for the major system expressed in constant base-year
17 dollars and in current dollars.

18 “(E) The current Baseline Estimate for the
19 major system in constant base-year dollars and in
20 current dollars.

21 “(F) A statement of the reasons for any in-
22 crease in total acquisition cost for the major system.

23 “(G) The completion status of the major sys-
24 tem—

1 “(i) expressed as the percentage that the
2 number of years for which funds have been ap-
3 propriated for the major system is of the num-
4 ber of years for which it is planned that funds
5 will be appropriated for the major system; and

6 “(ii) expressed as the percentage that the
7 amount of funds that have been appropriated
8 for the major system is of the total amount of
9 funds which it is planned will be appropriated
10 for the major system.

11 “(H) The fiscal year in which the major system
12 was first authorized and in which funds for such
13 system were first appropriated by Congress.

14 “(I) The current change and the total change,
15 in dollars and expressed as a percentage, in the total
16 acquisition cost for the major system, stated both in
17 constant base-year dollars and in current dollars.

18 “(J) The quantity of end items to be acquired
19 under the major system and the current change and
20 total change, if any, in that quantity.

21 “(K) The identities of the officers responsible
22 for management and cost control of the major sys-
23 tem.

1 “(L) The action taken and proposed to be
2 taken to control future cost growth of the major sys-
3 tem.

4 “(M) Any changes made in the performance or
5 schedule milestones of the major system and the ex-
6 tent to which such changes have contributed to the
7 increase in total acquisition cost for the major sys-
8 tem.

9 “(N) The following contract performance as-
10 sessment information with respect to each major
11 contract under the major system:

12 “(i) The name of the contractor.

13 “(ii) The phase that the contract is in at
14 the time of the preparation of the report.

15 “(iii) The percentage of work under the
16 contract that has been completed.

17 “(iv) Any current change and the total
18 change, in dollars and expressed as a percent-
19 age, in the contract cost.

20 “(v) The percentage by which the contract
21 is currently ahead of or behind schedule.

22 “(vi) A narrative providing a summary ex-
23 planation of the most significant occurrences,
24 including cost and schedule variances under
25 major contracts of the major system, contrib-

1 uting to the changes identified and a discussion
2 of the effect these occurrences will have on the
3 future costs and schedule of the major system.

4 “(O) In any case in which one or more prob-
5 lems with a software component of the major system
6 significantly contributed to the increase in costs of
7 the major system, the action taken and proposed to
8 be taken to solve such problems.

9 “(2) A Major System Congressional Report prepared
10 for a major system for which the increase in the total ac-
11 quisition cost is due to termination or cancellation of the
12 entire major system shall include only—

13 “(A) the information described in subpara-
14 graphs (A) through (F) of paragraph (1); and

15 “(B) the total percentage change in total acqui-
16 sition cost for such system.

17 “(g) PROHIBITION ON OBLIGATION OF FUNDS.—If
18 a determination of an increase by a percentage equal to
19 or greater than the significant cost growth threshold is
20 made by the Director under subsection (d) and a Major
21 System Congressional Report containing the information
22 described in subsection (f) is not submitted to Congress
23 under subsection (e)(1), or if a determination of an in-
24 crease by a percentage equal to or greater than the critical
25 cost growth threshold is made by the Director under sub-

1 section (d) and the Major System Congressional Report
2 containing the information described in subsection (f) and
3 section 506F(b)(3) and the certification required by sec-
4 tion 506F(b)(2) are not submitted to Congress under sub-
5 section (e)(2), funds appropriated for construction, re-
6 search, development, test, evaluation, and procurement
7 may not be obligated for a major contract under the major
8 system. The prohibition on the obligation of funds for a
9 major system shall cease to apply at the end of the 45-
10 day period that begins on the date—

11 “(1) on which Congress receives the Major Sys-
12 tem Congressional Report under subsection (e)(1)
13 with respect to that major system, in the case of a
14 determination of an increase by a percentage equal
15 to or greater than the significant cost growth thresh-
16 old (as determined in subsection (d)); or

17 “(2) on which Congress receives both the Major
18 System Congressional Report under subsection
19 (e)(2) and the certification of the Director under
20 section 506F(b)(2) with respect to that major sys-
21 tem, in the case of an increase by a percentage equal
22 to or greater than the critical cost growth threshold
23 (as determined under subsection (d)).

24 “(h) TREATMENT OF COST INCREASES PRIOR TO
25 ENACTMENT OF INTELLIGENCE AUTHORIZATION ACT

1 FOR FISCAL YEAR 2010.—(1) Not later than 180 days
2 after the date of the enactment of the Intelligence Author-
3 ization Act for Fiscal Year 2010, the Director—

4 “(A) shall, for each major system, determine if
5 the total acquisition cost of such major system in-
6 creased by a percentage equal to or greater than the
7 significant cost growth threshold or the critical cost
8 growth threshold prior to such date of enactment;

9 “(B) shall establish for each major system for
10 which the total acquisition cost has increased by a
11 percentage equal to or greater than the significant
12 cost growth threshold or the critical cost growth
13 threshold prior to such date of enactment a revised
14 current Baseline Estimate based upon an updated
15 cost estimate;

16 “(C) may, for a major system not described in
17 subparagraph (B), establish a revised current Base-
18 line Estimate based upon an updated cost estimate;
19 and

20 “(D) shall submit to Congress a report describ-
21 ing—

22 “(i) each determination made under sub-
23 paragraph (A);

1 “(ii) each revised current Baseline Esti-
 2 mate established for a major system under sub-
 3 paragraph (B); and

4 “(iii) each revised current Baseline Esti-
 5 mate established for a major system under sub-
 6 paragraph (C), including the percentage in-
 7 crease of the total acquisition cost of such
 8 major system that occurred prior to the date of
 9 the enactment of such Act.

10 “(2) The revised current Baseline Estimate estab-
 11 lished for a major system under subparagraph (B) or (C)
 12 of paragraph (1) shall be the 2010 adjusted total acquisi-
 13 tion cost for the major system and may include the esti-
 14 mated cost of conducting any vulnerability assessments for
 15 such major system required under section 506C.

16 “(i) REQUIREMENTS TO USE BASE YEAR DOL-
 17 LARS.—Any determination of a percentage increase under
 18 this section shall be stated in terms of constant base year
 19 dollars.

20 “(j) FORM OF REPORT.—Any report required to be
 21 submitted under this section may be submitted in a classi-
 22 fied form.”.

23 (2) APPLICABILITY DATE OF QUARTERLY RE-
 24 PORTS.—The first report required to be submitted
 25 under subsection (b) of section 506E of the National

1 security Act of 1947, as added by paragraph (1) of
 2 this subsection, shall be submitted with respect to
 3 the first fiscal quarter that begins on a date that is
 4 not less than 180 days after the date of the enact-
 5 ment of this Act.

6 (3) TABLE OF CONTENTS AMENDMENT.—The
 7 table of contents in the first section of that Act, as
 8 amended by section 322 of this Act, is further
 9 amended by inserting after the item relating to sec-
 10 tion 506D, as added by section 322(a)(2), the fol-
 11 lowing new item:

“Sec. 506E. Reports on the acquisition of major systems.”.

12 (b) MAJOR DEFENSE ACQUISITION PROGRAMS.—
 13 Nothing in this section, section 324, or an amendment
 14 made by this section or section 324, shall be construed
 15 to exempt an acquisition program of the Department of
 16 Defense from the requirements of chapter 144 of title 10,
 17 United States Code or Department of Defense Directive
 18 5000, to the extent that such requirements are otherwise
 19 applicable.

20 **SEC. 324. CRITICAL COST GROWTH IN MAJOR SYSTEMS.**

21 (a) IN GENERAL.—Title V of the National Security
 22 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-
 23 tion 323 of this Act, is further amended by inserting after
 24 section 506E, as added by section 323(a), the following
 25 new section:

1 “CRITICAL COST GROWTH IN MAJOR SYSTEMS

2 “SEC. 506F. (a) REASSESSMENT OF MAJOR SYS-
3 TEM.—If the Director of National Intelligence determines
4 under section 506E(d) that the total acquisition cost of
5 a major system has increased by a percentage equal to
6 or greater than the critical cost growth threshold for the
7 major system, the Director shall—

8 “(1) determine the root cause or causes of the
9 critical cost growth, in accordance with applicable
10 statutory requirements, policies, procedures, and
11 guidance; and

12 “(2) carry out an assessment of—

13 “(A) the projected cost of completing the
14 major system if current requirements are not
15 modified;

16 “(B) the projected cost of completing the
17 major system based on reasonable modification
18 of such requirements;

19 “(C) the rough order of magnitude of the
20 costs of any reasonable alternative system or
21 capability; and

22 “(D) the need to reduce funding for other
23 systems due to the growth in cost of the major
24 system.

1 “(b) PRESUMPTION OF TERMINATION.—(1) After
2 conducting the reassessment required by subsection (a)
3 with respect to a major system, the Director shall termi-
4 nate the major system unless the Director submits to Con-
5 gress a Major System Congressional Report containing a
6 certification in accordance with paragraph (2) and the in-
7 formation described in paragraph (3). The Director shall
8 submit such Major System Congressional Report and cer-
9 tification not later than 90 days after the date the Direc-
10 tor receives the relevant major system cost report under
11 subsection (b) or (c) of section 506E.

12 “(2) A certification described by this paragraph with
13 respect to a major system is a written certification that—

14 “(A) the continuation of the major system is es-
15 sential to the national security;

16 “(B) there are no alternatives to the major sys-
17 tem that will provide acceptable capability to meet
18 the intelligence requirement at less cost;

19 “(C) the new estimates of the total acquisition
20 cost have been determined by the Director to be rea-
21 sonable;

22 “(D) the major system is a higher priority than
23 other systems whose funding must be reduced to ac-
24 commodate the growth in cost of the major system;
25 and

1 “(E) the management structure for the major
2 system is adequate to manage and control the total
3 acquisition cost.

4 “(3) A Major System Congressional Report accom-
5 panying a written certification under paragraph (2) shall
6 include, in addition to the requirements of section
7 506E(e), the root cause analysis and assessment carried
8 out pursuant to subsection (a), the basis for each deter-
9 mination made in accordance with subparagraphs (A)
10 through (E) of paragraph (2), and a description of all
11 funding changes made as a result of the growth in the
12 cost of the major system, including reductions made in
13 funding for other systems to accommodate such cost
14 growth, together with supporting documentation.

15 “(c) ACTIONS IF MAJOR SYSTEM NOT TERMI-
16 NATED.—If the Director elects not to terminate a major
17 system pursuant to subsection (b), the Director shall—

18 “(1) restructure the major system in a manner
19 that addresses the root cause or causes of the crit-
20 ical cost growth, as identified pursuant to subsection
21 (a), and ensures that the system has an appropriate
22 management structure as set forth in the certifi-
23 cation submitted pursuant to subsection (b)(2)(E);

24 “(2) rescind the most recent Milestone approval
25 for the major system;

1 “(3) require a new Milestone approval for the
2 major system before taking any action to enter a
3 new contract, exercise an option under an existing
4 contract, or otherwise extend the scope of an exist-
5 ing contract under the system, except to the extent
6 determined necessary by the Milestone Decision Au-
7 thority, on a nondelegable basis, to ensure that the
8 system may be restructured as intended by the Di-
9 rector without unnecessarily wasting resources;

10 “(4) establish a revised current Baseline Esti-
11 mate for the major system based upon an updated
12 cost estimate; and

13 “(5) conduct regular reviews of the major sys-
14 tem.

15 “(d) ACTIONS IF MAJOR SYSTEM TERMINATED.—If
16 a major system is terminated pursuant to subsection (b),
17 the Director shall submit to Congress a written report set-
18 ting forth—

19 “(1) an explanation of the reasons for termi-
20 nating the major system;

21 “(2) the alternatives considered to address any
22 problems in the major system; and

23 “(3) the course the Director plans to pursue to
24 meet any intelligence requirements otherwise in-
25 tended to be met by the major system.

1 “(e) FORM OF REPORT.—Any report or certification
2 required to be submitted under this section may be sub-
3 mitted in a classified form.

4 “(f) WAIVER.—(1) The Director may waive the re-
5 quirements of subsections (d)(2), (e), and (g) of section
6 506E and subsections (a)(2), (b), (c), and (d) of this sec-
7 tion with respect to a major system if the Director deter-
8 mines that at least 90 percent of the amount of the cur-
9 rent Baseline Estimate for the major system has been ex-
10 pended.

11 “(2)(A) If the Director grants a waiver under para-
12 graph (1) with respect to a major system, the Director
13 shall submit to the congressional intelligence committees
14 written notice of the waiver that includes—

15 “(i) the information described in section
16 506E(f); and

17 “(ii) if the current total acquisition cost of the
18 major system has increased by a percentage equal to
19 or greater than the critical cost growth threshold—

20 “(I) a determination of the root cause or
21 causes of the critical cost growth, as described
22 in subsection (a)(1); and

23 “(II) a certification that includes the ele-
24 ments described in subparagraphs (A), (B), and
25 (E) of subsection (b)(2).

1 “(B) The Director shall submit the written notice re-
 2 quired by subparagraph (A) not later than 90 days after
 3 the date that the Director receives a major system cost
 4 report under subsection (b) or (c) of section 506E that
 5 indicates that the total acquisition cost for the major sys-
 6 tem has increased by a percentage equal to or greater than
 7 the significant cost growth threshold or critical cost
 8 growth threshold.

9 “(g) DEFINITIONS.—In this section, the terms ‘cost
 10 estimate’, ‘critical cost growth threshold’, ‘current Base-
 11 line Estimate’, ‘major system’, and ‘total acquisition cost’
 12 have the meaning given those terms in section 506E(a).”.

13 (b) TABLE OF CONTENTS AMENDMENT.—The table
 14 of contents in the first section of that Act, as amended
 15 by section 323 of this Act, is further amended by inserting
 16 after the items relating to section 506E, as added by sec-
 17 tion 323(a)(3), the following new item:

“Sec. 506F. Critical cost growth in major systems.”.

18 **SEC. 325. FUTURE BUDGET PROJECTIONS.**

19 (a) IN GENERAL.—Title V of the National Security
 20 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-
 21 tion 324 of this Act, is further amended by inserting after
 22 section 506F, as added by section 324(a), the following
 23 new section:

1 “FUTURE BUDGET PROJECTIONS

2 “SEC. 506G. (a) FUTURE YEAR INTELLIGENCE
3 PLANS.—(1) The Director of National Intelligence, with
4 the concurrence of the Director of the Office of Manage-
5 ment and Budget, shall provide to the congressional intel-
6 ligence committees a Future Year Intelligence Plan, as de-
7 scribed in paragraph (2), for—

8 “(A) each expenditure center in the National
9 Intelligence Program; and

10 “(B) each major system in the National Intel-
11 ligence Program.

12 “(2)(A) A Future Year Intelligence Plan submitted
13 under this subsection shall include the year-by-year pro-
14 posed funding for each center or system referred to in sub-
15 paragraph (A) or (B) of paragraph (1), for the budget
16 year for which the Plan is submitted and not less than
17 the 4 subsequent fiscal years.

18 “(B) A Future Year Intelligence Plan submitted
19 under subparagraph (B) of paragraph (1) for a major sys-
20 tem shall include—

21 “(i) the estimated total life-cycle cost of such
22 major system; and

23 “(ii) major milestones that have significant re-
24 source implications for such major system.

1 “(b) LONG-TERM BUDGET PROJECTIONS.—(1) The
 2 Director of National Intelligence, with the concurrence of
 3 the Director of the Office of Management and Budget,
 4 shall provide to the congressional intelligence committees
 5 a Long-term Budget Projection for each element of the
 6 intelligence community funded under the National Intel-
 7 ligence Program acquiring a major system that includes
 8 the budget for such element for the 5-year period that be-
 9 gins on the day after the end of the last fiscal year for
 10 which year-by-year proposed funding is included in a Fu-
 11 ture Year Intelligence Plan for such major system in ac-
 12 cordance with subsection (a)(2)(A).

13 “(2) A Long-term Budget Projection submitted
 14 under paragraph (1) shall include—

15 “(A) projections for the appropriate element of
 16 the intelligence community for—

17 “(i) pay and benefits of officers and em-
 18 ployees of such element;

19 “(ii) other operating and support costs and
 20 minor acquisitions of such element;

21 “(iii) research and technology required by
 22 such element;

23 “(iv) current and planned major system
 24 acquisitions for such element;

1 “(v) any future major system acquisitions
2 for such element; and

3 “(vi) any additional funding projections
4 that the Director of National Intelligence con-
5 siders appropriate;

6 “(B) a budget projection based on effective cost
7 and schedule execution of current or planned major
8 system acquisitions and application of Office of
9 Management and Budget inflation estimates to fu-
10 ture major system acquisitions;

11 “(C) any additional assumptions and projec-
12 tions that the Director of National Intelligence con-
13 siders appropriate; and

14 “(D) a description of whether, and to what ex-
15 tent, the total projection for each year exceeds the
16 level that would result from applying the most recent
17 Office of Management and Budget inflation estimate
18 to the budget of that element of the intelligence
19 community.

20 “(c) SUBMISSION TO CONGRESS.—The Director of
21 National Intelligence, with the concurrence of the Director
22 of the Office of Management and Budget, shall submit to
23 the congressional intelligence committees each Future
24 Year Intelligence Plan or Long-term Budget Projection re-
25 quired under subsection (a) or (b) for a fiscal year at the

1 time that the President submits to Congress the budget
2 for such fiscal year pursuant section 1105 of title 31,
3 United States Code.

4 “(d) MAJOR SYSTEM AFFORDABILITY REPORT.—(1)
5 The Director of National Intelligence, with the concur-
6 rence of the Director of the Office of Management and
7 Budget, shall prepare a report on the acquisition of a
8 major system funded under the National Intelligence Pro-
9 gram before the time that the President submits to Con-
10 gress the budget for the first fiscal year in which appro-
11 priated funds are anticipated to be obligated for the devel-
12 opment or procurement of such major system.

13 “(2) The report on such major system shall include
14 an assessment of whether, and to what extent, such acqui-
15 sition, if developed, procured, and operated, is projected
16 to cause an increase in the most recent Future Year Intel-
17 ligence Plan and Long-term Budget Projection submitted
18 under section 506G for an element of the intelligence com-
19 munity.

20 “(3) The Director of National Intelligence shall up-
21 date the report whenever an independent cost estimate
22 must be updated pursuant to section 506A(a)(4).

23 “(4) The Director of National Intelligence shall sub-
24 mit each report required by this subsection at the time
25 that the President submits to Congress the budget for a

1 fiscal year pursuant to section 1105 of title 31, United
2 States Code.

3 “(e) DEFINITIONS.—In this section:

4 “(1) BUDGET YEAR.—The term ‘budget year’
5 means the next fiscal year for which the President
6 is required to submit to Congress a budget pursuant
7 to section 1105 of title 31, United States Code.

8 “(2) INDEPENDENT COST ESTIMATE; MAJOR
9 SYSTEM.—The terms ‘independent cost estimate’
10 and ‘major system’ have the meaning given those
11 terms in section 506A(e).”.

12 (b) APPLICABILITY DATE.—The first Future Year
13 Intelligence Plan and Long-term Budget Projection re-
14 quired to be submitted under subsection (a) and (b) of
15 section 506G of the National Security Act of 1947, as
16 added by subsection (a), shall be submitted to the congres-
17 sional intelligence committees at the time that the Presi-
18 dent submits to Congress the budget for fiscal year 2012
19 pursuant to section 1105 of title 31, United States Code.

20 (c) CONFORMING AMENDMENTS.—

21 (1) TABLE OF CONTENTS AMENDMENT.—The
22 table of contents in the first section of that Act, as
23 amended by section 324 of this Act, is further
24 amended by inserting after the items relating to sec-

1 tion 506F, as added by section 324(b), the following
2 new item:

“Sec. 506G. Future budget projections.”.

3 (2) REPEAL OF DUPLICATIVE PROVISION.—Sec-
4 tion 8104 of the Department of Defense Appropria-
5 tions Act, 2010 (50 U.S.C. 415a–3; Public Law
6 111–118; 123 Stat. 3451) is repealed.

7 **SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED AC-**
8 **QUISITIONS.**

9 Subsection (n) of section 102A of the National Secu-
10 rity Act of 1947 (50 U.S.C. 403–1) is amended by adding
11 at the end the following new paragraph:

12 “(4)(A) In addition to the authority referred to in
13 paragraph (1), the Director of National Intelligence may
14 authorize the head of an element of the intelligence com-
15 munity to exercise an acquisition authority referred to in
16 section 3 or 8(a) of the Central Intelligence Agency Act
17 of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition
18 by such element that is more than 50 percent funded
19 under the National Intelligence Program.

20 “(B) The head of an element of the intelligence com-
21 munity may not exercise an authority referred to in sub-
22 paragraph (A) until—

23 “(i) the head of such element (without delega-
24 tion) submits to the Director of National Intelligence
25 a written request that includes—

1 “(I) a description of such authority re-
2 quested to be exercised;

3 “(II) an explanation of the need for such
4 authority, including an explanation of the rea-
5 sons that other authorities are insufficient; and

6 “(III) a certification that the mission of
7 such element would be—

8 “(aa) impaired if such authority is not
9 exercised; or

10 “(bb) significantly and measurably en-
11 hanced if such authority is exercised; and

12 “(ii) the Director of National Intelligence issues
13 a written authorization that includes—

14 “(I) a description of the authority referred
15 to in subparagraph (A) that is authorized to be
16 exercised; and

17 “(II) a justification to support the exercise
18 of such authority.

19 “(C) A request and authorization to exercise an au-
20 thority referred to in subparagraph (A) may be made with
21 respect to an individual acquisition or with respect to a
22 specific class of acquisitions described in the request and
23 authorization referred to in subparagraph (B).

24 “(D)(i) A request from a head of an element of the
25 intelligence community located within one of the depart-

1 ments described in clause (ii) to exercise an authority re-
2 ferred to in subparagraph (A) shall be submitted to the
3 Director of National Intelligence in accordance with any
4 procedures established by the head of such department.

5 “(ii) The departments described in this clause are the
6 Department of Defense, the Department of Energy, the
7 Department of Homeland Security, the Department of
8 Justice, the Department of State, and the Department of
9 the Treasury.

10 “(E)(i) The head of an element of the intelligence
11 community may not be authorized to utilize an authority
12 referred to in subparagraph (A) for a class of acquisitions
13 for a period of more than 3 years, except that the Director
14 of National Intelligence (without delegation) may author-
15 ize the use of such an authority for not more than 6 years.

16 “(ii) Each authorization to utilize an authority re-
17 ferred to in subparagraph (A) may be extended in accord-
18 ance with the requirements of subparagraph (B) for suc-
19 cessive periods of not more than 3 years, except that the
20 Director of National Intelligence (without delegation) may
21 authorize an extension period of not more than 6 years.

22 “(F) Subject to clauses (i) and (ii) of subparagraph
23 (E), the Director of National Intelligence may only dele-
24 gate the authority of the Director under subparagraphs
25 (A) through (E) to the Principal Deputy Director of Na-

1 tional Intelligence or a Deputy Director of National Intel-
2 ligence.

3 “(G) The Director of National Intelligence shall sub-
4 mit—

5 “(i) to the congressional intelligence committees
6 a notification of an authorization to exercise an au-
7 thority referred to in subparagraph (A) or an exten-
8 sion of such authorization that includes the written
9 authorization referred to in subparagraph (B)(ii);
10 and

11 “(ii) to the Director of the Office of Manage-
12 ment and Budget a notification of an authorization
13 to exercise an authority referred to in subparagraph
14 (A) for an acquisition or class of acquisitions that
15 will exceed \$50,000,000 annually.

16 “(H) Requests and authorizations to exercise an au-
17 thority referred to in subparagraph (A) shall remain avail-
18 able within the Office of the Director of National Intel-
19 ligence for a period of at least 6 years following the date
20 of such request or authorization.

21 “(I) Nothing in this paragraph may be construed to
22 alter or otherwise limit the authority of the Central Intel-
23 ligence Agency to independently exercise an authority
24 under section 3 or 8(a) of the Central Intelligence Agency
25 Act of 1949 (50 U.S.C. 403c and 403j(a)).”.

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. NOTIFICATION PROCEDURES.

(a) PROCEDURES.—Section 501(c) of the National Security Act of 1947 (50 U.S.C. 413(c)) is amended by striking “such procedures” and inserting “such written procedures”.

(b) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting “(including the legal basis under which the intelligence activity is being or was conducted)” after “concerning intelligence activities”.

(c) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting “(including the legal basis under which the covert action is being or was conducted)” after “concerning covert actions”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “in writing” after “be reported”;

(B) in paragraph (4), by striking “committee. When” and inserting the following:
“committee.

“(5) When”; and

1 (C) in paragraph (5), as designated by
 2 subparagraph (B)—

3 (i) by inserting “, or a notice provided
 4 under subsection (d)(1),” after “access to
 5 a finding”; and

6 (ii) by inserting “written” before
 7 “statement”;

8 (3) in subsection (d)—

9 (A) by striking “(d) The President” and
 10 inserting “(d)(1) The President”;

11 (B) in paragraph (1), as designated by
 12 subparagraph (A), by inserting “in writing”
 13 after “notified”; and

14 (C) by adding at the end the following new
 15 paragraph:

16 “(2) In determining whether an activity constitutes
 17 a significant undertaking for purposes of paragraph (1),
 18 the President shall consider whether the activity—

19 “(A) involves significant risk of loss of life;

20 “(B) requires an expansion of existing authori-
 21 ties, including authorities relating to research, devel-
 22 opment, or operations;

23 “(C) results in the expenditure of significant
 24 funds or other resources;

25 “(D) requires notification under section 504;

1 “(E) gives rise to a significant risk of disclosing
2 intelligence sources or methods; or

3 “(F) presents a reasonably foreseeable risk of
4 serious damage to the diplomatic relations of the
5 United States if such activity were disclosed without
6 authorization.”; and

7 (4) by adding at the end the following new sub-
8 section:

9 “(g) The President shall maintain—

10 “(1) a record of the Members of Congress to
11 whom a finding is reported under subsection (c) or
12 notice is provided under subsection (d)(1) and the
13 date on which each Member of Congress receives
14 such finding or notice; and

15 “(2) each written statement provided under
16 subsection (c)(5).”.

17 **SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVER-**
18 **SIGHT REQUIREMENTS.**

19 (a) IN GENERAL.—Title V of the National Security
20 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-
21 tion 325 of this Act, is further amended by adding at the
22 end the following new section:

6 “(1) a certification that, to the best of the
7 knowledge of the head of such element—

“(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

18 “(A) of the reasons the head of such ele-
19 ment is unable to submit such a certification;

20 “(B) describing any information required
21 to be submitted by the head of such element
22 under this Act before the date of the submis-
23 sion of such statement that has not been prop-
24 erly submitted; and

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 325 of this Act, is further amended by inserting after the item related to section 507 the following new item:

15 SEC. 333. REPORT ON DETENTION AND INTERROGATION
16 ACTIVITIES.

(1) the policies and procedures of the United States Government governing participation by an element of the intelligence community in the interrogation of individuals detained by the United States

1 who are suspected of international terrorism with
2 the objective, in whole or in part, of acquiring na-
3 tional intelligence, including such policies and proce-
4 dures of each appropriate element of the intelligence
5 community or interagency body established to carry
6 out interrogation;

7 (2) the policies and procedures relating to any
8 detention by the Central Intelligence Agency of such
9 individuals in accordance with Executive Order
10 13491;

11 (3) the legal basis for the policies and proce-
12 dures referred to in paragraphs (1) and (2);

13 (4) the training and research to support the
14 policies and procedures referred to in paragraphs (1)
15 and (2); and

16 (5) any action that has been taken to imple-
17 ment section 1004 of the Detainee Treatment Act of
18 2005 (42 U.S.C. 2000dd-1).

19 (b) OTHER SUBMISSION OF REPORT.—

20 (1) CONGRESSIONAL ARMED SERVICES COMMIT-
21 TEES.—To the extent that the report required by
22 subsection (a) addresses an element of the intel-
23 ligence community within the Department of De-
24 fense, the Director of National Intelligence, in con-
25 sultation with the Secretary of Defense, shall submit

1 that portion of the report, and any associated mate-
2 rial that is necessary to make that portion under-
3 standable, to the Committee on Armed Services of
4 the Senate and the Committee on Armed Services of
5 the House of Representatives. The Director of Na-
6 tional Intelligence may authorize redactions of the
7 report and any associated materials submitted pur-
8 suant to this paragraph, if such redactions are con-
9 sistent with the protection of sensitive intelligence
10 sources and methods.

11 (2) CONGRESSIONAL JUDICIARY COMMIT-
12 TEES.—To the extent that the report required by
13 subsection (a) addresses an element of the intel-
14 ligence community within the Department of Jus-
15 tice, the Director of National Intelligence, in con-
16 sultation with the Attorney General, shall submit
17 that portion of the report, and any associated mate-
18 rial that is necessary to make that portion under-
19 standable, to the Committee on the Judiciary of the
20 Senate and the Committee on the Judiciary of the
21 House of Representatives. The Director of National
22 Intelligence may authorize redactions of the report
23 and any associated materials submitted pursuant to
24 this paragraph, if such redactions are consistent

1 with the protection of sensitive intelligence sources
2 and methods.

3 (c) FORM OF SUBMISSIONS.—Any submission re-
4 quired under this section may be submitted in classified
5 form.

6 **SEC. 334. SUMMARY OF INTELLIGENCE RELATING TO TER-**
7 **RORIST RECIDIVISM OF DETAINEES HELD AT**
8 **UNITED STATES NAVAL STATION, GUANTA-**
9 **NAMO BAY, CUBA.**

10 Not later than 60 days after the date of the enact-
11 ment of this Act, the Director of National Intelligence, in
12 consultation with the Director of the Central Intelligence
13 Agency and the Director of the Defense Intelligence Agen-
14 cy, shall make publicly available an unclassified summary
15 of—

16 (1) intelligence relating to recidivism of detain-
17 ees currently or formerly held at the Naval Deten-
18 tion Facility at Guantanamo Bay, Cuba, by the De-
19 partment of Defense; and

20 (2) an assessment of the likelihood that such
21 detainees will engage in terrorism or communicate
22 with persons in terrorist organizations.

1 **SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL**
2 **WEAPONS.**

3 (a) REQUIREMENT FOR REPORT.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Director of National Intelligence shall submit to the con-
6 gressional intelligence committees a report on—

7 (1) the intelligence collection efforts of the
8 United States dedicated to assessing the threat from
9 biological weapons from state, nonstate, or rogue ac-
10 tors, either foreign or domestic; and

11 (2) efforts to protect the biodefense knowledge
12 and infrastructure of the United States.

13 (b) CONTENT.—The report required by subsection
14 (a) shall include—

15 (1) an assessment of the intelligence collection
16 efforts of the United States dedicated to detecting
17 the development or use of biological weapons by
18 state, nonstate, or rogue actors, either foreign or do-
19 mestic;

20 (2) information on fiscal, human, technical,
21 open-source, and other intelligence collection re-
22 sources of the United States dedicated for use to de-
23 tect or protect against the threat of biological weap-
24 ons;

25 (3) an assessment of any problems that may re-
26 duce the overall effectiveness of United States intel-

1 ligence collection and analysis to identify and protect
2 biological weapons targets, including—

3 (A) intelligence collection gaps or ineffi-
4 ciencies;

5 (B) inadequate information sharing prac-
6 tices; or

7 (C) inadequate cooperation among depart-
8 ments or agencies of the United States;

9 (4) a strategic plan prepared by the Director of
10 National Intelligence, in coordination with the Attor-
11 ney General, the Secretary of Defense, and the Sec-
12 retary of Homeland Security, that provides for ac-
13 tions for the appropriate elements of the intelligence
14 community to close important intelligence gaps re-
15 lated to biological weapons;

16 (5) a description of appropriate goals, sched-
17 ules, milestones, or metrics to measure the long-term
18 effectiveness of actions implemented to carry out the
19 plan described in paragraph (4); and

20 (6) any long-term resource and human capital
21 issues related to the collection of intelligence regard-
22 ing biological weapons, including any recommenda-
23 tions to address shortfalls of experienced and quali-
24 fied staff possessing relevant scientific, language,
25 and technical skills.

1 (c) IMPLEMENTATION OF STRATEGIC PLAN.—Not
2 later than 30 days after the date on which the Director
3 of National Intelligence submits the report required by
4 subsection (a), the Director shall begin implementation of
5 the strategic plan referred to in subsection (b)(4).

6 **SEC. 336. CYBERSECURITY OVERSIGHT.**

7 (a) NOTIFICATION OF CYBERSECURITY PRO-
8 GRAMS.—

9 (1) REQUIREMENT FOR NOTIFICATION.—

10 (A) EXISTING PROGRAMS.—Not later than
11 30 days after the date of the enactment of this
12 Act, the President shall submit to Congress a
13 notification for each cybersecurity program in
14 operation on such date that includes the docu-
15 mentation referred to in subparagraphs (A)
16 through (F) of paragraph (2).

17 (B) NEW PROGRAMS.—Not later than 30
18 days after the date of the commencement of op-
19 erations of a new cybersecurity program, the
20 President shall submit to Congress a notifica-
21 tion of such commencement that includes the
22 documentation referred to in subparagraphs (A)
23 through (F) of paragraph (2).

1 (2) DOCUMENTATION.—A notification required
2 by paragraph (1) for a cybersecurity program shall
3 include—

4 (A) the legal basis for the cybersecurity
5 program;

6 (B) the certification, if any, made pursu-
7 ant to section 2511(2)(a)(ii)(B) of title 18,
8 United States Code, or other statutory certifi-
9 cation of legality for the cybersecurity program;

10 (C) the concept for the operation of the cy-
11 bersecurity program that is approved by the
12 head of the appropriate department or agency
13 of the United States;

14 (D) the assessment, if any, of the privacy
15 impact of the cybersecurity program prepared
16 by the privacy or civil liberties protection officer
17 or comparable officer of such department or
18 agency;

19 (E) the plan, if any, for independent audit
20 or review of the cybersecurity program to be
21 carried out by the head of such department or
22 agency, in conjunction with the appropriate in-
23 specter general; and

24 (F) recommendations, if any, for legisla-
25 tion to improve the capabilities of the United

1 States Government to protect the cybersecurity
2 of the United States.

3 (b) PROGRAM REPORTS.—

4 (1) REQUIREMENT FOR REPORTS.—The head of
5 a department or agency of the United States with
6 responsibility for a cybersecurity program for which
7 a notification was submitted under subsection (a), in
8 consultation with the inspector general for that de-
9 partment or agency, shall submit to Congress and
10 the President a report on such cybersecurity pro-
11 gram that includes—

12 (A) the results of any audit or review of
13 the cybersecurity program carried out under the
14 plan referred to in subsection (a)(2)(E), if any;
15 and

16 (B) an assessment of whether the imple-
17 mentation of the cybersecurity program—

18 (i) is in compliance with—

19 (I) the legal basis referred to in
20 subsection (a)(2)(A); and

21 (II) an assessment referred to in
22 subsection (a)(2)(D), if any;

23 (ii) is adequately described by the con-
24 cept of operation referred to in subsection
25 (a)(2)(C); and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—

(A) EXISTING PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification is required to be submitted under subsection (a)(1)(A) shall submit a report required under paragraph (1).

(B) NEW PROGRAMS.—Not later than 120 days after the date on which a certification is submitted under subsection (a)(1)(B), and annually thereafter, the head of a department or agency of the United States with responsibility for the cybersecurity program for which such certification is submitted shall submit a report required under paragraph (1).

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States re-

1 quired to submit a report under paragraph (1)
2 for a particular cybersecurity program, and the
3 inspector general of each such department or
4 agency, shall, to the extent practicable, work in
5 conjunction with any other such head or inspec-
6 tor general required to submit such a report for
7 such cybersecurity program.

8 (B) COORDINATION.—The heads of all of
9 the departments and agencies of the United
10 States required to submit a report under para-
11 graph (1) for a particular cybersecurity pro-
12 gram shall designate one such head to coordi-
13 nate the conduct of the reports on such pro-
14 gram.

15 (c) INFORMATION SHARING REPORT.—Not later
16 than one year after the date of the enactment of this Act,
17 the Inspector General of the Department of Homeland Se-
18 curity and the Inspector General of the Intelligence Com-
19 munity shall jointly submit to Congress and the President
20 a report on the status of the sharing of cyber-threat infor-
21 mation, including—

22 (1) a description of how cyber-threat intel-
23 ligence information, including classified information,
24 is shared among the agencies and departments of

1 the United States and with persons responsible for
2 critical infrastructure;

3 (2) a description of the mechanisms by which
4 classified cyber-threat information is distributed;

5 (3) an assessment of the effectiveness of cyber-
6 threat information sharing and distribution; and

7 (4) any other matters identified by either In-
8 spector General that would help to fully inform Con-
9 gress or the President regarding the effectiveness
10 and legality of cybersecurity programs.

11 (d) PERSONNEL DETAILS.—

12 (1) AUTHORITY TO DETAIL.—Notwithstanding
13 any other provision of law, the head of an element
14 of the intelligence community that is funded through
15 the National Intelligence Program may detail an of-
16 ficer or employee of such element to the National
17 Cyber Investigative Joint Task Force or to the De-
18 partment of Homeland Security to assist the Task
19 Force or the Department with cybersecurity, as
20 jointly agreed by the head of such element and the
21 Task Force or the Department.

22 (2) BASIS FOR DETAIL.—A personnel detail
23 made under paragraph (1) may be made—

24 (A) for a period of not more than three
25 years; and

1 (B) on a reimbursable or nonreimbursable
2 basis.

3 (e) ADDITIONAL PLAN.—Not later than 180 days
4 after the date of the enactment of this Act, the Director
5 of National Intelligence shall submit to Congress a plan
6 for recruiting, retaining, and training a highly-qualified
7 cybersecurity intelligence community workforce to secure
8 the networks of the intelligence community. Such plan
9 shall include—

10 (1) an assessment of the capabilities of the cur-
11 rent workforce;

12 (2) an examination of issues of recruiting, re-
13 tention, and the professional development of such
14 workforce, including the possibility of providing re-
15 tention bonuses or other forms of compensation;

16 (3) an assessment of the benefits of outreach
17 and training with both private industry and aca-
18 demic institutions with respect to such workforce;

19 (4) an assessment of the impact of the estab-
20 lishment of the Department of Defense Cyber Com-
21 mand on such workforce;

22 (5) an examination of best practices for making
23 the intelligence community workforce aware of cy-
24 bersecurity best practices and principles; and

1 (6) strategies for addressing such other matters
2 as the Director of National Intelligence considers
3 necessary to the cybersecurity of the intelligence
4 community.

5 (f) REPORT ON GUIDELINES AND LEGISLATION TO
6 IMPROVE CYBERSECURITY OF THE UNITED STATES.—

7 (1) INITIAL.—Not later than one year after the
8 date of the enactment of this Act, the Director of
9 National Intelligence, in coordination with the Attor-
10 ney General, the Director of the National Security
11 Agency, the White House Cybersecurity Coordinator,
12 and any other officials the Director of National In-
13 telligence considers appropriate, shall submit to Con-
14 gress a report containing guidelines or legislative
15 recommendations, if appropriate, to improve the ca-
16 pabilities of the intelligence community and law en-
17 forcement agencies to protect the cybersecurity of
18 the United States. Such report shall include guide-
19 lines or legislative recommendations on—

20 (A) improving the ability of the intelligence
21 community to detect hostile actions and at-
22 tribute attacks to specific parties;

23 (B) the need for data retention require-
24 ments to assist the intelligence community and
25 law enforcement agencies;

1 (C) improving the ability of the intelligence
2 community to anticipate nontraditional targets
3 of foreign intelligence services; and

4 (D) the adequacy of existing criminal stat-
5 utes to successfully deter cyber attacks, includ-
6 ing statutes criminalizing the facilitation of
7 criminal acts, the scope of laws for which a
8 cyber crime constitutes a predicate offense,
9 trespassing statutes, data breach notification
10 requirements, and victim restitution statutes.

11 (2) SUBSEQUENT.—Not later than one year
12 after the date on which the initial report is sub-
13 mitted under paragraph (1), and annually thereafter
14 for two years, the Director of National Intelligence,
15 in consultation with the Attorney General, the Direc-
16 tor of the National Security Agency, the White
17 House Cybersecurity Coordinator, and any other of-
18 ficials the Director of National Intelligence considers
19 appropriate, shall submit to Congress an update of
20 the report required under paragraph (1).

21 (g) SUNSET.—The requirements and authorities of
22 subsections (a) through (e) shall terminate on December
23 31, 2013.

24 (h) DEFINITIONS.—In this section:

1 (1) CYBERSECURITY PROGRAM.—The term “cy-
2 bersecurity program” means a class or collection of
3 similar cybersecurity operations of a department or
4 agency of the United States that involves personally
5 identifiable data that is—

6 (A) screened by a cybersecurity system
7 outside of the department or agency of the
8 United States that was the intended recipient of
9 the personally identifiable data;

10 (B) transferred, for the purpose of cyberse-
11 curity, outside the department or agency of the
12 United States that was the intended recipient of
13 the personally identifiable data; or

14 (C) transferred, for the purpose of cyberse-
15 curity, to an element of the intelligence commu-
16 nity.

17 (2) NATIONAL CYBER INVESTIGATIVE JOINT
18 TASK FORCE.—The term “National Cyber Investiga-
19 tive Joint Task Force” means the multiagency cyber
20 investigation coordination organization overseen by
21 the Director of the Federal Bureau of Investigation
22 known as the National Cyber Investigative Joint
23 Task Force that coordinates, integrates, and pro-
24 vides pertinent information related to cybersecurity
25 investigations.

1 (3) CRITICAL INFRASTRUCTURE.—The term
 2 “critical infrastructure” has the meaning given that
 3 term in section 1016 of the USA PATRIOT Act (42
 4 U.S.C. 5195c).

5 **SEC. 337. REPORT ON FOREIGN LANGUAGE PROFICIENCY**
 6 **IN THE INTELLIGENCE COMMUNITY.**

7 (a) REPORT.—Not later than one year after the date
 8 of the enactment of this Act, and biennially thereafter for
 9 four years, the Director of National Intelligence shall sub-
 10 mit to the congressional intelligence committees and the
 11 Committees on Armed Services of the House of Represent-
 12 atives and the Senate a report on the proficiency in foreign
 13 languages and, as appropriate, in foreign dialects, of each
 14 element of the intelligence community, including—

15 (1) the number of positions authorized for such
 16 element that require foreign language proficiency
 17 and a description of the level of proficiency required;

18 (2) an estimate of the number of such positions
 19 that such element will require during the five-year
 20 period beginning on the date of the submission of
 21 the report;

22 (3) the number of positions authorized for such
 23 element that require foreign language proficiency
 24 that are filled by—

25 (A) military personnel; and

1 (B) civilian personnel;

2 (4) the number of applicants for positions in
3 such element in the preceding fiscal year that indi-
4 cated foreign language proficiency, including the for-
5 eign language indicated and the proficiency level;

6 (5) the number of persons hired by such ele-
7 ment with foreign language proficiency, including
8 the foreign language and a description of the pro-
9 ficiency level of such persons;

10 (6) the number of personnel of such element
11 currently attending foreign language training, in-
12 cluding the provider of such training;

13 (7) a description of the efforts of such element
14 to recruit, hire, train, and retain personnel that are
15 proficient in a foreign language;

16 (8) an assessment of methods and models for
17 basic, advanced, and intensive foreign language
18 training utilized by such element;

19 (9) for each foreign language and, as appro-
20 priate, dialect of a foreign language—

21 (A) the number of positions of such ele-
22 ment that require proficiency in the foreign lan-
23 guage or dialect;

24 (B) the number of personnel of such ele-
25 ment that are serving in a position that re-

1 quires proficiency in the foreign language or
2 dialect to perform the primary duty of the posi-
3 tion;

4 (C) the number of personnel of such ele-
5 ment that are serving in a position that does
6 not require proficiency in the foreign language
7 or dialect to perform the primary duty of the
8 position;

9 (D) the number of personnel of such ele-
10 ment rated at each level of proficiency of the
11 Interagency Language Roundtable;

12 (E) whether the number of personnel at
13 each level of proficiency of the Interagency
14 Language Roundtable meets the requirements
15 of such element;

16 (F) the number of personnel serving or
17 hired to serve as linguists for such element that
18 are not qualified as linguists under the stand-
19 ards of the Interagency Language Roundtable;

20 (G) the number of personnel hired to serve
21 as linguists for such element during the pre-
22 ceding calendar year;

23 (H) the number of personnel serving as
24 linguists that discontinued serving such element
25 during the preceding calendar year;

1 (I) the percentage of work requiring lin-
2 guistic skills that is fulfilled by a foreign coun-
3 try, international organization, or other foreign
4 entity; and

5 (J) the percentage of work requiring lin-
6 guistic skills that is fulfilled by contractors;

7 (10) an assessment of the foreign language ca-
8 pacity and capabilities of the intelligence community
9 as a whole;

10 (11) an identification of any critical gaps in for-
11 eign language proficiency with respect to such ele-
12 ment and recommendations for eliminating such
13 gaps;

14 (12) recommendations, if any, for eliminating
15 required reports relating to foreign-language pro-
16 ficiency that the Director of National Intelligence
17 considers outdated or no longer relevant; and

18 (13) an assessment of the feasibility of employ-
19 ing foreign nationals lawfully present in the United
20 States who have previously worked as translators or
21 interpreters for the Armed Forces or another de-
22 partment or agency of the United States Govern-
23 ment in Iraq or Afghanistan to meet the critical lan-
24 guage needs of such element.

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

4 **SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY**
5 **WITHIN THE INTELLIGENCE COMMUNITY.**

6 (a) REQUIREMENT FOR REPORT.—Not later than
7 one year after the date of the enactment of this Act, the
8 Director of National Intelligence, in coordination with the
9 head of each element of the intelligence community, shall
10 submit to the congressional intelligence committees a re-
11 port on the plans of each such element to increase diver-
12 sity within the intelligence community.

13 (b) CONTENT.—The report required by subsection
14 (a) shall include specific implementation plans to increase
15 diversity within each element of the intelligence commu-
16 nity, including—

17 (1) specific implementation plans for each such
18 element designed to achieve the goals articulated in
19 the strategic plan of the Director of National Intel-
20 ligence on equal employment opportunity and diver-
21 sity;

22 (2) specific plans and initiatives for each such
23 element to increase recruiting and hiring of diverse
24 candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into United States Government

1 employment, and the accountability mechanisms that gov-
2 ern the performance of such personal services contracts.

3 (b) CONTENT.—

4 (1) IN GENERAL.—The report submitted under
5 subsection (a) shall include—

6 (A) a description of any relevant regula-
7 tions or guidance issued by the Director of Na-
8 tional Intelligence or the head of an element of
9 the intelligence community and in effect as of
10 February 1, 2011, relating to minimum stand-
11 ards required regarding the hiring, training, se-
12 curity clearance, and assignment of contract
13 personnel and how those standards may differ
14 from those for United States Government em-
15 ployees performing substantially similar func-
16 tions;

17 (B) an identification of contracts in effect
18 during the preceding fiscal year under which
19 the contractor is performing substantially simi-
20 lar functions to a United States Government
21 employee;

22 (C) an assessment of costs incurred or sav-
23 ings achieved during the preceding fiscal year
24 by awarding contracts for the performance of
25 such functions referred to in subparagraph (B)

1 instead of using full-time employees of the ele-
2 ments of the intelligence community to perform
3 such functions;

4 (D) an assessment of the appropriateness
5 of using contractors to perform the activities
6 described in paragraph (2);

7 (E) an estimate of the number of con-
8 tracts, and the number of personnel working
9 under such contracts, related to the perform-
10 ance of activities described in paragraph (2);

11 (F) a comparison of the compensation of
12 contract employees and United States Govern-
13 ment employees performing substantially simi-
14 lar functions during the preceding fiscal year;

15 (G) an analysis of the attrition of United
16 States Government employees for contractor po-
17 sitions that provide substantially similar func-
18 tions during the preceding fiscal year;

19 (H) a description of positions that have
20 been or will be converted from contractor em-
21 ployment to United States Government employ-
22 ment during fiscal years 2011 and 2012;

23 (I) an analysis of the oversight and ac-
24 countability mechanisms applicable to personal
25 services contracts awarded for intelligence ac-

1 activities by each element of the intelligence com-
 2 munity during fiscal years 2009 and 2010;

3 (J) an analysis of procedures in use in the
 4 intelligence community as of February 1, 2011,
 5 for conducting oversight of contractors to en-
 6 sure identification and prosecution of criminal
 7 violations, financial waste, fraud, or other
 8 abuses committed by contractors or contract
 9 personnel; and

10 (K) an identification of best practices for
 11 oversight and accountability mechanisms appli-
 12 cable to personal services contracts.

13 (2) ACTIVITIES.—Activities described in this
 14 paragraph are the following:

15 (A) Intelligence collection.

16 (B) Intelligence analysis.

17 (C) Covert actions, including rendition, de-
 18 tention, and interrogation activities.

19 **SEC. 340. STUDY ON ELECTRONIC WASTE DESTRUCTION**
 20 **PRACTICES OF THE INTELLIGENCE COMMU-**
 21 **NITY.**

22 (a) STUDY.—The Inspector General of the Intel-
 23 ligence Community shall conduct a study on the electronic
 24 waste destruction practices of the intelligence community.
 25 Such study shall assess—

1 (1) the security of the electronic waste disposal
2 practices of the intelligence community, including
3 the potential for counterintelligence exploitation of
4 destroyed, discarded, or recycled materials;

5 (2) the environmental impact of such disposal
6 practices; and

7 (3) methods to improve the security and envi-
8 ronmental impact of such disposal practices, includ-
9 ing steps to prevent the forensic exploitation of elec-
10 tronic waste.

11 (b) REPORT.—Not later than one year after the date
12 of the enactment of this Act, the Inspector General of the
13 Intelligence Community shall submit to the congressional
14 intelligence committees a report containing the results of
15 the study conducted under subsection (a).

16 **SEC. 341. REVIEW OF RECORDS RELATING TO POTENTIAL**
17 **HEALTH RISKS AMONG DESERT STORM VET-**
18 **ERANS.**

19 (a) REVIEW.—The Director of the Central Intel-
20 ligence Agency shall conduct a classification review of the
21 records of the Agency that are relevant to the known or
22 potential health effects suffered by veterans of Operation
23 Desert Storm as described in the November 2008, report
24 by the Department of Veterans Affairs Research Advisory
25 Committee on Gulf War Veterans' Illnesses.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Director of the Central
3 Intelligence Agency shall submit to Congress the results
4 of the classification review conducted under subsection (a),
5 including the total number of records of the Agency that
6 are relevant.

7 (c) FORM.—The report required under subsection (b)
8 shall be submitted in unclassified form, but may include
9 a classified annex.

10 **SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGA-**
11 **TION EXERCISE OF ENFORCEMENT JURISDIC-**
12 **TION IN FOREIGN NATIONS.**

13 Not later than 120 days after the date of the enact-
14 ment of this Act, the Director of the Federal Bureau of
15 Investigation, in consultation with the Secretary of State,
16 shall submit to Congress a review of constraints under
17 international law and the laws of foreign nations to the
18 assertion of enforcement jurisdiction with respect to crimi-
19 nal investigations of terrorism offenses under the laws of
20 the United States conducted by agents of the Federal Bu-
21 reau of Investigation in foreign nations and using funds
22 made available for the National Intelligence Program, in-
23 cluding constraints identified in section 432 of the Re-
24 statement (Third) of the Foreign Relations Law of the
25 United States.

1 **SEC. 343. PUBLIC RELEASE OF INFORMATION ON PROCE-**
2 **DURES USED IN NARCOTICS AIRBRIDGE DE-**
3 **NIAL PROGRAM IN PERU.**

4 Not later than 30 days after the date of the enact-
5 ment of this Act, the Director of the Central Intelligence
6 Agency shall make publicly available an unclassified
7 version of the report of the Inspector General of the Cen-
8 tral Intelligence Agency entitled “Procedures Used in Nar-
9 cotics Airbridge Denial Program in Peru, 1995–2001”,
10 dated August 25, 2008.

11 **SEC. 344. REPORT ON THREAT FROM DIRTY BOMBS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Director of National Intelligence, in
14 consultation with the Nuclear Regulatory Commission,
15 shall submit to Congress a report summarizing intelligence
16 related to the threat to the United States from weapons
17 that use radiological materials, including highly dispersible
18 substances such as cesium-137.

19 **SEC. 345. REPORT ON CREATION OF SPACE INTELLIGENCE**
20 **OFFICE.**

21 Not later than 60 days after the date of the enact-
22 ment of this Act, the Director of National Intelligence
23 shall submit to Congress a report on the feasibility and
24 advisability of creating a national space intelligence office
25 to manage space-related intelligence assets and access to
26 such assets.

1 **SEC. 346. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE**
2 **DEVICE ON NORTHWEST AIRLINES FLIGHT**
3 **253.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Director of National Intelligence
6 shall submit to Congress a report on the attempt to deto-
7 nate an explosive device aboard Northwest Airlines flight
8 number 253 on December 25, 2009. Such report shall de-
9 scribe the failures, if any, to share or analyze intelligence
10 or other information and the measures that the intel-
11 ligence community has taken or will take to prevent such
12 failures, including—

13 (1) a description of the roles and responsibil-
14 ities of the counterterrorism analytic components of
15 the intelligence community in synchronizing, corre-
16 lating, and analyzing all sources of intelligence re-
17 lated to terrorism;

18 (2) an assessment of the technological capabili-
19 ties of the United States Government to assess ter-
20 rorist threats, including—

21 (A) a list of all databases used by counter-
22 terrorism analysts;

23 (B) a description of the steps taken by the
24 intelligence community to integrate all relevant
25 terrorist databases and allow for cross-database
26 searches;

1 (C) a description of the steps taken by the
2 intelligence community to correlate biographic
3 information with terrorism-related intelligence;
4 and

5 (D) a description of the improvements to
6 information technology needed to enable the
7 United States Government to better share in-
8 formation;

9 (3) any recommendations that the Director con-
10 sider appropriate for legislation to improve the
11 sharing of intelligence or information relating to ter-
12 rorists;

13 (4) a description of the steps taken by the intel-
14 ligence community to train analysts on watchlisting
15 processes and procedures;

16 (5) a description of the manner in which
17 watchlisting information is entered, reviewed,
18 searched, analyzed, and acted upon by the relevant
19 elements of the United States Government;

20 (6) a description of the steps the intelligence
21 community is taking to enhance the rigor and raise
22 the standard of tradecraft of intelligence analysis re-
23 lated to uncovering and preventing terrorist plots;

24 (7) a description of the processes and proce-
25 dures by which the intelligence community

1 prioritizes terrorism threat leads and the standards
 2 used by elements of the intelligence community to
 3 determine if follow-up action is appropriate;

4 (8) a description of the steps taken to enhance
 5 record information on possible terrorists in the Ter-
 6 rorist Identities Datamart Environment;

7 (9) an assessment of how to meet the challenge
 8 associated with exploiting the ever-increasing volume
 9 of information available to the intelligence commu-
 10 nity; and

11 (10) a description of the steps the intelligence
 12 community has taken or will take to respond to any
 13 findings and recommendations of the congressional
 14 intelligence committees, with respect to any such
 15 failures, that have been transmitted to the Director
 16 of National Intelligence.

17 **SEC. 347. REPEAL OR MODIFICATION OF CERTAIN REPORT-**
 18 **ING REQUIREMENTS.**

19 (a) ANNUAL REPORT ON INTELLIGENCE.—Section
 20 109 of the National Security Act of 1947 (50 U.S.C.
 21 404d) is repealed.

22 (b) ANNUAL AND SPECIAL REPORTS ON INTEL-
 23 LIGENCE SHARING WITH THE UNITED NATIONS.—Sec-
 24 tion 112 of the National Security Act of 1947 (50 U.S.C.
 25 404g) is amended—

1 (1) by striking subsection (b); and

2 (2) by redesignating subsections (c), (d), and
3 (e) as subsections (b), (c), and (d), respectively.

4 (c) ANNUAL REPORT ON PROGRESS IN AUDITABLE
5 FINANCIAL STATEMENTS.—Section 114A of the National
6 Security Act of 1947 (50 U.S.C. 404i–1) is repealed.

7 (d) REPORT ON FINANCIAL INTELLIGENCE ON TER-
8 RORIST ASSETS.—Section 118 of the National Security
9 Act of 1947 (50 U.S.C. 404m) is amended—

10 (1) in the heading, by striking “SEMIANNUAL”
11 and inserting “ANNUAL”;

12 (2) in subsection (a)—

13 (A) in the heading, by striking “SEMI-
14 ANNUAL” and inserting “ANNUAL”;

15 (B) in the matter preceding paragraph
16 (1)—

17 (i) by striking “semiannual basis” and
18 inserting “annual basis”; and

19 (ii) by striking “preceding six-month
20 period” and inserting “preceding one-year
21 period”;

22 (C) by striking paragraph (2); and

23 (D) by redesignating paragraphs (3) and
24 (4) as paragraphs (2) and (3), respectively; and

25 (3) in subsection (d)—

1 (A) in paragraph (1), by inserting “the
2 Committee on Armed Services,” after “the
3 Committee on Appropriations,”; and

4 (B) in paragraph (2), by inserting “the
5 Committee on Armed Services,” after “the
6 Committee on Appropriations,”.

7 (e) ANNUAL CERTIFICATION ON COUNTERINTEL-
8 LIGENCE INITIATIVES.—Section 1102(b) of the National
9 Security Act of 1947 (50 U.S.C. 442a(b)) is amended—
10 (1) by striking “(1)”; and

11 (2) by striking paragraph (2).

12 (f) REPORT AND CERTIFICATION UNDER TERRORIST
13 IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343
14 of the Intelligence Authorization Act for Fiscal Year 2003
15 (50 U.S.C. 404n–2) is amended—

16 (1) by striking subsection (d); and

17 (2) by redesignating subsections (e), (f), (g),
18 and (h) as subsections (d), (e), (f), and (g), respec-
19 tively.

20 (g) ANNUAL REPORT ON COUNTERDRUG INTEL-
21 LIGENCE MATTERS.—Section 826 of the Intelligence Au-
22 thorization Act for Fiscal Year 2003 (Public Law 107–
23 306; 21 U.S.C. 873 note) is repealed.

24 (h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ES-
25 PIONAGE.—Subsection (b) of section 809 of the Intel-

1 ligence Authorization Act for Fiscal Year 1995 (50 U.S.C.
2 App. 2170b) is amended—

3 (1) in the heading, by striking “ANNUAL UP-
4 DATE” and inserting “BIENNIAL REPORT”;

5 (2) by striking paragraphs (1) and (2) and in-
6 serting the following new paragraph:

7 “(1) REQUIREMENT TO SUBMIT.—Not later
8 than February 1, 2011, and once every two years
9 thereafter, the President shall submit to the congres-
10 sional intelligence committees and congressional
11 leadership a report updating the information re-
12 ferred to in subsection (a)(1)D).”; and

13 (3) by redesignating paragraph (3) as para-
14 graph (2).

15 (i) TABLE OF CONTENTS AMENDMENTS.—

16 (1) NATIONAL SECURITY ACT OF 1947.—The
17 table of contents in the first section of the National
18 Security Act of 1947, as amended by section 332 of
19 this Act, is further amended—

20 (A) by striking the item relating to section
21 109;

22 (B) by striking the item relating to section
23 114A; and

24 (C) by striking the item relating to section
25 118 and inserting the following new item:

“Sec. 118. Annual report on financial intelligence on terrorist assets.”.

(2) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The table of contents in the first section of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 826.

SEC. 348. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUBMISSION DATES.

Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (B), and (G);

(ii) by redesignating subparagraphs (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively; and

1 (iii) by adding at the end the fol-
 2 lowing new subparagraphs:

3 “(H) The annual report on outside employment
 4 of employees of elements of the intelligence commu-
 5 nity required by section 102A(u)(2).

6 “(I) The annual report on financial intelligence
 7 on terrorist assets required by section 118.”; and

8 (B) in paragraph (2), by striking subpara-
 9 graphs (C) and (D); and

10 (2) in subsection (b), by striking paragraph (6).

11 **Subtitle E—Other Matters**

12 **SEC. 361. EXTENSION OF AUTHORITY TO DELETE INFORMA-** 13 **TION ABOUT RECEIPT AND DISPOSITION OF** 14 **FOREIGN GIFTS AND DECORATIONS.**

15 Paragraph (4) of section 7342(f) of title 5, United
 16 States Code, is amended to read as follows:

17 “(4)(A) In transmitting such listings for an element
 18 of the intelligence community, the head of such element
 19 may delete the information described in subparagraph (A)
 20 or (C) of paragraph (2) or in subparagraph (A) or (C)
 21 of paragraph (3) if the head of such element certifies in
 22 writing to the Secretary of State that the publication of
 23 such information could adversely affect United States in-
 24 telligence sources or methods.

1 “(B) Any information not provided to the Secretary
 2 of State pursuant to the authority in subparagraph (A)
 3 shall be transmitted to the Director of National Intel-
 4 ligence who shall keep a record of such information.

5 “(C) In this paragraph, the term ‘intelligence com-
 6 munity’ has the meaning given that term in section 3(4)
 7 of the National Security Act of 1947 (50 U.S.C.
 8 401a(4)).”.

9 **SEC. 362. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
 10 **DIFFERENT INTELLIGENCE ACTIVITIES.**

11 Subparagraph (B) of section 504(a)(3) of the Na-
 12 tional Security Act of 1947 (50 U.S.C. 414(a)(3)) is
 13 amended to read as follows:

14 “(B) the use of such funds for such activity
 15 supports an emergent need, improves program effec-
 16 tiveness, or increases efficiency; and”.

17 **SEC. 363. PROTECTION OF CERTAIN NATIONAL SECURITY**
 18 **INFORMATION.**

19 (a) INCREASE IN PENALTIES FOR DISCLOSURE OF
 20 UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

21 (1) DISCLOSURE OF AGENT AFTER ACCESS TO
 22 INFORMATION IDENTIFYING AGENT.—Subsection (a)
 23 of section 601 of the National Security Act of 1947
 24 (50 U.S.C. 421) is amended by striking “ten years”
 25 and inserting “15 years”.

1 (2) DISCLOSURE OF AGENT AFTER ACCESS TO
2 CLASSIFIED INFORMATION.—Subsection (b) of such
3 section is amended by striking “five years” and in-
4 serting “10 years”.

5 (b) MODIFICATIONS TO ANNUAL REPORT ON PRO-
6 TECTION OF INTELLIGENCE IDENTITIES.—The first sen-
7 tence of section 603(a) of the National Security Act of
8 1947 (50 U.S.C. 423(a)) is amended by inserting “includ-
9 ing an assessment of the need, if any, for modification
10 of this title for the purpose of improving legal protections
11 for covert agents,” after “measures to protect the identi-
12 ties of covert agents,”.

13 **SEC. 364. NATIONAL INTELLIGENCE PROGRAM BUDGET.**

14 Section 601 of the Implementing Recommendations
15 of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)
16 is amended to read as follows:

17 **“SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**
18 **LIGENCE FUNDING INFORMATION.**

19 “(a) BUDGET REQUEST.—At the time that the Presi-
20 dent submits to Congress the budget for a fiscal year pur-
21 suant to section 1105 of title 31, United States Code, the
22 President shall disclose to the public the aggregate
23 amount of appropriations requested for that fiscal year for
24 the National Intelligence Program.

1 “(b) AMOUNTS APPROPRIATED EACH FISCAL
2 YEAR.—Not later than 30 days after the end of each fiscal
3 year, the Director of National Intelligence shall disclose
4 to the public the aggregate amount of funds appropriated
5 by Congress for the National Intelligence Program for
6 such fiscal year.

7 “(c) WAIVER.—

8 “(1) IN GENERAL.—The President may waive
9 or postpone the disclosure required by subsection (a)
10 or (b) for a fiscal year by submitting to the Select
11 Committee on Intelligence of the Senate and Perma-
12 nent Select Committee on Intelligence of the House
13 of Representatives—

14 “(A) a statement, in unclassified form,
15 that the disclosure required in subsection (a) or
16 (b) for that fiscal year would damage national
17 security; and

18 “(B) a statement detailing the reasons for
19 the waiver or postponement, which may be sub-
20 mitted in classified form.

21 “(2) SUBMISSION DATES.—The President shall
22 submit the statements required under paragraph
23 (1)—

24 “(A) in the case of a waiver or postpone-
25 ment of a disclosure required under subsection

1 (a), at the time of the submission of the budget
 2 for the fiscal year for which such disclosure is
 3 waived or postponed; and

4 “(B) in the case of a waiver or postpone-
 5 ment of a disclosure required under subsection
 6 (b), not later than 30 days after the date of the
 7 end of the fiscal year for which such disclosure
 8 is waived or postponed.

9 “(d) DEFINITION.—As used in this section, the term
 10 ‘National Intelligence Program’ has the meaning given the
 11 term in section 3(6) of the National Security Act of 1947
 12 (50 U.S.C. 401a(6)).”.

13 **SEC. 365. IMPROVING THE REVIEW AUTHORITY OF THE**
 14 **PUBLIC INTEREST DECLASSIFICATION**
 15 **BOARD.**

16 Paragraph (5) of section 703(b) of the Public Inter-
 17 est Declassification Act of 2000 (50 U.S.C. 435 note) is
 18 amended—

19 (1) by striking “jurisdiction,” and inserting
 20 “jurisdiction or by a member of the committee of ju-
 21 risdiction,”; and

22 (2) by inserting “, to evaluate the proper classi-
 23 fication of certain records,” after “certain records”.

1 **SEC. 366. AUTHORITY TO DESIGNATE UNDERCOVER OPER-**
 2 **ATIONS TO COLLECT FOREIGN INTEL-**
 3 **LIGENCE OR COUNTERINTELLIGENCE.**

4 Paragraph (1) of section 102(b) of the Department
 5 of Justice and Related Agencies Appropriations Act, 1993
 6 (Public Law 102–395; 28 U.S.C. 533 note) is amended
 7 in the flush text following subparagraph (D) by striking
 8 “(or, if designated by the Director, the Assistant Director,
 9 Intelligence Division) and the Attorney General (or, if des-
 10 ignated by the Attorney General, the Assistant Attorney
 11 General for National Security)” and inserting “(or a des-
 12 ignee of the Director who is in a position not lower than
 13 Deputy Assistant Director in the National Security
 14 Branch or a similar successor position) and the Attorney
 15 General (or a designee of the Attorney General who is in
 16 the National Security Division in a position not lower than
 17 Deputy Assistant Attorney General or a similar successor
 18 position)”.

19 **SEC. 367. SECURITY CLEARANCES: REPORTS; RECIPROCITY.**

20 (a) REPORTS RELATING TO SECURITY CLEAR-
 21 ANCES.—

22 (1) QUADRENNIAL AUDIT; SECURITY CLEAR-
 23 ANCE DETERMINATIONS.—

24 (A) IN GENERAL.—Title V of the National
 25 Security Act of 1947 (50 U.S.C. 413 et seq.),
 26 as amended by section 325 of this Act, is fur-

1 ther amended by inserting after section 506G,
 2 as added by section 325(a), the following new
 3 section:

4 “REPORTS ON SECURITY CLEARANCES

5 “SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION
 6 REQUIREMENTS.—(1) The President shall every four
 7 years conduct an audit of the manner in which the execu-
 8 tive branch determines whether a security clearance is re-
 9 quired for a particular position in the United States Gov-
 10 ernment.

11 “(2) Not later than 30 days after the completion of
 12 an audit conducted under paragraph (1), the President
 13 shall submit to Congress the results of such audit.

14 “(b) REPORT ON SECURITY CLEARANCE DETER-
 15 MINATIONS.—(1) Not later than February 1 of each year,
 16 the President shall submit to Congress a report on the
 17 security clearance process. Such report shall include, for
 18 each security clearance level—

19 “(A) the number of employees of the United
 20 States Government who—

21 “(i) held a security clearance at such level
 22 as of October 1 of the preceding year; and

23 “(ii) were approved for a security clearance
 24 at such level during the preceding fiscal year;

25 “(B) the number of contractors to the United
 26 States Government who—

1 “(i) held a security clearance at such level
2 as of October 1 of the preceding year; and

3 “(ii) were approved for a security clearance
4 at such level during the preceding fiscal year;
5 and

6 “(C) for each element of the intelligence com-
7 munity—

8 “(i) the total amount of time it took to
9 process the security clearance determination for
10 such level that—

11 “(I) was among the 80 percent of se-
12 curity clearance determinations made dur-
13 ing the preceding fiscal year that took the
14 shortest amount of time to complete; and

15 “(II) took the longest amount of time
16 to complete;

17 “(ii) the total amount of time it took to
18 process the security clearance determination for
19 such level that—

20 “(I) was among the 90 percent of se-
21 curity clearance determinations made dur-
22 ing the preceding fiscal year that took the
23 shortest amount of time to complete; and

24 “(II) took the longest amount of time
25 to complete;

“(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

“(I) 4 months or less;

“(II) between 4 months and 8 months;

“(III) between 8 months and one year; and

“(IV) more than one year;

“(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

“(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

“(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

“(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

1 “(I) the number of security clearance
 2 determinations for positions as employees
 3 of the United States Government that re-
 4 quired more than one year to complete;

5 “(II) the number of security clearance
 6 determinations for contractors that re-
 7 quired more than one year to complete;

8 “(III) the agencies that investigated
 9 and adjudicated such determinations; and

10 “(IV) the cause of significant delays
 11 in such determinations.

12 “(2) For purposes of paragraph (1), the President
 13 may consider—

14 “(A) security clearances at the level of confiden-
 15 tial and secret as one security clearance level; and

16 “(B) security clearances at the level of top se-
 17 cret or higher as one security clearance level.

18 “(c) FORM.—The results required under subsection
 19 (a)(2) and the reports required under subsection (b)(1)
 20 shall be submitted in unclassified form, but may include
 21 a classified annex.”.

22 (B) INITIAL AUDIT.—The first audit re-
 23 quired to be conducted under section
 24 506H(a)(1) of the National Security Act of
 25 1947, as added by subparagraph (A) of this

paragraph, shall be completed not later than
February 1, 2011.

(C) TABLE OF CONTENTS AMENDMENT.—

The table of contents in the first section of such
Act, as amended by section 348(i) of this Act,
is further amended by inserting after the item
relating to section 506G, as added by section
325 of this Act, the following new item:

“Sec. 506H. Reports on security clearances.”.

(2) REPORT ON METRICS FOR ADJUDICATION
QUALITY.—Not later than 180 days after the date of
the enactment of this Act, the President shall sub-
mit to Congress a report on security clearance inves-
tigations and adjudications. Such report shall in-
clude—

(A) United States Government-wide adju-
dication guidelines and metrics for adjudication
quality;

(B) a plan to improve the professional de-
velopment of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of
interagency clearance reciprocity;

(D) United States Government-wide inves-
tigation standards and metrics for investigation
quality; and

1 (E) the advisability, feasibility, counter-
2 intelligence risk, and cost effectiveness of—

3 (i) by not later than January 1, 2012,
4 requiring the investigation and adjudica-
5 tion of security clearances to be conducted
6 by not more than two Federal agencies;
7 and

8 (ii) by not later than January 1,
9 2015, requiring the investigation and adju-
10 dication of security clearances to be con-
11 ducted by not more than one Federal agen-
12 cy.

13 (b) SECURITY CLEARANCE RECIPROCITY.—

14 (1) AUDIT.—The Inspector General of the In-
15 telligence Community shall conduct an audit of the
16 reciprocity of security clearances among the ele-
17 ments of the intelligence community.

18 (2) REPORT.—Not later than 180 days after
19 the date of the enactment of this Act, the Inspector
20 General of the Intelligence Community shall submit
21 to the congressional intelligence committees a report
22 containing the results of the audit conducted under
23 paragraph (1). Such report shall include an assess-
24 ment of the time required to obtain a reciprocal se-
25 curity clearance for—

1 (A) an employee of an element of the intel-
 2 ligence community detailed to another element
 3 of the intelligence community;

4 (B) an employee of an element of the intel-
 5 ligence community seeking permanent employ-
 6 ment with another element of the intelligence
 7 community; and

8 (C) a contractor seeking permanent em-
 9 ployment with an element of the intelligence
 10 community.

11 (3) FORM.—The report required under para-
 12 graph (2) shall be submitted in unclassified form,
 13 but may include a classified annex.

14 **SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAK-**
 15 **NESSES.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED ELEMENT OF THE INTELLIGENCE
 18 COMMUNITY.—The term “covered element of the in-
 19 telligence community” means—

20 (A) the Central Intelligence Agency;

21 (B) the Defense Intelligence Agency;

22 (C) the National Geospatial-Intelligence
 23 Agency;

24 (D) the National Reconnaissance Office; or

25 (E) the National Security Agency.

1 (2) INDEPENDENT AUDITOR.—The term “inde-
2 pendent auditor” means an individual who—

3 (A)(i) is a Federal, State, or local govern-
4 ment auditor who meets the independence
5 standards included in generally accepted gov-
6 ernment auditing standards; or

7 (ii) is a public accountant who meets such
8 independence standards; and

9 (B) is designated as an auditor by the Di-
10 rector of National Intelligence or the head of a
11 covered element of the intelligence community,
12 as appropriate.

13 (3) INDEPENDENT REVIEW.—The term “inde-
14 pendent review” means an audit, attestation, or ex-
15 amination conducted by an independent auditor in
16 accordance with generally accepted government au-
17 diting standards.

18 (4) LONG-STANDING, CORRECTABLE MATERIAL
19 WEAKNESS.—The term “long-standing, correctable
20 material weakness” means a material weakness—

21 (A) that was first reported in the annual
22 financial report of a covered element of the in-
23 telligence community for a fiscal year prior to
24 fiscal year 2007; and

1 (B) the correction of which is not substan-
 2 tially dependent on a business system that will
 3 not be implemented prior to the end of fiscal
 4 year 2010.

5 (5) MATERIAL WEAKNESS.—The term “mate-
 6 rial weakness” has the meaning given that term
 7 under the Office of Management and Budget Cir-
 8 cular A-123, entitled “Management’s Responsibility
 9 for Internal Control,” revised December 21, 2004.

10 (6) SENIOR INTELLIGENCE MANAGEMENT OFFI-
 11 CIAL.—The term “senior intelligence management
 12 official” means an official within a covered element
 13 of the intelligence community who is—

14 (A)(i) compensated under the Senior Intel-
 15 ligence Service pay scale; or

16 (ii) the head of a covered element of the
 17 intelligence community; and

18 (B) compensated for employment with
 19 funds appropriated pursuant to an authoriza-
 20 tion of appropriations in this Act.

21 (b) IDENTIFICATION OF SENIOR INTELLIGENCE
 22 MANAGEMENT OFFICIALS.—

23 (1) REQUIREMENT TO IDENTIFY.—Not later
 24 than 30 days after the date of the enactment of this
 25 Act, the head of a covered element of the intelligence

1 community shall designate a senior intelligence man-
2 agement official of such element to be responsible
3 for correcting each long-standing, correctable mate-
4 rial weakness of such element.

5 (2) HEAD OF A COVERED ELEMENT OF THE IN-
6 TELLIGENCE COMMUNITY.—The head of a covered
7 element of the intelligence community may designate
8 himself or herself as the senior intelligence manage-
9 ment official responsible for correcting a long-stand-
10 ing, correctable material weakness under paragraph
11 (1).

12 (3) REQUIREMENT TO UPDATE DESIGNATION.—
13 If the head of a covered element of the intelligence
14 community determines that a senior intelligence
15 management official designated under paragraph (1)
16 is no longer responsible for correcting a long-stand-
17 ing, correctable material weakness, the head of such
18 element shall designate the successor to such official
19 not later than 10 days after the date of such deter-
20 mination.

21 (c) NOTIFICATION.—Not later than 10 days after the
22 date on which the head of a covered element of the intel-
23 ligence community has designated a senior intelligence
24 management official pursuant to paragraph (1) or (3) of
25 subsection (b), the head of such element shall provide writ-

1 ten notification of such designation to the Director of Na-
2 tional Intelligence and to such senior intelligence manage-
3 ment official.

4 (d) CORRECTION OF LONG-STANDING, MATERIAL
5 WEAKNESS.—

6 (1) DETERMINATION OF CORRECTION OF DEFICI-
7 CIENCY.—If a long-standing, correctable material
8 weakness is corrected, the senior intelligence man-
9 agement official who is responsible for correcting
10 such long-standing, correctable material weakness
11 shall make and issue a determination of the correc-
12 tion.

13 (2) BASIS FOR DETERMINATION.—The deter-
14 mination of the senior intelligence management offi-
15 cial under paragraph (1) shall be based on the find-
16 ings of an independent review.

17 (3) NOTIFICATION AND SUBMISSION OF FIND-
18 INGS.—A senior intelligence management official
19 who makes a determination under paragraph (1)
20 shall—

21 (A) notify the head of the appropriate cov-
22 ered element of the intelligence community of
23 such determination at the time the determina-
24 tion is made; and

1 (B) ensure that the independent auditor
2 whose findings are the basis of a determination
3 under paragraph (1) submits to the head of the
4 covered element of the intelligence community
5 and the Director of National Intelligence the
6 findings that such determination is based on
7 not later than 5 days after the date on which
8 such determination is made.

9 (e) CONGRESSIONAL OVERSIGHT.—The head of a
10 covered element of the intelligence community shall notify
11 the congressional intelligence committees not later than 30
12 days after the date—

13 (1) on which a senior intelligence management
14 official is designated under paragraph (1) or (3) of
15 subsection (b) and notified under subsection (c); or
16 (2) of the correction of a long-standing, correct-
17 able material weakness, as verified by an inde-
18 pendent auditor under subsection (d)(2).

19 **SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IM-**
20 **PROVEMENT AND AUDIT READINESS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Director of National Intelligence
23 shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTEL- LIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation

1 to a failure or deficiency within the intelligence commu-
2 nity.

3 “(B) The Director of National Intelligence, in con-
4 sultation with the Attorney General, shall establish guide-
5 lines and procedures for conducting an accountability re-
6 view under subparagraph (A).

7 “(C)(i) The Director of National Intelligence shall
8 provide the findings of an accountability review conducted
9 under subparagraph (A) and the Director’s recommenda-
10 tions for corrective or punitive action, if any, to the head
11 of the applicable element of the intelligence community.
12 Such recommendations may include a recommendation for
13 dismissal of personnel.

14 “(ii) If the head of such element does not implement
15 a recommendation made by the Director under clause (i),
16 the head of such element shall submit to the congressional
17 intelligence committees a notice of the determination not
18 to implement the recommendation, including the reasons
19 for the determination.

20 “(D) The requirements of this paragraph shall not
21 be construed to limit any authority of the Director of Na-
22 tional Intelligence under subsection (m) or with respect
23 to supervision of the Central Intelligence Agency.”.

1 **SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION**

2 **SHARING.**

3 (a) **AUTHORITIES FOR INTERAGENCY FUNDING.**—
4 Section 102A(d)(2) of the National Security Act of 1947
5 (50 U.S.C. 403–1(d)(2)) is amended by striking “Program
6 to another such program.” and inserting “Program—

7 “(A) to another such program;

8 “(B) to other departments or agencies of the
9 United States Government for the development and
10 fielding of systems of common concern related to the
11 collection, processing, analysis, exploitation, and dis-
12 semination of intelligence information; or

13 “(C) to a program funded by appropriations not
14 within the National Intelligence Program to address
15 critical gaps in intelligence information sharing or
16 access capabilities.”.

17 (b) **AUTHORITIES OF HEADS OF OTHER DEPART-**
18 **MENTS AND AGENCIES.**—Notwithstanding any other pro-
19 vision of law, the head of any department or agency of
20 the United States is authorized to receive and utilize funds
21 made available to the department or agency by the Direc-
22 tor of National Intelligence pursuant to section
23 102A(d)(2) of the National Security Act of 1947 (50
24 U.S.C. 403–1(d)(2)), as amended by subsection (a), and
25 receive and utilize any system referred to in such section
26 that is made available to such department or agency.

1 **SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF**
2 **NATIONAL INTELLIGENCE.**

3 Subsection (e) of section 103 of the National Security
4 Act of 1947 (50 U.S.C. 403–3) is amended to read as
5 follows:

6 “(e) LOCATION OF THE OFFICE OF THE DIRECTOR
7 OF NATIONAL INTELLIGENCE.—The headquarters of the
8 Office of the Director of National Intelligence may be lo-
9 cated in the Washington metropolitan region, as that term
10 is defined in section 8301 of title 40, United States
11 Code.”.

12 **SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMA-**
13 **TION OFFICER OF THE INTELLIGENCE COM-**
14 **MUNITY.**

15 Section 103G of the National Security Act of 1947
16 (50 U.S.C. 403–3g) is amended—

17 (1) in subsection (a)—

18 (A) by inserting “of the Intelligence Com-
19 munity” after “Chief Information Officer”; and

20 (B) by striking “President,” and all that
21 follows and inserting “President.”;

22 (2) by striking subsection (b) and redesignating
23 subsections (c) and (d) as subsections (b) and (c),
24 respectively;

(3) in subsection (b) (as so redesignated), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (c) (as so redesignated), by inserting “of the Intelligence Community” before “may not”.

**SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE
COMMUNITY.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 348 of this Act, is further amended by inserting after section 103G the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE
COMMUNITY

“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

“(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities with-

1 in the responsibility and authority of the Director of
2 National Intelligence;

3 “(2) to provide leadership and coordination and
4 recommend policies for activities designed—

5 “(A) to promote economy, efficiency, and
6 effectiveness in the administration and imple-
7 mentation of such programs and activities; and

8 “(B) to prevent and detect fraud and
9 abuse in such programs and activities;

10 “(3) to provide a means for keeping the Direc-
11 tor of National Intelligence fully and currently in-
12 formed about—

13 “(A) problems and deficiencies relating to
14 the administration of programs and activities
15 within the responsibility and authority of the
16 Director of National Intelligence; and

17 “(B) the necessity for, and the progress of,
18 corrective actions; and

19 “(4) in the manner prescribed by this section,
20 to ensure that the congressional intelligence commit-
21 tees are kept similarly informed of—

22 “(A) significant problems and deficiencies
23 relating to programs and activities within the
24 responsibility and authority of the Director of
25 National Intelligence; and

1 “(B) the necessity for, and the progress of,
2 corrective actions.

3 “(c) INSPECTOR GENERAL OF THE INTELLIGENCE
4 COMMUNITY.—(1) There is an Inspector General of the
5 Intelligence Community, who shall be the head of the Of-
6 fice of the Inspector General of the Intelligence Commu-
7 nity, who shall be appointed by the President, by and with
8 the advice and consent of the Senate.

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

11 “(A) without regard to political affiliation;

12 “(B) on the basis of integrity, compliance with
13 security standards of the intelligence community,
14 and prior experience in the field of intelligence or
15 national security; and

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

19 “(3) The Inspector General shall report directly to
20 and be under the general supervision of the Director of
21 National Intelligence.

22 “(4) The Inspector General may be removed from of-
23 fice only by the President. The President shall commu-
24 nicate in writing to the congressional intelligence commit-
25 tees the reasons for the removal not later than 30 days

1 prior to the effective date of such removal. Nothing in this
2 paragraph shall be construed to prohibit a personnel ac-
3 tion otherwise authorized by law, other than transfer or
4 removal.

5 “(d) ASSISTANT INSPECTORS GENERAL.—Subject to
6 the policies of the Director of National Intelligence, the
7 Inspector General of the Intelligence Community shall—

8 “(1) appoint an Assistant Inspector General for
9 Audit who shall have the responsibility for super-
10 vising the performance of auditing activities relating
11 to programs and activities within the responsibility
12 and authority of the Director;

13 “(2) appoint an Assistant Inspector General for
14 Investigations who shall have the responsibility for
15 supervising the performance of investigative activi-
16 ties relating to such programs and activities; and

17 “(3) appoint other Assistant Inspectors General
18 that, in the judgment of the Inspector General, are
19 necessary to carry out the duties of the Inspector
20 General.

21 “(e) DUTIES AND RESPONSIBILITIES.—It shall be
22 the duty and responsibility of the Inspector General of the
23 Intelligence Community—

24 “(1) to provide policy direction for, and to plan,
25 conduct, supervise, and coordinate independently,

1 the investigations, inspections, audits, and reviews
2 relating to programs and activities within the re-
3 sponsibility and authority of the Director of Na-
4 tional Intelligence;

5 “(2) to keep the Director of National Intel-
6 ligence fully and currently informed concerning vio-
7 lations of law and regulations, fraud, and other seri-
8 ous problems, abuses, and deficiencies relating to the
9 programs and activities within the responsibility and
10 authority of the Director, to recommend corrective
11 action concerning such problems, and to report on
12 the progress made in implementing such corrective
13 action;

14 “(3) to take due regard for the protection of in-
15 telligence sources and methods in the preparation of
16 all reports issued by the Inspector General, and, to
17 the extent consistent with the purpose and objective
18 of such reports, take such measures as may be ap-
19 propriate to minimize the disclosure of intelligence
20 sources and methods described in such reports; and

21 “(4) in the execution of the duties and respon-
22 sibilities under this section, to comply with generally
23 accepted government auditing.

24 “(f) LIMITATIONS ON ACTIVITIES.—(1) The Director
25 of National Intelligence may prohibit the Inspector Gen-

1 eral of the Intelligence Community from initiating, car-
2 rying out, or completing any investigation, inspection,
3 audit, or review if the Director determines that such prohi-
4 bition is necessary to protect vital national security inter-
5 ests of the United States.

6 “(2) Not later than seven days after the date on
7 which the Director exercises the authority under para-
8 graph (1), the Director shall submit to the congressional
9 intelligence committees an appropriately classified state-
10 ment of the reasons for the exercise of such authority.

11 “(3) The Director shall advise the Inspector General
12 at the time a statement under paragraph (2) is submitted,
13 and, to the extent consistent with the protection of intel-
14 ligence sources and methods, provide the Inspector Gen-
15 eral with a copy of such statement.

16 “(4) The Inspector General may submit to the con-
17 gressional intelligence committees any comments on the
18 statement of which the Inspector General has notice under
19 paragraph (3) that the Inspector General considers appro-
20 priate.

21 “(g) AUTHORITIES.—(1) The Inspector General of
22 the Intelligence Community shall have direct and prompt
23 access to the Director of National Intelligence when nec-
24 essary for any purpose pertaining to the performance of
25 the duties of the Inspector General.

1 “(2)(A) The Inspector General shall, subject to the
2 limitations in subsection (f), make such investigations and
3 reports relating to the administration of the programs and
4 activities within the authorities and responsibilities of the
5 Director as are, in the judgment of the Inspector General,
6 necessary or desirable.

7 “(B) The Inspector General shall have access to any
8 employee, or any employee of a contractor, of any element
9 of the intelligence community needed for the performance
10 of the duties of the Inspector General.

11 “(C) The Inspector General shall have direct access
12 to all records, reports, audits, reviews, documents, papers,
13 recommendations, or other materials that relate to the
14 programs and activities with respect to which the Inspec-
15 tor General has responsibilities under this section.

16 “(D) The level of classification or compartmentation
17 of information shall not, in and of itself, provide a suffi-
18 cient rationale for denying the Inspector General access
19 to any materials under subparagraph (C).

20 “(E) The Director, or on the recommendation of the
21 Director, another appropriate official of the intelligence
22 community, shall take appropriate administrative actions
23 against an employee, or an employee of a contractor, of
24 an element of the intelligence community that fails to co-
25 operate with the Inspector General. Such administrative

1 action may include loss of employment or the termination
2 of an existing contractual relationship.

3 “(3) The Inspector General is authorized to receive
4 and investigate, pursuant to subsection (h), complaints or
5 information from any person concerning the existence of
6 an activity within the authorities and responsibilities of
7 the Director of National Intelligence constituting a viola-
8 tion of laws, rules, or regulations, or mismanagement,
9 gross waste of funds, abuse of authority, or a substantial
10 and specific danger to the public health and safety. Once
11 such complaint or information has been received from an
12 employee of the intelligence community—

13 “(A) the Inspector General shall not disclose
14 the identity of the employee without the consent of
15 the employee, unless the Inspector General deter-
16 mines that such disclosure is unavoidable during the
17 course of the investigation or the disclosure is made
18 to an official of the Department of Justice respon-
19 sible for determining whether a prosecution should
20 be undertaken; and

21 “(B) no action constituting a reprisal, or threat
22 of reprisal, for making such complaint or disclosing
23 such information to the Inspector General may be
24 taken by any employee in a position to take such ac-
25 tions, unless the complaint was made or the infor-

1 mation was disclosed with the knowledge that it was
2 false or with willful disregard for its truth or falsity.

3 “(4) The Inspector General shall have the authority
4 to administer to or take from any person an oath, affirma-
5 tion, or affidavit, whenever necessary in the performance
6 of the duties of the Inspector General, which oath, affir-
7 mation, or affidavit when administered or taken by or be-
8 fore an employee of the Office of the Inspector General
9 of the Intelligence Community designated by the Inspector
10 General shall have the same force and effect as if adminis-
11 tered or taken by, or before, an officer having a seal.

12 “(5)(A) Except as provided in subparagraph (B), the
13 Inspector General is authorized to require by subpoena the
14 production of all information, documents, reports, an-
15 swers, records, accounts, papers, and other data in any
16 medium (including electronically stored information, as
17 well as any tangible thing) and documentary evidence nec-
18 essary in the performance of the duties and responsibilities
19 of the Inspector General.

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

1 “(C) The Inspector General may not issue a subpoena
2 for, or on behalf of, any component of the Office of the
3 Director of National Intelligence or any element of the in-
4 telligence community, including the Office of the Director
5 of National Intelligence.

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

10 “(6) The Inspector General may obtain services as
11 authorized by section 3109 of title 5, United States Code,
12 at rates for individuals not to exceed the daily equivalent
13 of the maximum annual rate of basic pay payable for
14 grade GS–15 of the General Schedule under section 5332
15 of title 5, United States Code.

16 “(7) The Inspector General may, to the extent and
17 in such amounts as may be provided in appropriations,
18 enter into contracts and other arrangements for audits,
19 studies, analyses, and other services with public agencies
20 and with private persons, and to make such payments as
21 may be necessary to carry out the provisions of this sec-
22 tion.

23 “(h) COORDINATION AMONG INSPECTORS GEN-
24 ERAL.—(1)(A) In the event of a matter within the juris-
25 diction of the Inspector General of the Intelligence Com-

1 munity that may be subject to an investigation, inspection,
2 audit, or review by both the Inspector General of the Intel-
3 ligence Community and an inspector general with over-
4 sight responsibility for an element of the intelligence com-
5 munity, the Inspector General of the Intelligence Commu-
6 nity and such other inspector general shall expeditiously
7 resolve the question of which inspector general shall con-
8 duct such investigation, inspection, audit, or review to
9 avoid unnecessary duplication of the activities of the in-
10 spectors general.

11 “(B) In attempting to resolve a question under sub-
12 paragraph (A), the inspectors general concerned may re-
13 quest the assistance of the Intelligence Community Inspec-
14 tors General Forum established under paragraph (2). In
15 the event of a dispute between an inspector general within
16 a department or agency of the United States Government
17 and the Inspector General of the Intelligence Community
18 that has not been resolved with the assistance of such
19 Forum, the inspectors general shall submit the question
20 to the Director of National Intelligence and the head of
21 the affected department or agency for resolution.

22 “(2)(A) There is established the Intelligence Commu-
23 nity Inspectors General Forum, which shall consist of all
24 statutory or administrative inspectors general with over-

1 sight responsibility for an element of the intelligence com-
2 munity.

3 “(B) The Inspector General of the Intelligence Com-
4 munity shall serve as the Chair of the Forum established
5 under subparagraph (A). The Forum shall have no admin-
6 istrative authority over any inspector general, but shall
7 serve as a mechanism for informing its members of the
8 work of individual members of the Forum that may be
9 of common interest and discussing questions about juris-
10 diction or access to employees, employees of contract per-
11 sonnel, records, audits, reviews, documents, recommenda-
12 tions, or other materials that may involve or be of assist-
13 ance to more than one of its members.

14 “(3) The inspector general conducting an investiga-
15 tion, inspection, audit, or review covered by paragraph (1)
16 shall submit the results of such investigation, inspection,
17 audit, or review to any other inspector general, including
18 the Inspector General of the Intelligence Community, with
19 jurisdiction to conduct such investigation, inspection,
20 audit, or review who did not conduct such investigation,
21 inspection, audit, or review.

22 “(i) COUNSEL TO THE INSPECTOR GENERAL.—(1)
23 The Inspector General of the Intelligence Community
24 shall—

1 “(A) appoint a Counsel to the Inspector Gen-
2 eral who shall report to the Inspector General; or

3 “(B) obtain the services of a counsel appointed
4 by and directly reporting to another inspector gen-
5 eral or the Council of the Inspectors General on In-
6 tegrity and Efficiency on a reimbursable basis.

7 “(2) The counsel appointed or obtained under para-
8 graph (1) shall perform such functions as the Inspector
9 General may prescribe.

10 “(j) STAFF AND OTHER SUPPORT.—(1) The Director
11 of National Intelligence shall provide the Inspector Gen-
12 eral of the Intelligence Community with appropriate and
13 adequate office space at central and field office locations,
14 together with such equipment, office supplies, mainte-
15 nance services, and communications facilities and services
16 as may be necessary for the operation of such offices.

17 “(2)(A) Subject to applicable law and the policies of
18 the Director of National Intelligence, the Inspector Gen-
19 eral shall select, appoint, and employ such officers and em-
20 ployees as may be necessary to carry out the functions,
21 powers, and duties of the Inspector General. The Inspec-
22 tor General shall ensure that any officer or employee so
23 selected, appointed, or employed has security clearances
24 appropriate for the assigned duties of such officer or em-
25 ployee.

1 “(B) In making selections under subparagraph (A),
2 the Inspector General shall ensure that such officers and
3 employees have the requisite training and experience to
4 enable the Inspector General to carry out the duties of
5 the Inspector General effectively.

6 “(C) In meeting the requirements of this paragraph,
7 the Inspector General shall create within the Office of the
8 Inspector General of the Intelligence Community a career
9 cadre of sufficient size to provide appropriate continuity
10 and objectivity needed for the effective performance of the
11 duties of the Inspector General.

12 “(3) Consistent with budgetary and personnel re-
13 sources allocated by the Director of National Intelligence,
14 the Inspector General has final approval of—

15 “(A) the selection of internal and external can-
16 didates for employment with the Office of the In-
17 spector General; and

18 “(B) all other personnel decisions concerning
19 personnel permanently assigned to the Office of the
20 Inspector General, including selection and appoint-
21 ment to the Senior Intelligence Service, but exclud-
22 ing all security-based determinations that are not
23 within the authority of a head of a component of the
24 Office of the Director of National Intelligence.

1 “(4)(A) Subject to the concurrence of the Director
2 of National Intelligence, the Inspector General may re-
3 quest such information or assistance as may be necessary
4 for carrying out the duties and responsibilities of the In-
5 spector General from any department, agency, or other
6 element of the United States Government.

7 “(B) Upon request of the Inspector General for infor-
8 mation or assistance under subparagraph (A), the head
9 of the department, agency, or element concerned shall, in-
10 sofar as is practicable and not in contravention of any ex-
11 isting statutory restriction or regulation of the depart-
12 ment, agency, or element, furnish to the Inspector Gen-
13 eral, such information or assistance.

14 “(C) The Inspector General of the Intelligence Com-
15 munity may, upon reasonable notice to the head of any
16 element of the intelligence community and in coordination
17 with that element’s inspector general pursuant to sub-
18 section (h), conduct, as authorized by this section, an in-
19 vestigation, inspection, audit, or review of such element
20 and may enter into any place occupied by such element
21 for purposes of the performance of the duties of the In-
22 spector General.

23 “(k) REPORTS.—(1)(A) The Inspector General of the
24 Intelligence Community shall, not later than January 31
25 and July 31 of each year, prepare and submit to the Di-

1 rector of National Intelligence a classified, and, as appro-
2 priate, unclassified semiannual report summarizing the ac-
3 tivities of the Office of the Inspector General of the Intel-
4 ligence Community during the immediately preceding 6-
5 month period ending December 31 (of the preceding year)
6 and June 30, respectively. The Inspector General of the
7 Intelligence Community shall provide any portion of the
8 report involving a component of a department of the
9 United States Government to the head of that department
10 simultaneously with submission of the report to the Direc-
11 tor of National Intelligence.

12 “(B) Each report under this paragraph shall include,
13 at a minimum, the following:

14 “(i) A list of the title or subject of each inves-
15 tigation, inspection, audit, or review conducted dur-
16 ing the period covered by such report.

17 “(ii) A description of significant problems,
18 abuses, and deficiencies relating to the administra-
19 tion of programs and activities of the intelligence
20 community within the responsibility and authority of
21 the Director of National Intelligence, and in the re-
22 lationships between elements of the intelligence com-
23 munity, identified by the Inspector General during
24 the period covered by such report.

1 “(iii) A description of the recommendations for
2 corrective action made by the Inspector General dur-
3 ing the period covered by such report with respect
4 to significant problems, abuses, or deficiencies iden-
5 tified in clause (ii).

6 “(iv) A statement of whether or not corrective
7 action has been completed on each significant rec-
8 ommendation described in previous semiannual re-
9 ports, and, in a case where corrective action has
10 been completed, a description of such corrective ac-
11 tion.

12 “(v) A certification of whether or not the In-
13 spector General has had full and direct access to all
14 information relevant to the performance of the func-
15 tions of the Inspector General.

16 “(vi) A description of the exercise of the sub-
17 poena authority under subsection (g)(5) by the In-
18 spector General during the period covered by such
19 report.

20 “(vii) Such recommendations as the Inspector
21 General considers appropriate for legislation to pro-
22 mote economy, efficiency, and effectiveness in the
23 administration and implementation of programs and
24 activities within the responsibility and authority of
25 the Director of National Intelligence, and to detect

1 and eliminate fraud and abuse in such programs and
2 activities.

3 “(C) Not later than 30 days after the date of receipt
4 of a report under subparagraph (A), the Director shall
5 transmit the report to the congressional intelligence com-
6 mittees together with any comments the Director con-
7 sider appropriate. The Director shall transmit to the
8 committees of the Senate and of the House of Representa-
9 tives with jurisdiction over a department of the United
10 States Government any portion of the report involving a
11 component of such department simultaneously with sub-
12 mission of the report to the congressional intelligence com-
13 mittees.

14 “(2)(A) The Inspector General shall report imme-
15 diately to the Director whenever the Inspector General be-
16 comes aware of particularly serious or flagrant problems,
17 abuses, or deficiencies relating to programs and activities
18 within the responsibility and authority of the Director of
19 National Intelligence.

20 “(B) The Director shall transmit to the congressional
21 intelligence committees each report under subparagraph
22 (A) within 7 calendar days of receipt of such report, to-
23 gether with such comments as the Director considers ap-
24 propriate. The Director shall transmit to the committees
25 of the Senate and of the House of Representatives with

1 jurisdiction over a department of the United States Gov-
2 ernment any portion of each report under subparagraph
3 (A) that involves a problem, abuse, or deficiency related
4 to a component of such department simultaneously with
5 transmission of the report to the congressional intelligence
6 committees.

7 “(3)(A) In the event that—

8 “(i) the Inspector General is unable to resolve
9 any differences with the Director affecting the exe-
10 cution of the duties or responsibilities of the Inspec-
11 tor General;

12 “(ii) an investigation, inspection, audit, or re-
13 view carried out by the Inspector General focuses on
14 any current or former intelligence community official
15 who—

16 “(I) holds or held a position in an element
17 of the intelligence community that is subject to
18 appointment by the President, whether or not
19 by and with the advice and consent of the Sen-
20 ate, including such a position held on an acting
21 basis;

22 “(II) holds or held a position in an element
23 of the intelligence community, including a posi-
24 tion held on an acting basis, that is appointed
25 by the Director of National Intelligence; or

1 “(III) holds or held a position as head of
2 an element of the intelligence community or a
3 position covered by subsection (b) or (c) of sec-
4 tion 106;

5 “(iii) a matter requires a report by the Inspec-
6 tor General to the Department of Justice on possible
7 criminal conduct by a current or former official de-
8 scribed in clause (ii);

9 “(iv) the Inspector General receives notice from
10 the Department of Justice declining or approving
11 prosecution of possible criminal conduct of any cur-
12 rent or former official described in clause (ii); or

13 “(v) the Inspector General, after exhausting all
14 possible alternatives, is unable to obtain significant
15 documentary information in the course of an inves-
16 tigation, inspection, audit, or review,

17 the Inspector General shall immediately notify, and submit
18 a report to, the congressional intelligence committees on
19 such matter.

20 “(B) The Inspector General shall submit to the com-
21 mittees of the Senate and of the House of Representatives
22 with jurisdiction over a department of the United States
23 Government any portion of each report under subpara-
24 graph (A) that involves an investigation, inspection, audit,
25 or review carried out by the Inspector General focused on

1 any current or former official of a component of such de-
2 partment simultaneously with submission of the report to
3 the congressional intelligence committees.

4 “(4) The Director shall submit to the congressional
5 intelligence committees any report or findings and rec-
6 ommendations of an investigation, inspection, audit, or re-
7 view conducted by the office which has been requested by
8 the Chairman or Vice Chairman or ranking minority mem-
9 ber of either committee.

10 “(5)(A) An employee of an element of the intelligence
11 community, an employee assigned or detailed to an ele-
12 ment of the intelligence community, or an employee of a
13 contractor to the intelligence community who intends to
14 report to Congress a complaint or information with respect
15 to an urgent concern may report such complaint or infor-
16 mation to the Inspector General.

17 “(B) Not later than the end of the 14-calendar-day
18 period beginning on the date of receipt from an employee
19 of a complaint or information under subparagraph (A),
20 the Inspector General shall determine whether the com-
21 plaint or information appears credible. Upon making such
22 a determination, the Inspector General shall transmit to
23 the Director a notice of that determination, together with
24 the complaint or information.

1 “(C) Upon receipt of a transmittal from the Inspector
2 General under subparagraph (B), the Director shall, with-
3 in 7 calendar days of such receipt, forward such trans-
4 mittal to the congressional intelligence committees, to-
5 gether with any comments the Director considers appro-
6 priate.

7 “(D)(i) If the Inspector General does not find cred-
8 ible under subparagraph (B) a complaint or information
9 submitted under subparagraph (A), or does not transmit
10 the complaint or information to the Director in accurate
11 form under subparagraph (B), the employee (subject to
12 clause (ii)) may submit the complaint or information to
13 Congress by contacting either or both of the congressional
14 intelligence committees directly.

15 “(ii) An employee may contact the congressional in-
16 telligence committees directly as described in clause (i)
17 only if the employee—

18 “(I) before making such a contact, furnishes to
19 the Director, through the Inspector General, a state-
20 ment of the employee’s complaint or information and
21 notice of the employee’s intent to contact the con-
22 gressional intelligence committees directly; and

23 “(II) obtains and follows from the Director,
24 through the Inspector General, direction on how to

1 contact the congressional intelligence committees in
2 accordance with appropriate security practices.

3 “(iii) A member or employee of one of the congres-
4 sional intelligence committees who receives a complaint or
5 information under this subparagraph does so in that mem-
6 ber or employee’s official capacity as a member or em-
7 ployee of such committee.

8 “(E) The Inspector General shall notify an employee
9 who reports a complaint or information to the Inspector
10 General under this paragraph of each action taken under
11 this paragraph with respect to the complaint or informa-
12 tion. Such notice shall be provided not later than 3 days
13 after any such action is taken.

14 “(F) An action taken by the Director or the Inspector
15 General under this paragraph shall not be subject to judi-
16 cial review.

17 “(G) In this paragraph, the term ‘urgent concern’
18 means any of the following:

19 “(i) A serious or flagrant problem, abuse, viola-
20 tion of law or Executive order, or deficiency relating
21 to the funding, administration, or operation of an in-
22 telligence activity within the responsibility and au-
23 thority of the Director of National Intelligence in-
24 volving classified information, but does not include

1 differences of opinions concerning public policy mat-
2 ters.

3 “(ii) A false statement to Congress, or a willful
4 withholding from Congress, on an issue of material
5 fact relating to the funding, administration, or oper-
6 ation of an intelligence activity.

7 “(iii) An action, including a personnel action
8 described in section 2302(a)(2)(A) of title 5, United
9 States Code, constituting reprisal or threat of re-
10 prisal prohibited under subsection (g)(3)(B) of this
11 section in response to an employee’s reporting an ur-
12 gent concern in accordance with this paragraph.

13 “(H) Nothing in this section shall be construed to
14 limit the protections afforded to an employee under section
15 17(d) of the Central Intelligence Agency Act of 1949 (50
16 U.S.C. 403q(d)) or section 8H of the Inspector General
17 Act of 1978 (5 U.S.C. App.).

18 “(6) In accordance with section 535 of title 28,
19 United States Code, the Inspector General shall expedi-
20 tiously report to the Attorney General any information,
21 allegation, or complaint received by the Inspector General
22 relating to violations of Federal criminal law that involves
23 a program or operation of an element of the intelligence
24 community, or in the relationships between the elements
25 of the intelligence community, consistent with such guide-

1 lines as may be issued by the Attorney General pursuant
2 to subsection (b)(2) of such section. A copy of each such
3 report shall be furnished to the Director.

4 “(l) CONSTRUCTION OF DUTIES REGARDING ELE-
5 MENTS OF INTELLIGENCE COMMUNITY.—Except as re-
6 solved pursuant to subsection (h), the performance by the
7 Inspector General of the Intelligence Community of any
8 duty, responsibility, or function regarding an element of
9 the intelligence community shall not be construed to mod-
10 ify or affect the duties and responsibilities of any other
11 inspector general having duties and responsibilities relat-
12 ing to such element.

13 “(m) SEPARATE BUDGET ACCOUNT.—The Director
14 of National Intelligence shall, in accordance with proce-
15 dures issued by the Director in consultation with the con-
16 gressional intelligence committees, include in the National
17 Intelligence Program budget a separate account for the
18 Office of the Inspector General of the Intelligence Commu-
19 nity.

20 “(n) BUDGET.—(1) For each fiscal year, the Inspec-
21 tor General of the Intelligence Community shall transmit
22 a budget estimate and request to the Director of National
23 Intelligence that specifies for such fiscal year—

24 “(A) the aggregate amount requested for the
25 operations of the Inspector General;

1 “(B) the amount requested for all training re-
2 quirements of the Inspector General, including a cer-
3 tification from the Inspector General that the
4 amount requested is sufficient to fund all training
5 requirements for the Office of the Inspector General;
6 and

7 “(C) the amount requested to support the
8 Council of the Inspectors General on Integrity and
9 Efficiency, including a justification for such amount.

10 “(2) In transmitting a proposed budget to the Presi-
11 dent for a fiscal year, the Director of National Intelligence
12 shall include for such fiscal year—

13 “(A) the aggregate amount requested for the
14 Inspector General of the Intelligence Community;

15 “(B) the amount requested for Inspector Gen-
16 eral training;

17 “(C) the amount requested to support the
18 Council of the Inspectors General on Integrity and
19 Efficiency; and

20 “(D) the comments of the Inspector General, if
21 any, with respect to such proposed budget.

22 “(3) The Director of National Intelligence shall sub-
23 mit to the congressional intelligence committees, the Com-
24 mittee on Appropriations of the Senate, and the Com-

1 mittee on Appropriations of the House of Representatives
 2 for each fiscal year—

3 “(A) a separate statement of the budget esti-
 4 mate transmitted pursuant to paragraph (1);

5 “(B) the amount requested by the Director for
 6 the Inspector General pursuant to paragraph (2)(A);

7 “(C) the amount requested by the Director for
 8 the training of personnel of the Office of the Inspec-
 9 tor General pursuant to paragraph (2)(B);

10 “(D) the amount requested by the Director for
 11 support for the Council of the Inspectors General on
 12 Integrity and Efficiency pursuant to paragraph
 13 (2)(C); and

14 “(E) the comments of the Inspector General
 15 under paragraph (2)(D), if any, on the amounts re-
 16 quested pursuant to paragraph (2), including wheth-
 17 er such amounts would substantially inhibit the In-
 18 spector General from performing the duties of the
 19 Office of the Inspector General.”.

20 (2) TABLE OF CONTENTS AMENDMENT.—The
 21 table of contents in the first section of the National
 22 Security Act of 1947, as amended by section 348 of
 23 this Act, is further amended by inserting after the
 24 item relating to section 103G the following new
 25 item:

“Sec. 103H. Inspector General of the Intelligence Community.”.

1 (b) PAY OF INSPECTOR GENERAL.—Subparagraph
 2 (A) of section 4(a)(3) of the Inspector General Reform
 3 Act of 2008 (Public Law 110–409; 5 U.S.C. App. note)
 4 is amended by inserting “the Inspector General of the In-
 5 telligence Community,” after “basic pay of”.

6 (c) CONSTRUCTION.—Nothing in the amendment
 7 made by subsection (a)(1) shall be construed to alter the
 8 duties and responsibilities of the General Counsel of the
 9 Office of the Director of National Intelligence.

10 (d) REPEAL OF SUPERSEDED AUTHORITY TO ES-
 11 TABLISH POSITION.—Section 8K of the Inspector General
 12 Act of 1978 (5 U.S.C. App.) shall be repealed on the date
 13 that the President appoints, with the advice and consent
 14 of the Senate, the first individual to serve as Inspector
 15 General for the Intelligence Community pursuant to sec-
 16 tion 103H of the National Security Act of 1947, as added
 17 by subsection (a), and such individual assumes the duties
 18 of the Inspector General.

19 **SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTEL-**
 20 **LIGENCE COMMUNITY.**

21 (a) ESTABLISHMENT.—Title I of the National Secu-
 22 rity Act of 1947 (50 U.S.C. 402 et seq.), as amended by
 23 section 405 of this Act, is further amended by inserting
 24 after section 103H, as added by section 405(a)(1), the fol-
 25 lowing new section:

1 “CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE
2 COMMUNITY

3 “SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE
4 INTELLIGENCE COMMUNITY.—To assist the Director of
5 National Intelligence in carrying out the responsibilities
6 of the Director under this Act and other applicable provi-
7 sions of law, there is within the Office of the Director of
8 National Intelligence a Chief Financial Officer of the In-
9 telligence Community who shall be appointed by the Direc-
10 tor.

11 “(b) DUTIES AND RESPONSIBILITIES.—Subject to
12 the direction of the Director of National Intelligence, the
13 Chief Financial Officer of the Intelligence Community
14 shall—

15 “(1) serve as the principal advisor to the Direc-
16 tor of National Intelligence and the Principal Dep-
17 uty Director of National Intelligence on the manage-
18 ment and allocation of intelligence community budg-
19 etary resources;

20 “(2) participate in overseeing a comprehensive
21 and integrated strategic process for resource man-
22 agement within the intelligence community;

23 “(3) ensure that the strategic plan of the Direc-
24 tor of National Intelligence—

1 “(A) is based on budgetary constraints as
2 specified in the Future Year Intelligence Plans
3 and Long-term Budget Projections required
4 under section 506G; and

5 “(B) contains specific goals and objectives
6 to support a performance-based budget;

7 “(4) prior to the obligation or expenditure of
8 funds for the acquisition of any major system pursu-
9 ant to a Milestone A or Milestone B decision, receive
10 verification from appropriate authorities that the na-
11 tional requirements for meeting the strategic plan of
12 the Director have been established, and that such re-
13 quirements are prioritized based on budgetary con-
14 straints as specified in the Future Year Intelligence
15 Plans and the Long-term Budget Projections for
16 such major system required under section 506G;

17 “(5) ensure that the collection architectures of
18 the Director are based on budgetary constraints as
19 specified in the Future Year Intelligence Plans and
20 the Long-term Budget Projections required under
21 section 506G;

22 “(6) coordinate or approve representations
23 made to Congress by the intelligence community re-
24 garding National Intelligence Program budgetary re-
25 sources;

1 “(7) participate in key mission requirements,
2 acquisitions, or architectural boards formed within
3 or by the Office of the Director of National Intel-
4 ligence; and

5 “(8) perform such other duties as may be pre-
6 scribed by the Director of National Intelligence.

7 “(c) OTHER LAW.—The Chief Financial Officer of
8 the Intelligence Community shall serve as the Chief Finan-
9 cial Officer of the intelligence community and, to the ex-
10 tent applicable, shall have the duties, responsibilities, and
11 authorities specified in chapter 9 of title 31, United States
12 Code.

13 “(d) PROHIBITION ON SIMULTANEOUS SERVICE AS
14 OTHER CHIEF FINANCIAL OFFICER.—An individual serv-
15 ing in the position of Chief Financial Officer of the Intel-
16 ligence Community may not, while so serving, serve as the
17 chief financial officer of any other department or agency,
18 or component thereof, of the United States Government.

19 “(e) DEFINITIONS.—In this section:

20 “(1) The term ‘major system’ has the meaning
21 given that term in section 506A(e).

22 “(2) The term ‘Milestone A’ has the meaning
23 given that term in section 506G(f).

24 “(3) The term ‘Milestone B’ has the meaning
25 given that term in section 506C(e).”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
 2 of contents in the first section of the National Security
 3 Act of 1947, as amended by section 405(a), is further
 4 amended by inserting after the item relating to section
 5 103H, as added by section 405(a)(2), the following new
 6 item:

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”.

7 **SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OF-**
 8 **FICES AND OFFICIALS.**

9 (a) NATIONAL COUNTER PROLIFERATION CEN-
 10 TER.—Section 119A(a) of the National Security Act of
 11 1947 (50 U.S.C. 404o–1(a)) is amended—

12 (1) by striking “Not later than 18 months after
 13 the date of the enactment of the National Security
 14 Intelligence Reform Act of 2004, the” and inserting
 15 “(1) The”; and

16 (2) by adding at the end the following new
 17 paragraphs:

18 “(2) The head of the National Counter Proliferation
 19 Center shall be the Director of the National Counter Pro-
 20 liferation Center, who shall be appointed by the Director
 21 of National Intelligence.

22 “(3) The National Counter Proliferation Center shall
 23 be located within the Office of the Director of National
 24 Intelligence.”.

1 (b) OFFICERS.—Section 103(c) of that Act (50
2 U.S.C. 403–3(c)) is amended—

3 (1) by redesignating paragraph (9) as para-
4 graph (14); and

5 (2) by inserting after paragraph (8) the fol-
6 lowing new paragraphs:

7 “(9) The Chief Information Officer of the Intel-
8 ligence Community.

9 “(10) The Inspector General of the Intelligence
10 Community.

11 “(11) The Director of the National Counterter-
12 rorism Center.

13 “(12) The Director of the National Counter
14 Proliferation Center.

15 “(13) The Chief Financial Officer of the Intel-
16 ligence Community.”.

17 **SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE**
18 **OF THE DIRECTOR OF NATIONAL INTEL-**
19 **LIGENCE.**

20 (a) IN GENERAL.—Title VII of the National Security
21 Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding
22 at the end the following new section:

23 “PROTECTION OF CERTAIN FILES OF THE OFFICE OF
24 THE DIRECTOR OF NATIONAL INTELLIGENCE

25 “SEC. 706. (a) INAPPLICABILITY OF FOIA TO EX-
26 EMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1)

1 Subject to paragraph (2), the provisions of section 552
2 of title 5, United States Code, that require search, review,
3 publication, or disclosure of a record shall not apply to
4 a record provided to the Office of the Director of National
5 Intelligence by an element of the intelligence community
6 from the exempted operational files of such element.

7 “(2) Paragraph (1) shall not apply with respect to
8 a record of the Office that—

9 “(A) contains information derived or dissemi-
10 nated from an exempted operational file, unless such
11 record is created by the Office for the sole purpose
12 of organizing such exempted operational file for use
13 by the Office;

14 “(B) is disseminated by the Office to a person
15 other than an officer, employee, or contractor of the
16 Office; or

17 “(C) is no longer designated as an exempted
18 operational file in accordance with this title.

19 “(b) EFFECT OF PROVIDING FILES TO ODNI.—Not-
20 withstanding any other provision of this title, an exempted
21 operational file that is provided to the Office by an ele-
22 ment of the intelligence community shall not be subject
23 to the provisions of section 552 of title 5, United States
24 Code, that require search, review, publication, or disclo-

1 sure of a record solely because such element provides such
2 exempted operational file to the Office.

3 “(c) SEARCH AND REVIEW FOR CERTAIN PUR-
4 POSES.—Notwithstanding subsection (a) or (b), an ex-
5 empted operational file shall continue to be subject to
6 search and review for information concerning any of the
7 following:

8 “(1) United States citizens or aliens lawfully
9 admitted for permanent residence who have re-
10 quested information on themselves pursuant to the
11 provisions of section 552 or 552a of title 5, United
12 States Code.

13 “(2) Any special activity the existence of which
14 is not exempt from disclosure under the provisions
15 of section 552 of title 5, United States Code.

16 “(3) The specific subject matter of an investiga-
17 tion for any impropriety or violation of law, Execu-
18 tive order, or Presidential directive, in the conduct
19 of an intelligence activity by any of the following:

20 “(A) The Select Committee on Intelligence
21 of the Senate.

22 “(B) The Permanent Select Committee on
23 Intelligence of the House of Representatives.

24 “(C) The Intelligence Oversight Board.

25 “(D) The Department of Justice.

1 “(E) The Office of the Director of Na-
2 tional Intelligence.

3 “(F) The Office of the Inspector General
4 of the Intelligence Community.

5 “(d) DECENNIAL REVIEW OF EXEMPTED OPER-
6 ATIONAL FILES.—(1) Not less than once every 10 years,
7 the Director of National Intelligence shall review the ex-
8 emptions in force under subsection (a) to determine
9 whether such exemptions may be removed from any cat-
10 egory of exempted files or any portion thereof.

11 “(2) The review required by paragraph (1) shall in-
12 clude consideration of the historical value or other public
13 interest in the subject matter of the particular category
14 of files or portions thereof and the potential for declas-
15 sifying a significant part of the information contained
16 therein.

17 “(3) A complainant that alleges that the Director of
18 National Intelligence has improperly withheld records be-
19 cause of failure to comply with this subsection may seek
20 judicial review in the district court of the United States
21 of the district in which any of the parties reside, or in
22 the District of Columbia. In such a proceeding, the court’s
23 review shall be limited to determining the following:

24 “(A) Whether the Director has conducted the
25 review required by paragraph (1) before the expira-

1 tion of the 10-year period beginning on the date of
2 the enactment of the Intelligence Authorization Act
3 for Fiscal Year 2010 or before the expiration of the
4 10-year period beginning on the date of the most re-
5 cent review.

6 “(B) Whether the Director of National Intel-
7 ligence, in fact, considered the criteria set forth in
8 paragraph (2) in conducting the required review.

9 “(e) SUPERSEDURE OF OTHER LAWS.—The provi-
10 sions of this section may not be superseded except by a
11 provision of law that is enacted after the date of the enact-
12 ment of this section and that specifically cites and repeals
13 or modifies such provisions.

14 “(f) ALLEGATION; IMPROPER WITHHOLDING OF
15 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in
16 paragraph (2), whenever any person who has requested
17 agency records under section 552 of title 5, United States
18 Code, alleges that the Office has withheld records improp-
19 erly because of failure to comply with any provision of this
20 section, judicial review shall be available under the terms
21 set forth in section 552(a)(4)(B) of title 5, United States
22 Code.

23 “(2) Judicial review shall not be available in the man-
24 ner provided for under paragraph (1) as follows:

1 “(A) In any case in which information specifi-
2 cally authorized under criteria established by an Ex-
3 ecutive order to be kept secret in the interests of na-
4 tional defense or foreign relations is filed with, or
5 produced for, the court by the Office, such informa-
6 tion shall be examined ex parte, in camera by the
7 court.

8 “(B) The court shall determine, to the fullest
9 extent practicable, the issues of fact based on sworn
10 written submissions of the parties.

11 “(C)(i) When a complainant alleges that re-
12 quested records were improperly withheld because of
13 improper exemption of operational files, the Office
14 may meet the burden of the Office under section
15 552(a)(4)(B) of title 5, United States Code, by dem-
16 onstrating to the court by sworn written submission
17 that exempted files likely to contain responsive
18 records are records provided to the Office by an ele-
19 ment of the intelligence community from the exempt-
20 ed operational files of such element.

21 “(ii) The court may not order the Office to re-
22 view the content of any exempted file in order to
23 make the demonstration required under clause (i),
24 unless the complainant disputes the Office’s showing

1 with a sworn written submission based on personal
2 knowledge or otherwise admissible evidence.

3 “(D) In proceedings under subparagraph (C), a
4 party may not obtain discovery pursuant to rules 26
5 through 36 of the Federal Rules of Civil Procedure,
6 except that requests for admissions may be made
7 pursuant to rules 26 and 36 of the Federal Rules
8 of Civil Procedure.

9 “(E) If the court finds under this subsection
10 that the Office has improperly withheld requested
11 records because of failure to comply with any provi-
12 sion of this section, the court shall order the Office
13 to search and review each appropriate exempted file
14 for the requested records and make such records, or
15 portions thereof, available in accordance with the
16 provisions of section 552 of title 5, United States
17 Code (commonly referred to as the Freedom of In-
18 formation Act), and such order shall be the exclusive
19 remedy for failure to comply with this section.

20 “(F) If at any time following the filing of a
21 complaint pursuant to this paragraph the Office
22 agrees to search each appropriate exempted file for
23 the requested records, the court shall dismiss the
24 claim based upon such complaint.

25 “(g) DEFINITIONS.—In this section:

1 “(1) The term ‘exempted operational file’
 2 means a file of an element of the intelligence com-
 3 munity that, in accordance with this title, is exempt-
 4 ed from the provisions of section 552 of title 5,
 5 United States Code, that require search, review,
 6 publication, or disclosure of such file.

7 “(2) Except as otherwise specifically provided,
 8 the term ‘Office’ means the Office of the Director of
 9 National Intelligence.”.

10 (b) TABLE OF CONTENTS AMENDMENT.—The table
 11 of contents in the first section of the National Security
 12 Act of 1947, as amended by section 406(b) of this Act,
 13 is further amended by inserting after the item relating to
 14 section 705 the following new item:

“Sec. 706. Protection of certain files of the Office of the Director of National
 Intelligence.”.

15 **SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE**
 16 **INTELLIGENCE COMMUNITY.**

17 Section 1102 of the National Security Act of 1947
 18 (50 U.S.C. 442a) is amended—

19 (1) in subsection (a)—

20 (A) by striking paragraph (2); and

21 (B) by striking “(1) In” and inserting
 22 “In”; and

23 (2) in subsection (c)—

24 (A) by striking paragraph (2); and

1 (B) by striking “(1) The” and inserting
2 “The”.

3 **SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COM-**
4 **MITTEE ACT TO ADVISORY COMMITTEES OF**
5 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
6 **INTELLIGENCE.**

7 (a) IN GENERAL.—Section 4(b) of the Federal Advi-
8 sory Committee Act (5 U.S.C. App.) is amended—

9 (1) in paragraph (1), by striking “or”;

10 (2) in paragraph (2), by striking the period and
11 inserting “; or”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(3) the Office of the Director of National In-
15 telligence, if the Director of National Intelligence de-
16 termines that for reasons of national security such
17 advisory committee cannot comply with the require-
18 ments of this Act.”.

19 (b) ANNUAL REPORT.—

20 (1) IN GENERAL.—The Director of National In-
21 telligence and the Director of the Central Intel-
22 ligence Agency shall each submit to the congres-
23 sional intelligence committees an annual report on
24 advisory committees created by each such Director.
25 Each report shall include—

1 (A) a description of each such advisory
 2 committee, including the subject matter of the
 3 committee; and

4 (B) a list of members of each such advisory
 5 committee.

6 (2) REPORT ON REASONS FOR ODNI EXCLUSION
 7 OF ADVISORY COMMITTEE FROM FACA.—Each report
 8 submitted by the Director of National Intelligence in
 9 accordance with paragraph (1) shall include the rea-
 10 sons for a determination by the Director under sec-
 11 tion 4(b)(3) of the Federal Advisory Committee Act
 12 (5 U.S.C. App.), as added by subsection (a) of this
 13 section, that an advisory committee cannot comply
 14 with the requirements of such Act.

15 **SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
 16 **INTELLIGENCE ON THE TRANSPORTATION**
 17 **SECURITY OVERSIGHT BOARD.**

18 Subparagraph (F) of section 115(b)(1) of title 49,
 19 United States Code, is amended to read as follows:

20 “(F) The Director of National Intelligence,
 21 or the Director’s designee.”.

1 **SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
2 **THE OFFICE OF THE NATIONAL COUNTER-**
3 **INTELLIGENCE EXECUTIVE.**

4 (a) REPEAL OF CERTAIN AUTHORITIES.—Section
5 904 of the Counterintelligence Enhancement Act of 2002
6 (50 U.S.C. 402c) is amended—

7 (1) by striking subsections (d), (h), (i), and (j);

8 (2) by redesignating subsections (e), (f), (g),
9 (k), (l), and (m) as subsections (d), (e), (f), (g), (h),
10 and (i), respectively; and

11 (3) in subsection (f), as redesignated by para-
12 graph (2), by striking paragraphs (3) and (4).

13 (b) CONFORMING AMENDMENTS.—Such section 904
14 is further amended—

15 (1) in subsection (d), as redesignated by sub-
16 section (a)(2) of this section, by striking “subsection
17 (f)” each place it appears in paragraphs (1) and (2)
18 and inserting “subsection (e)”; and

19 (2) in subsection (e), as so redesignated—

20 (A) in paragraph (1), by striking “sub-
21 section (e)(1)” and inserting “subsection
22 (d)(1)”; and

23 (B) in paragraph (2), by striking “sub-
24 section (e)(2)” and inserting “subsection
25 (d)(2)”.

1 **SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF**
2 **NATIONAL INTELLIGENCE NAME, INITIALS,**
3 **OR SEAL.**

4 (a) PROHIBITION.—Title XI of the National Security
5 Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding
6 at the end the following new section:

7 “MISUSE OF THE OFFICE OF THE DIRECTOR OF
8 NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

9 “SEC. 1103. (a) PROHIBITED ACTS.—No person
10 may, except with the written permission of the Director
11 of National Intelligence, or a designee of the Director,
12 knowingly use the words ‘Office of the Director of Na-
13 tional Intelligence’, the initials ‘ODNI’, the seal of the Of-
14 fice of the Director of National Intelligence, or any
15 colorable imitation of such words, initials, or seal in con-
16 nection with any merchandise, impersonation, solicitation,
17 or commercial activity in a manner reasonably calculated
18 to convey the impression that such use is approved, en-
19 dorsed, or authorized by the Director of National Intel-
20 ligence.

21 “(b) INJUNCTION.—Whenever it appears to the At-
22 torney General that any person is engaged or is about to
23 engage in an act or practice which constitutes or will con-
24 stitute conduct prohibited by subsection (a), the Attorney
25 General may initiate a civil proceeding in a district court
26 of the United States to enjoin such act or practice. Such

1 court shall proceed as soon as practicable to the hearing
 2 and determination of such action and may, at any time
 3 before final determination, enter such restraining orders
 4 or prohibitions, or take such other action as is warranted,
 5 to prevent injury to the United States or to any person
 6 or class of persons for whose protection the action is
 7 brought.”.

8 (b) TABLE OF CONTENTS AMENDMENT.—The table
 9 of contents in the first section of such Act, as amended
 10 by section 408 of this Act, is further amended by inserting
 11 after the item relating to section 1102 the following new
 12 item:

“Sec. 1103. Misuse of the Office of the Director of National Intelligence name,
 initials, or seal.”.

13 **SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
 14 **THE DATA CENTER ENERGY EFFICIENCY RE-**
 15 **PORTS.**

16 (a) PLAN.—The Director of National Intelligence
 17 shall develop a plan to implement the recommendations
 18 of the report submitted to Congress under section 1 of
 19 the Act entitled “An Act to study and promote the use
 20 of energy efficient computer servers in the United States”
 21 (Public Law 109–431; 120 Stat. 2920) across the intel-
 22 ligence community.

23 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Di-
3 rector of National Intelligence shall submit to the
4 congressional intelligence committees a report con-
5 taining the plan developed under subsection (a).

6 (2) FORM.—The report required under para-
7 graph (1) shall be submitted in unclassified form,
8 but may include a classified annex.

9 **SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUP-**
10 **PORT FOR REVIEWS OF INTERNATIONAL**
11 **TRAFFIC IN ARMS REGULATIONS AND EX-**
12 **PORT ADMINISTRATION REGULATIONS.**

13 The Director of National Intelligence may provide
14 support for any review conducted by a department or
15 agency of the United States Government of the Inter-
16 national Traffic in Arms Regulations or Export Adminis-
17 tration Regulations, including a review of technologies and
18 goods on the United States Munitions List and Commerce
19 Control List that may warrant controls that are different
20 or additional to the controls such technologies and goods
21 are subject to at the time of such review.

1 **Subtitle B—Central Intelligence**
2 **Agency**

3 **SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
4 **PROTECTIVE PERSONNEL OF THE CENTRAL**
5 **INTELLIGENCE AGENCY.**

6 Section 5(a)(4) of the Central Intelligence Agency
7 Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

8 (1) by striking “and the protection” and insert-
9 ing “the protection”; and

10 (2) by inserting before the semicolon the fol-
11 lowing: “, and the protection of the Director of Na-
12 tional Intelligence and such personnel of the Office
13 of the Director of National Intelligence as the Direc-
14 tor of National Intelligence may designate”.

15 **SEC. 422. APPEALS FROM DECISIONS INVOLVING CON-**
16 **TRACTS OF THE CENTRAL INTELLIGENCE**
17 **AGENCY.**

18 Section 8(d) of the Contract Disputes Act of 1978
19 (41 U.S.C. 607(d)) is amended by adding at the end “Not-
20 withstanding any other provision of this section and any
21 other provision of law, an appeal from a decision of a con-
22 tracting officer of the Central Intelligence Agency relative
23 to a contract made by that Agency may be filed with
24 whichever of the Armed Services Board of Contract Ap-
25 peals or the Civilian Board of Contract Appeals is speci-

1 fied by such contracting officer as the Board to which such
 2 an appeal may be made and such Board shall have juris-
 3 diction to decide that appeal.”.

4 **SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTEL-**
 5 **LIGENCE AGENCY.**

6 (a) ESTABLISHMENT AND DUTIES OF DEPUTY DI-
 7 RECTOR OF THE CIA.—Title I of the National Security
 8 Act of 1947 (50 U.S.C. 402 et seq.), as amended by sec-
 9 tion 406 of this Act, is further amended by inserting after
 10 section 104A the following new section:

11 “DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE
 12 AGENCY

13 “SEC. 104B. (a) DEPUTY DIRECTOR OF THE CEN-
 14 TRAL INTELLIGENCE AGENCY.—There is a Deputy Direc-
 15 tor of the Central Intelligence Agency who shall be ap-
 16 pointed by the President.

17 “(b) DUTIES.—The Deputy Director of the Central
 18 Intelligence Agency shall—

19 “(1) assist the Director of the Central Intel-
 20 ligence Agency in carrying out the duties and re-
 21 sponsibilities of the Director of the Central Intel-
 22 ligence Agency; and

23 “(2) during the absence or disability of the Di-
 24 rector of the Central Intelligence Agency, or during
 25 a vacancy in the position of Director of the Central

1 Intelligence Agency, act for and exercise the powers
2 of the Director of the Central Intelligence Agency.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) EXECUTIVE SCHEDULE III.—Section 5314
5 of title 5, United States Code, is amended by strik-
6 ing “Deputy Directors of Central Intelligence (2)”
7 and inserting “Deputy Director of the Central Intel-
8 ligence Agency”.

9 (2) TABLE OF CONTENTS AMENDMENT.—The
10 table of contents in the first section of the National
11 Security Act of 1947, as amended by section 414 of
12 this Act, is further amended by inserting after the
13 item relating to section 104A the following new
14 item:

“Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

15 (c) APPLICABILITY.—The amendments made by this
16 section shall apply on the earlier of—

17 (1) the date of the appointment by the Presi-
18 dent of an individual to serve as Deputy Director of
19 the Central Intelligence Agency pursuant to section
20 104B of the National Security Act of 1947, as
21 added by subsection (a), except that the individual
22 administratively performing the duties of the Deputy
23 Director of the Central Intelligence Agency as of the
24 date of the enactment of this Act may continue to
25 perform such duties until the individual appointed to

1 the position of Deputy Director of the Central Intel-
 2 ligence Agency assumes the duties of such position;
 3 or

4 (2) the date of the cessation of the performance
 5 of the duties of the Deputy Director of the Central
 6 Intelligence Agency by the individual administra-
 7 tively performing such duties as of the date of the
 8 enactment of this Act.

9 **SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COM-**
 10 **MON CARRIER.**

11 Subsection (b) of section 116 of the National Security
 12 Act of 1947 (50 U.S.C. 404k) is amended by striking the
 13 period at the end and inserting “, who may delegate such
 14 authority to other appropriate officials of the Central In-
 15 telligence Agency.”.

16 **SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTEL-**
 17 **LIGENCE AGENCY.**

18 (a) APPOINTMENT AND QUALIFICATIONS OF THE IN-
 19 SPECTOR GENERAL.—Paragraph (1) of section 17(b) of
 20 the Central Intelligence Agency Act of 1949 (50 U.S.C.
 21 403q(b)) is amended by striking the second and third sen-
 22 tences and inserting “This appointment shall be made
 23 without regard to political affiliation and shall be on the
 24 basis of integrity and demonstrated ability in accounting,
 25 auditing, financial analysis, law, management analysis,

1 public administration, or investigation. Such appointment
2 shall also be made on the basis of compliance with the
3 security standards of the Agency and prior experience in
4 the field of foreign intelligence.”.

5 (b) REMOVAL OF THE INSPECTOR GENERAL.—Para-
6 graph (6) of section 17(b) of the Central Intelligence
7 Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

8 (1) by striking “immediately”; and

9 (2) by striking the period at the end and insert-
10 ing “not later than 30 days prior to the effective
11 date of such removal. Nothing in this paragraph
12 shall be construed to prohibit a personnel action oth-
13 erwise authorized by law, other than transfer or re-
14 moval.”.

15 (c) APPLICATION OF SEMIANNUAL REPORTING RE-
16 QUIREMENTS WITH RESPECT TO REVIEW REPORTS.—
17 Paragraph (1) of section 17(d) of the Central Intelligence
18 Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in
19 the matter preceding subparagraph (A) by inserting “re-
20 view,” after “investigation,”.

21 (d) PROTECTION AGAINST REPRISALS.—Subpara-
22 graph (B) of section 17(e)(3) of the Central Intelligence
23 Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended
24 by inserting “or providing such information” after “mak-
25 ing such complaint”.

1 (e) INSPECTOR GENERAL SUBPOENA POWER.—Sub-
 2 paragraph (A) of section 17(e)(5) of the Central Intel-
 3 ligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is
 4 amended by inserting “in any medium (including elec-
 5 tronically stored information or any tangible thing)” after
 6 “other data”.

7 (f) OTHER ADMINISTRATIVE AUTHORITIES.—

8 (1) IN GENERAL.—Subsection (e) of section 17
 9 of the Central Intelligence Agency Act of 1949 (50
 10 U.S.C. 403q), as amended by subsections (d) and (e)
 11 of this section, is further amended—

12 (A) by redesignating paragraph (8) as sub-
 13 paragraph (9);

14 (B) in paragraph (9), as so redesignated—

15 (i) by striking “Subject to the concur-
 16 rence of the Director, the” and inserting
 17 “The”; and

18 (ii) by adding at the end the fol-
 19 lowing: “Consistent with budgetary and
 20 personnel resources allocated by the Direc-
 21 tor, the Inspector General has final ap-
 22 proval of—

23 “(A) the selection of internal and external
 24 candidates for employment with the Office of
 25 Inspector General; and

1 “(B) all other personnel decisions con-
2 cerning personnel permanently assigned to the
3 Office of Inspector General, including selection
4 and appointment to the Senior Intelligence
5 Service, but excluding all security-based deter-
6 minations that are not within the authority of
7 a head of other Central Intelligence Agency of-
8 fices.”; and

9 (C) by inserting after paragraph (7) the
10 following new paragraph:

11 “(8)(A) The Inspector General shall—

12 “(i) appoint a Counsel to the Inspector General
13 who shall report to the Inspector General; or

14 “(ii) obtain the services of a counsel appointed
15 by and directly reporting to another Inspector Gen-
16 eral or the Council of the Inspectors General on In-
17 tegrity and Efficiency on a reimbursable basis.

18 “(B) The counsel appointed or obtained under sub-
19 paragraph (A) shall perform such functions as the Inspec-
20 tor General may prescribe.”.

21 (2) CONSTRUCTION.—Nothing in the amend-
22 ment made by paragraph (1)(C) shall be construed
23 to alter the duties and responsibilities of the General
24 Counsel of the Central Intelligence Agency.

1 **SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE**
2 **CENTRAL INTELLIGENCE AGENCY.**

3 Subsection (f) of section 17 of the Central Intel-
4 ligence Agency Act of 1949 (50 U.S.C. 403q) is amend-
5 ed—

6 (1) by inserting “(1)” before “Beginning”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(2) For each fiscal year, the Inspector General shall
10 transmit a budget estimate and request through the Direc-
11 tor to the Director of National Intelligence that specifies
12 for such fiscal year—

13 “(A) the aggregate amount requested for the
14 operations of the Inspector General;

15 “(B) the amount requested for all training re-
16 quirements of the Inspector General, including a cer-
17 tification from the Inspector General that the
18 amount requested is sufficient to fund all training
19 requirements for the Office; and

20 “(C) the amount requested to support the
21 Council of the Inspectors General on Integrity and
22 Efficiency, including a justification for such amount.

23 “(3) In transmitting a proposed budget to the Presi-
24 dent for a fiscal year, the Director of National Intelligence
25 shall include for such fiscal year—

1 “(A) the aggregate amount requested for the
2 Inspector General of the Central Intelligence Agen-
3 cy;

4 “(B) the amount requested for Inspector Gen-
5 eral training;

6 “(C) the amount requested to support the
7 Council of the Inspectors General on Integrity and
8 Efficiency; and

9 “(D) the comments of the Inspector General, if
10 any, with respect to such proposed budget.

11 “(4) The Director of National Intelligence shall sub-
12 mit to the Committee on Appropriations and the Select
13 Committee on Intelligence of the Senate and the Com-
14 mittee on Appropriations and the Permanent Select Com-
15 mittee on Intelligence of the House of Representatives for
16 each fiscal year—

17 “(A) a separate statement of the budget esti-
18 mate transmitted pursuant to paragraph (2);

19 “(B) the amount requested by the Director of
20 National Intelligence for the Inspector General pur-
21 suant to paragraph (3)(A);

22 “(C) the amount requested by the Director of
23 National Intelligence for training of personnel of the
24 Office of the Inspector General pursuant to para-
25 graph (3)(B);

1 “(D) the amount requested by the Director of
2 National Intelligence for support for the Council of
3 the Inspectors General on Integrity and Efficiency
4 pursuant to paragraph (3)(C); and

5 “(E) the comments of the Inspector General
6 under paragraph (3)(D), if any, on the amounts re-
7 quested pursuant to paragraph (3), including wheth-
8 er such amounts would substantially inhibit the In-
9 spector General from performing the duties of the
10 Office.”.

11 **SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED**
12 **VERSIONS OF CERTAIN INTELLIGENCE PROD-**
13 **UCTS.**

14 The Director of the Central Intelligence Agency shall
15 make publicly available an unclassified version of any
16 memoranda or finished intelligence products assessing
17 the—

18 (1) information gained from high-value detainee
19 reporting; and

20 (2) dated April 3, 2003, July 15, 2004, March
21 2, 2005, and June 1, 2005.

1 **Subtitle C—Defense Intelligence**
2 **Components**

3 **SEC. 431. INSPECTOR GENERAL MATTERS.**

4 (a) COVERAGE UNDER INSPECTOR GENERAL ACT OF
5 1978.—Subsection (a)(2) of section 8G of the Inspector
6 General Act of 1978 (5 U.S.C. App.) is amended—

7 (1) by inserting “the Defense Intelligence Agen-
8 cy,” after “the Corporation for Public Broad-
9 casting,”;

10 (2) by inserting “the National Geospatial-Intel-
11 ligence Agency,” after “the National Endowment for
12 the Humanities,”; and

13 (3) by inserting “the National Reconnaissance
14 Office, the National Security Agency,” after “the
15 National Labor Relations Board,”.

16 (b) CERTAIN DESIGNATIONS UNDER INSPECTOR
17 GENERAL ACT OF 1978.—Subsection (a) of section 8H
18 of the Inspector General Act of 1978 (5 U.S.C. App.) is
19 amended by adding at the end the following new para-
20 graph:

21 “(3) The Inspectors General of the Defense Intel-
22 ligence Agency, the National Geospatial-Intelligence Agen-
23 cy, the National Reconnaissance Office, and the National
24 Security Agency shall be designees of the Inspector Gen-

1 eral of the Department of Defense for purposes of this
2 section.”.

3 (c) POWER OF HEADS OF ELEMENTS OVER INVES-
4 TIGATIONS.—Subsection (d) of section 8G of such Act (5
5 U.S.C. App.) is amended—

6 (1) by inserting “(1)” after “(d)”;

7 (2) in the second sentence of paragraph (1), as
8 designated by paragraph (1) of this subsection, by
9 striking “The head” and inserting “Except as pro-
10 vided in paragraph (2), the head”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(2)(A) The Secretary of Defense, in consultation
14 with the Director of National Intelligence, may prohibit
15 the inspector general of an element of the intelligence com-
16 munity specified in subparagraph (D) from initiating, car-
17 rying out, or completing any audit or investigation if the
18 Secretary determines that the prohibition is necessary to
19 protect vital national security interests of the United
20 States.

21 “(B) If the Secretary exercises the authority under
22 subparagraph (A), the Secretary shall submit to the com-
23 mittees of Congress specified in subparagraph (E) an ap-
24 propriately classified statement of the reasons for the ex-

1 exercise of such authority not later than 7 days after the
2 exercise of such authority.

3 “(C) At the same time the Secretary submits under
4 subparagraph (B) a statement on the exercise of the au-
5 thority in subparagraph (A) to the committees of Congress
6 specified in subparagraph (E), the Secretary shall notify
7 the inspector general of such element of the submittal of
8 such statement and, to the extent consistent with the pro-
9 tection of intelligence sources and methods, provide such
10 inspector general with a copy of such statement. Such in-
11 spector general may submit to such committees of Con-
12 gress any comments on a notice or statement received by
13 the inspector general under this subparagraph that the in-
14 spector general considers appropriate.

15 “(D) The elements of the intelligence community
16 specified in this subparagraph are as follows:

17 “(i) The Defense Intelligence Agency.

18 “(ii) The National Geospatial-Intelligence Agen-
19 cy.

20 “(iii) The National Reconnaissance Office.

21 “(iv) The National Security Agency.

22 “(E) The committees of Congress specified in this
23 subparagraph are—

24 “(i) the Committee on Armed Services and the
25 Select Committee on Intelligence of the Senate; and

1 “(ii) the Committee on Armed Services and the
2 Permanent Select Committee on Intelligence of the
3 House of Representatives.”.

4 **SEC. 432. CLARIFICATION OF NATIONAL SECURITY MIS-**
5 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
6 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
7 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
8 **FORMATION.**

9 Section 442(a) of title 10, United States Code, is
10 amended—

11 (1) by redesignating paragraph (2) as para-
12 graph (3);

13 (2) by inserting after paragraph (1) the fol-
14 lowing new paragraph (2):

15 “(2)(A) As directed by the Director of National Intel-
16 ligence, the National Geospatial-Intelligence Agency shall
17 develop a system to facilitate the analysis, dissemination,
18 and incorporation of likenesses, videos, and presentations
19 produced by ground-based platforms, including handheld
20 or clandestine photography taken by or on behalf of
21 human intelligence collection organizations or available as
22 open-source information, into the National System for
23 Geospatial Intelligence.

24 “(B) The authority provided by this paragraph does
25 not include authority for the National Geospatial-Intel-

1 ligence Agency to manage tasking of handheld or clandestine
 2 tine photography taken by or on behalf of human intelligence
 3 ligence collection organizations.”; and

4 (3) in paragraph (3), as so redesignated, by
 5 striking “paragraph (1)” and inserting “paragraphs
 6 (1) and (2)”.

7 **SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL**
 8 **SECURITY AGENCY.**

9 The National Security Agency Act of 1959 (50
 10 U.S.C. 402 note) is amended by inserting after the first
 11 section the following new section:

12 “SEC. 2. There is a Director of Compliance of the
 13 National Security Agency, who shall be appointed by the
 14 Director of the National Security Agency and who shall
 15 be responsible for the programs of compliance over mission
 16 activities of the National Security Agency.”.

17 **Subtitle D—Other Elements**

18 **SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF**
 19 **THE INTELLIGENCE COMMUNITY.**

20 Section 3(4) of the National Security Act of 1947 (50
 21 U.S.C. 401a(4)) is amended—

22 (1) in subparagraph (H)—

23 (A) by inserting “the Coast Guard,” after
 24 “the Marine Corps,”; and

1 (B) by inserting “the Drug Enforcement
 2 Administration,” after “the Federal Bureau of
 3 Investigation,”; and

4 (2) in subparagraph (K), by striking “, includ-
 5 ing the Office of Intelligence of the Coast Guard”.

6 **SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR**
 7 **COAST GUARD NATIONAL TACTICAL INTE-**
 8 **GRATION OFFICE.**

9 Title 14, United States Code, is amended—

10 (1) in paragraph (4) of section 93(a), by strik-
 11 ing “function” and inserting “function, including re-
 12 search, development, test, or evaluation related to in-
 13 telligence systems and capabilities,”; and

14 (2) in paragraph (4) of section 662, by insert-
 15 ing “intelligence systems and capabilities or” after
 16 “related to”.

17 **SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE**
 18 **FEDERAL BUREAU OF INVESTIGATION.**

19 Section 5759 of title 5, United States Code, is
 20 amended—

21 (1) in subsection (a)(2), by striking “is trans-
 22 ferred to a different geographic area with a higher
 23 cost of living” and inserting “is subject to a mobility
 24 agreement and is transferred to a position in a dif-

ferent geographical area in which there is a shortage of critical skills”;

(2) in subsection (b)(2), by striking the period at the end and inserting “, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.”;

(3) in subsection (c), by striking “basic pay.” and inserting “annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.”; and

(4) in subsection (d), by striking “retention bonus” and inserting “bonus paid under this section”.

SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

1 (2) by striking the paragraph (2) enacted by
 2 section 2005(a)(2) of the Intelligence Reform and
 3 Terrorism Prevention Act of 2004 (Public Law 108–
 4 458; 118 Stat. 3704).

5 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
 6 Subsection (b) of section 8425 of title 5, United States
 7 Code, is amended—

8 (1) in the paragraph (2) enacted by section
 9 112(b)(2) of the Department of Justice Appropria-
 10 tions Act, 2005 (title I of division B of Public Law
 11 108–447; 118 Stat. 2868), by striking “2009” and
 12 inserting “2011”; and

13 (2) by striking the paragraph (2) enacted by
 14 section 2005(b)(2) of the Intelligence Reform and
 15 Terrorism Prevention Act of 2004 (Public Law 108–
 16 458; 118 Stat. 3704).

17 **SEC. 445. REPORT AND ASSESSMENTS ON TRANS-**
 18 **FORMATION OF THE INTELLIGENCE CAPA-**
 19 **BILITIES OF THE FEDERAL BUREAU OF IN-**
 20 **VESTIGATION.**

21 (a) REPORT.—

22 (1) REQUIREMENT.—Not later than 180 days
 23 after the date of the enactment of this Act, the Di-
 24 rector of the Federal Bureau of Investigation, in
 25 consultation with the Director of National Intel-

1 ligence, shall submit to the congressional intelligence
2 committees, the Committee on the Judiciary of the
3 Senate, and the Committee on the Judiciary of the
4 House of Representatives a report describing—

5 (A) a long-term vision for the intelligence
6 capabilities of the National Security Branch of
7 the Bureau;

8 (B) a strategic plan for the National Secu-
9 rity Branch; and

10 (C) the progress made in advancing the ca-
11 pabilities of the National Security Branch.

12 (2) CONTENT.—The report required by para-
13 graph (1) shall include—

14 (A) a description of the direction, strategy,
15 and goals for improving the intelligence capa-
16 bilities of the National Security Branch;

17 (B) a description of the intelligence and
18 national security capabilities of the National
19 Security Branch that will be fully functional
20 within the five-year period beginning on the
21 date on which the report is submitted;

22 (C) a description—

23 (i) of the internal reforms that were
24 carried out at the National Security
25 Branch during the two-year period ending

1 on the date on which the report is sub-
2 mitted; and

3 (ii) of the manner in which such re-
4 forms have advanced the capabilities of the
5 National Security Branch;

6 (D) an assessment of the effectiveness of
7 the National Security Branch in performing
8 tasks that are critical to the effective func-
9 tioning of the National Security Branch as an
10 intelligence agency, including—

11 (i) human intelligence collection, both
12 within and outside the parameters of an
13 existing case file or ongoing investigation,
14 in a manner that protects civil liberties;

15 (ii) intelligence analysis, including the
16 ability of the National Security Branch to
17 produce, and provide policymakers with,
18 information on national security threats to
19 the United States;

20 (iii) management, including the ability
21 of the National Security Branch to manage
22 and develop human capital and implement
23 an organizational structure that supports
24 the objectives and strategies of the Branch;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of the culture of the National Security Branch, including the integration by the Branch of intelligence analysts and other professional staff into intelligence collection operations and the success of the National Security Branch in ensuring that intelligence and threat information drive the operations of the Branch;

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the performance of the National Security

1 Branch in carrying out such tasks improves;
2 and

3 (F) an assessment of the effectiveness of
4 the field office supervisory term limit policy of
5 the Federal Bureau of Investigation that re-
6 quires the mandatory reassignment of a super-
7 visor of the Bureau after a specific term of
8 years.

9 (b) ANNUAL ASSESSMENTS.—

10 (1) REQUIREMENT FOR ASSESSMENTS.—Not
11 later than 180 days after the date on which the re-
12 port required by subsection (a)(1) is submitted, and
13 annually thereafter for five years, the Director of
14 National Intelligence, in consultation with the Direc-
15 tor of the Federal Bureau of Investigation, shall
16 submit to the congressional intelligence committees,
17 the Committee on the Judiciary of the Senate, and
18 the Committee on the Judiciary of the House of
19 Representatives an assessment of the performance of
20 the National Security Branch in carrying out the
21 tasks referred to in clauses (i) through (vi) of sub-
22 section (a)(2)(D) in comparison to such performance
23 during previous years.

(2) CONSIDERATIONS.—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for carrying out such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate department or agency.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELE- COMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELE- COMMUNICATIONS SERVICE PROGRAM OF- FICE.

(a) REORGANIZATION OF THE DIPLOMATIC TELE-
COMMUNICATIONS SERVICE PROGRAM OFFICE.—

(1) IN GENERAL.—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following new sections:

1 **“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE**
 2 **PROGRAM OFFICE.**

3 “(a) REORGANIZATION.—The Diplomatic Tele-
 4 communications Service Program Office established pur-
 5 suant to title V of Public Law 102–140 shall be reorga-
 6 nized in accordance with this subtitle.

7 “(b) DUTIES.—The duties of the DTS–PO include
 8 implementing a program for the establishment and main-
 9 tenance of a DTS Network capable of providing multiple
 10 levels of service to meet the wide-ranging needs of all
 11 United States Government departments and agencies op-
 12 erating from diplomatic and consular facilities outside of
 13 the United States, including national security needs for
 14 secure, reliable, and robust communications capabilities.

15 **“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELE-**
 16 **COMMUNICATIONS SERVICE GOVERNANCE**
 17 **BOARD.**

18 “(a) GOVERNANCE BOARD.—

19 “(1) ESTABLISHMENT.—There is established
 20 the Diplomatic Telecommunications Service Govern-
 21 ance Board to direct and oversee the activities and
 22 performance of the DTS–PO.

23 “(2) EXECUTIVE AGENT.—

24 “(A) DESIGNATION.—The Director of the
 25 Office of Management and Budget shall des-
 26 ignate, from among the departments and agen-

1 cies of the United States Government that use
2 the DTS Network, a department or agency as
3 the DTS–PO Executive Agent.

4 “(B) DUTIES.—The Executive Agent des-
5 ignated under subparagraph (A) shall—

6 “(i) nominate a Director of the DTS–
7 PO for approval by the Governance Board
8 in accordance with subsection (e); and

9 “(ii) perform such other duties as es-
10 tablished by the Governance Board in the
11 determination of written implementing ar-
12 rangements and other relevant and appro-
13 priate governance processes and proce-
14 dures under paragraph (3).

15 “(3) REQUIREMENT FOR IMPLEMENTING AR-
16 RANGEMENTS.—Subject to the requirements of this
17 subtitle, the Governance Board shall determine the
18 written implementing arrangements and other rel-
19 evant and appropriate governance processes and pro-
20 cedures to manage, oversee, resource, or otherwise
21 administer the DTS–PO.

22 “(b) MEMBERSHIP.—

23 “(1) SELECTION.—The Director of the Office
24 of Management and Budget shall designate from

1 among the departments and agencies that use the
2 DTS Network—

3 “(A) four departments and agencies to
4 each appoint one voting member of the Govern-
5 ance Board from the personnel of such depart-
6 ments and agencies; and

7 “(B) any other departments and agencies
8 that the Director considers appropriate to each
9 appoint one nonvoting member of the Govern-
10 ance Board from the personnel of such depart-
11 ments and agencies.

12 “(2) VOTING AND NONVOTING MEMBERS.—The
13 Governance Board shall consist of voting members
14 and nonvoting members as follows:

15 “(A) VOTING MEMBERS.—The voting
16 members shall consist of a Chair, who shall be
17 designated by the Director of the Office of
18 Management and Budget, and the four mem-
19 bers appointed by departments and agencies
20 designated under paragraph (1)(A).

21 “(B) NONVOTING MEMBERS.—The non-
22 voting members shall consist of the members
23 appointed by departments and agencies des-
24 ignated under paragraph (1)(B) and shall act
25 in an advisory capacity.

1 “(c) CHAIR DUTIES AND AUTHORITIES.—The Chair
2 of the Governance Board shall—

3 “(1) preside over all meetings and deliberations
4 of the Governance Board;

5 “(2) provide the Secretariat functions of the
6 Governance Board; and

7 “(3) propose bylaws governing the operation of
8 the Governance Board.

9 “(d) QUORUM, DECISIONS, MEETINGS.—A quorum
10 of the Governance Board shall consist of the presence of
11 the Chair and four voting members. The decisions of the
12 Governance Board shall require a majority of the voting
13 membership. The Chair shall convene a meeting of the
14 Governance Board not less than four times each year to
15 carry out the functions of the Governance Board. The
16 Chair or any voting member may convene a meeting of
17 the Governance Board.

18 “(e) GOVERNANCE BOARD DUTIES.—The Govern-
19 ance Board shall have the following duties with respect
20 to the DTS–PO:

21 “(1) To approve and monitor the plans, serv-
22 ices, priorities, policies, and pricing methodology of
23 the DTS–PO for bandwidth costs and projects car-
24 ried out at the request of a department or agency
25 that uses the DTS Network.

1 “(2) To provide to the DTS–PO Executive
2 Agent the recommendation of the Governance Board
3 with respect to the approval, disapproval, or modi-
4 fication of each annual budget request for the DTS–
5 PO, prior to the submission of any such request by
6 the Executive Agent.

7 “(3) To review the performance of the DTS–
8 PO against plans approved under paragraph (1) and
9 the management activities and internal controls of
10 the DTS–PO.

11 “(4) To require from the DTS–PO any plans,
12 reports, documents, and records the Governance
13 Board considers necessary to perform its oversight
14 responsibilities.

15 “(5) To conduct and evaluate independent au-
16 dits of the DTS–PO.

17 “(6) To approve or disapprove the nomination
18 of the Director of the DTS–PO by the Executive
19 Agent with a majority vote of the Governance
20 Board.

21 “(7) To recommend to the Executive Agent the
22 replacement of the Director of the DTS–PO with a
23 majority vote of the Governance Board.

24 “(f) NATIONAL SECURITY INTERESTS.—The Govern-
25 ance Board shall ensure that those enhancements of, and

1 the provision of service for, telecommunication capabilities
2 that involve the national security interests of the United
3 States receive the highest prioritization.

4 **“SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNI-**
5 **CATIONS SERVICE.**

6 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as may be
8 necessary for the operations, maintenance, development,
9 enhancement, modernization, and investment costs of the
10 DTS Network and the DTS–PO. Funds appropriated for
11 allocation to the DTS–PO shall remain available to the
12 DTS–PO for a period of two fiscal years.

13 “(b) FEES.—The DTS–PO shall charge a depart-
14 ment or agency that uses the DTS Network for only those
15 bandwidth costs attributable to such department or agency
16 and for specific projects carried out at the request of such
17 department or agency, pursuant to the pricing method-
18 ology for such bandwidth costs and such projects approved
19 under section 322(e)(1), for which amounts have not been
20 appropriated for allocation to the DTS–PO. The DTS–
21 PO is authorized to directly receive payments from depart-
22 ments or agencies that use the DTS Network and to in-
23 voice such departments or agencies for the fees under this
24 section either in advance of, or upon or after, providing
25 the bandwidth or performing such projects. Such funds

1 received from such departments or agencies shall remain
 2 available to the DTS–PO for a period of two fiscal years.

3 **“SEC. 324. DEFINITIONS.**

4 “In this subtitle:

5 “(1) DTS NETWORK.—The term ‘DTS Net-
 6 work’ means the worldwide telecommunications net-
 7 work supporting all United States Government agen-
 8 cies and departments operating from diplomatic and
 9 consular facilities outside of the United States.

10 “(2) DTS–PO.—The term ‘DTS–PO’ means
 11 the Diplomatic Telecommunications Service Program
 12 Office.

13 “(3) GOVERNANCE BOARD.—The term ‘Govern-
 14 ance Board’ means the Diplomatic Telecommuni-
 15 cations Service Governance Board established under
 16 section 322(a)(1).”.

17 (2) TABLE OF CONTENTS AMENDMENT.—The
 18 table of contents in section 1(b) of the Intelligence
 19 Authorization Act for Fiscal Year 2001 (Public Law
 20 106–567; 114 Stat. 2831) is amended by striking
 21 the items relating to sections 321, 322, 323, and
 22 324 and inserting the following new items:

“Sec. 321. Diplomatic Telecommunications Service Program Office.

“Sec. 322. Establishment of the Diplomatic Telecommunications Service Gov-
 ernance Board.

“Sec. 323. Funding of the Diplomatic Telecommunications Service.

“Sec. 324. Definitions.”.

23 (b) CONFORMING AMENDMENTS.—

1 (1) REPEAL OF SUSPENSION OF REORGANIZA-
2 TION.—

3 (A) REPEAL.—The Intelligence Authoriza-
4 tion Act for Fiscal Year 2002 (Public Law
5 107–108; 22 U.S.C. 7301 note) is amended by
6 striking section 311.

7 (B) TABLE OF CONTENTS AMENDMENT.—
8 The table of contents in section 1 of such Act
9 is amended by striking the item relating to sec-
10 tion 311.

11 (2) REPEAL OF REFORM.—

12 (A) REPEAL.—The Admiral James W.
13 Nance and Meg Donovan Foreign Relations Au-
14 thorization Act, Fiscal Years 2000 and 2001
15 (as enacted into law by section 1000(a)(7) of
16 Public Law 106–113 and contained in appendix
17 G of that Act; 113 Stat. 1501A–405) is amend-
18 ed by striking section 305.

19 (B) TABLE OF CONTENTS AMENDMENT.—
20 The table of contents in section 2(b) of such
21 Act is amended by striking the item related to
22 section 305.

23 (3) REPEAL OF REPORTING REQUIREMENTS.—

24 Section 507(b) of the National Security Act of 1947

1 (50 U.S.C. 415b(b)), as amended by section 351 of
 2 this Act, is further amended—

3 (A) by striking paragraph (3); and

4 (B) by redesignating paragraphs (4) and
 5 (5) as paragraphs (3) and (4), respectively.

6 **TITLE VI—FOREIGN INTEL-**
 7 **LIGENCE AND INFORMATION**
 8 **COMMISSION ACT**

9 **SEC. 601. SHORT TITLE.**

10 This title may be cited as the “Foreign Intelligence
 11 and Information Commission Act”.

12 **SEC. 602. DEFINITIONS.**

13 In this title:

14 (1) COMMISSION.—The term “Commission”
 15 means the Foreign Intelligence and Information
 16 Commission established in section 603(a).

17 (2) FOREIGN INTELLIGENCE; INTELLIGENCE.—
 18 The terms “foreign intelligence” and “intelligence”
 19 have the meaning given those terms in section 3 of
 20 the National Security Act of 1947 (50 U.S.C. 401a).

21 (3) INFORMATION.—The term “information”
 22 includes information of relevance to the foreign pol-
 23 icy of the United States collected and conveyed
 24 through diplomatic reporting and other reporting by
 25 personnel of the United States Government who are

1 not employed by an element of the intelligence com-
2 munity, including public and open-source informa-
3 tion.

4 **SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COM-**
5 **MISSION.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 legislative branch a Foreign Intelligence and Information
8 Commission.

9 (b) **PURPOSE.**—The purpose of the Commission is to
10 evaluate systems and processes at the strategic, inter-
11 agency level and provide recommendations accordingly,
12 and not to seek to duplicate the functions of the Director
13 of National Intelligence.

14 (c) **FUNCTIONS.**—The Commission shall—

15 (1) evaluate the current processes or systems
16 for the strategic integration of the intelligence com-
17 munity, including the Open Source Center, and
18 other elements of the United States Government, in-
19 cluding the Department of State, with regard to the
20 collection, reporting, and analysis of foreign intel-
21 ligence and information;

22 (2) provide recommendations to improve or de-
23 velop such processes or systems to integrate the in-
24 telligence community with other elements of the
25 United States Government, potentially including the

1 development of an interagency strategy that identi-
2 fies—

3 (A) the collection, reporting, and analysis
4 requirements of the United States Government;

5 (B) the elements of the United States Gov-
6 ernment best positioned to meet collection and
7 reporting requirements, with regard to mis-
8 sions, comparative institutional advantages, and
9 any other relevant factors; and

10 (C) interagency budget and resource allo-
11 cations necessary to achieve such collection, re-
12 porting, and analytical requirements;

13 (3) evaluate the extent to which current intel-
14 ligence collection, reporting, and analysis strategies
15 are intended to provide global coverage and antici-
16 pate future threats, challenges, and crises;

17 (4) provide recommendations on how to incor-
18 porate into the interagency strategy the means to
19 anticipate future threats, challenges, and crises, in-
20 cluding by identifying and supporting collection, re-
21 porting, and analytical capabilities that are global in
22 scope and directed at emerging, long-term, and stra-
23 tegic targets;

24 (5) provide recommendations on strategies for
25 sustaining human and budgetary resources to effect

1 the global collection and reporting missions identi-
2 fied in the interagency strategy, including the
3 prepositioning of collection and reporting capabili-
4 ties;

5 (6) provide recommendations for developing,
6 clarifying, and, if necessary, bolstering current and
7 future collection and reporting roles and capabilities
8 of elements of the United States Government that
9 are not elements of the intelligence community de-
10 ployed in foreign countries;

11 (7) provide recommendations related to the role
12 of individual country missions in contributing to the
13 interagency strategy;

14 (8) evaluate the extent to which the establish-
15 ment of new embassies and out-of-embassy posts are
16 able to contribute to expanded global coverage and
17 increased collection and reporting and provide rec-
18 ommendations related to the establishment of new
19 embassies and out-of-embassy posts;

20 (9) provide recommendations on executive or
21 legislative changes necessary to establish any new
22 executive branch entity or to expand the authorities
23 of any existing executive branch entity, as needed to
24 improve the strategic integration referred to in para-

graph (1) and develop and oversee the implementation of any interagency strategy;

(10) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the interagency strategy and for congressional oversight of the development and implementation of the strategy; and

(11) 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. 604. 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.

1 (D) Two members appointed by the minor-
2 ity leader of the House of Representatives.

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

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

7 (2) SELECTION.—

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

10 (i) are not officers or employees of the
11 United States Government or any State or
12 local government; and

13 (ii) have knowledge and experience—

14 (I) in foreign information and in-
15 telligence collection, reporting, and
16 analysis, including clandestine collec-
17 tion and classified analysis (such as
18 experience in the intelligence commu-
19 nity), diplomatic reporting and anal-
20 ysis, and collection of public and
21 open-source information;

22 (II) in issues related to the na-
23 tional security and foreign policy of
24 the United States gained by serving
25 as a senior official of the Department

1 of State, a member of the Foreign
2 Service, an employee or officer of an
3 appropriate department or agency of
4 the United States, or an independent
5 organization with expertise in the field
6 of international affairs; or

7 (III) with foreign policy decision-
8 making.

9 (B) DIVERSITY OF EXPERIENCE.—The in-
10 dividuals appointed to the Commission should
11 be selected with a view to establishing diversity
12 of experience with regard to various geographic
13 regions, functions, and issues.

14 (3) CONSULTATION.—The Speaker and the mi-
15 nority leader of the House of Representatives, the
16 majority leader and the minority leader of the Sen-
17 ate, the Director of National Intelligence, and the
18 Secretary of State shall consult among themselves
19 prior to the appointment of the members of the
20 Commission in order to achieve, to the maximum ex-
21 tent possible, fair and equitable representation of
22 various points of view with respect to the matters to
23 be considered by the Commission in accordance with
24 this title.

1 (4) TIME OF APPOINTMENT.—The appoint-
2 ments under subsection (a) shall be made—

3 (A) after the date on which funds are first
4 appropriated for the Commission pursuant to
5 section 609; and

6 (B) not later than 60 days after such date.

7 (5) TERM OF APPOINTMENT.—Members shall
8 be appointed for the life of the Commission.

9 (6) VACANCIES.—Any vacancy of the Commis-
10 sion shall not affect the powers of the Commission
11 and shall be filled in the manner in which the origi-
12 nal appointment was made.

13 (7) CHAIR.—The voting members of the Com-
14 mission shall designate one of the voting members to
15 serve as the chair of the Commission.

16 (8) QUORUM.—Five voting members of the
17 Commission shall constitute a quorum for purposes
18 of transacting the business of the Commission.

19 (9) MEETINGS.—The Commission shall meet at
20 the call of the chair and shall meet regularly, not
21 less than once every 3 months, during the life of the
22 Commission.

23 (b) STAFF.—

24 (1) IN GENERAL.—The chair of the Commission
25 may, without regard to the provisions of title 5,

1 United States Code, governing appointments in the
2 competitive service and chapter 51 and subchapter
3 III of chapter 53 of that title relating to classifica-
4 tion of positions and General Schedule pay rates, ap-
5 point and terminate an executive director and, in
6 consultation with the executive director, appoint and
7 terminate such other additional personnel as may be
8 necessary to enable the Commission to perform its
9 duties. In addition to the executive director and one
10 full-time support staff for the executive director,
11 there shall be additional staff with relevant intel-
12 ligence and foreign policy experience to support the
13 work of the Commission.

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

18 (3) COMPENSATION.—

19 (A) EXECUTIVE DIRECTOR.—The executive
20 director shall be compensated at the maximum
21 annual rate payable for an employee of a stand-
22 ing committee of the Senate under section
23 105(e) of the Legislative Branch Appropriations
24 Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by

1 any order of the President pro tempore of the
2 Senate.

3 (B) STAFF.—The chair of the Commission
4 may fix the compensation of other personnel of
5 the Commission without regard to chapter 51
6 and subchapter III of chapter 53 of title 5,
7 United States Code, relating to classification of
8 positions and General Schedule pay rates, ex-
9 cept that the rate of pay for such personnel
10 may not exceed the maximum annual rate pay-
11 able for an employee of a standing committee of
12 the Senate under section 105(e) of the Legisla-
13 tive Branch Appropriations Act, 1968 (2 U.S.C.
14 61–1(e)), as adjusted by any order of the Presi-
15 dent pro tempore of the Senate.

16 (c) EXPERTS AND CONSULTANTS.—The Commission
17 is authorized to procure temporary or intermittent services
18 of experts and consultants as necessary to the extent au-
19 thorized by section 3109 of title 5, United States Code,
20 at rates for individuals not to exceed the daily equivalent
21 of the maximum annual rate of basic pay payable under
22 section 5376 of such title.

23 (d) STAFF AND SERVICES OF OTHER AGENCIES OR
24 DEPARTMENTS OF THE UNITED STATES.—Upon the re-
25 quest of the Commission, the head of a department or

1 agency of the United States may detail, on a reimbursable
2 or nonreimbursable basis, any of the personnel of that de-
3 partment or agency to the Commission to assist the Com-
4 mission in carrying out this title. The detail of any such
5 personnel shall be without interruption or loss of civil serv-
6 ice or Foreign Service status or privilege.

7 (e) SECURITY CLEARANCE.—The appropriate depart-
8 ments or agencies of the United States shall cooperate
9 with the Commission in expeditiously providing to the
10 members and staff of the Commission appropriate security
11 clearances to the extent possible pursuant to existing pro-
12 cedures and requirements.

13 (f) REPORTS UNDER ETHICS IN GOVERNMENT ACT
14 OF 1978.—Notwithstanding any other provision of law,
15 for purposes of title I of the Ethics in Government Act
16 of 1978 (5 U.S.C. App.), each member and staff of the
17 Commission—

18 (1) shall be deemed to be an officer or employee
19 of the Congress (as defined in section 109(13) of
20 such title); and

21 (2) shall file any report required to be filed by
22 such member or such staff (including by virtue of
23 the application of paragraph (1)) under title I of the
24 Ethics in Government Act of 1978 (5 U.S.C. App.)
25 with the Secretary of the Senate.

1 **SEC. 605. POWERS AND DUTIES OF THE COMMISSION.**

2 (a) HEARINGS AND EVIDENCE.—The Commission
3 may hold such hearings, sit and act at such times and
4 places, take such testimony, and receive such evidence as
5 the Commission considers advisable to carry out this title.

6 (b) INFORMATION FROM FEDERAL AGENCIES.—The
7 Commission may secure directly from any department or
8 agency of the United States such information as the Com-
9 mission considers necessary to carry out this title. Upon
10 request of the chair of the Commission, the head of such
11 department or agency shall furnish such information to
12 the Commission, subject to applicable law.

13 (c) POSTAL SERVICES.—The Commission may use
14 the United States mails in the same manner and under
15 the same conditions as a department or agency of the
16 United States.

17 (d) ADMINISTRATIVE SUPPORT.—The Administrator
18 of the General Services Administration shall provide to the
19 Commission on a reimbursable basis (or, in the discretion
20 of the Administrator, on a nonreimbursable basis) such
21 administrative support services as the Commission may re-
22 quest to carry out this title.

23 (e) ADMINISTRATIVE PROCEDURES.—The Commis-
24 sion may adopt such rules and regulations, relating to ad-
25 ministrative procedure, as may be reasonably necessary to
26 enable the Commission to carry out this title.

1 (f) TRAVEL.—

2 (1) IN GENERAL.—The members and staff of
3 the Commission may, with the approval of the Com-
4 mission, conduct such travel as is necessary to carry
5 out this title.

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

14 (g) GIFTS.—No member or staff of the Commission
15 may receive a gift or benefit by reason of the service of
16 such member or staff to the Commission.

17 **SEC. 606. REPORT OF THE COMMISSION.**

18 (a) IN GENERAL.—

19 (1) INTERIM REPORT.—Not later than 300
20 days after the date on which all members of the
21 Commission are appointed under section 604(a), the
22 Commission shall submit to the congressional intel-
23 ligence committees an interim report setting forth
24 the preliminary evaluations and recommendations of
25 the Commission described in section 603(c).

1 (2) FINAL REPORT.—Not later than 60 days
2 after the date of the submission of the report re-
3 quired by paragraph (1), the Commission shall sub-
4 mit a final report setting forth the final evaluations
5 and recommendations of the Commission described
6 in section 603(c) to each of the following:

7 (A) The President.

8 (B) The Director of National Intelligence.

9 (C) The Secretary of State.

10 (D) The congressional intelligence commit-
11 tees.

12 (E) The Committee on Foreign Relations
13 of the Senate.

14 (F) The Committee on Foreign Affairs of
15 the House of Representatives.

16 (b) INDIVIDUAL OR DISSENTING VIEWS.—Each
17 member of the Commission may include that member's in-
18 dividual or dissenting views in a report required by para-
19 graph (1) or (2) of subsection (a).

20 (c) FORM OF REPORT.—The reports required by
21 paragraphs (1) and (2) of subsection (a), including any
22 finding or recommendation of such report, shall be sub-
23 mitted in unclassified form, but may include a classified
24 annex.

1 **SEC. 607. TERMINATION.**

2 (a) IN GENERAL.—The Commission shall terminate
3 on the date that is 60 days after the date of the submis-
4 sion of the report required by section 606(a)(2).

5 (b) TRANSFER OF RECORDS.—Upon the termination
6 of the Commission under subsection (a), all records, files,
7 documents, and other materials in the possession, custody,
8 or control of the Commission shall be transferred to the
9 Select Committee on Intelligence of the Senate and
10 deemed to be records of such Committee.

11 **SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
12 **MITTEE ACT.**

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

15 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There is authorized to be appro-
17 priated such sums as may be necessary to carry out this
18 title.

19 (b) AVAILABILITY.—Amounts made available to the
20 Commission pursuant to subsection (a) shall remain avail-
21 able until expended.

TITLE VII—OTHER MATTERS

SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOP- MENT PROGRAMS OF THE UNITED STATES IN- TELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Effective on the date on which funds are first appropriated pursuant to subsection (b)(1) and subject to paragraph (3), subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking “September 1, 2004,” and inserting “one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010,”.

(2) APPLICABILITY OF AMENDMENT.—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act

(Public Law 107–306; 50 U.S.C. 401 note) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

(3) REPEAL OF EXISTING FUNDING AUTHORITY.—Section 1010 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year

1 2003 (Public Law 107–306) is amended by striking
 2 “Director of Central Intelligence” each place it ap-
 3 pears and inserting “Director of National Intel-
 4 ligence” in the following provisions:

5 (A) Section 1002(h)(2).

6 (B) Section 1003(d)(1).

7 (C) Section 1006(a)(1).

8 (D) Section 1006(b).

9 (E) Section 1007(a).

10 (F) Section 1008.

11 (2) DEPUTY DIRECTOR OF CENTRAL INTEL-
 12 LIGENCE FOR COMMUNITY MANAGEMENT.—Para-
 13 graph (1) of section 1002(b) of such Act is amended
 14 by striking “The Deputy Director of Central Intel-
 15 ligence for Community Management.” and inserting
 16 “‘The Principal Deputy Director of National Intel-
 17 ligence.’”.

18 **SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH**
 19 **MATERIALS IN THE POSSESSION OF THE**
 20 **CONGRESSIONAL INTELLIGENCE COMMIT-**
 21 **TEES.**

22 The Director of National Intelligence is authorized to
 23 conduct, at the request of one of the congressional intel-
 24 ligence committees and in accordance with procedures es-

1 tablished by that committee, a classification review of ma-
 2 terials in the possession of that committee that—

3 (1) are not less than 25 years old; and

4 (2) were created, or provided to that committee,
 5 by an entity in the executive branch.

6 **TITLE VIII—TECHNICAL** 7 **AMENDMENTS**

8 **SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN IN-** 9 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

10 The Foreign Intelligence Surveillance Act of 1978
 11 (50 U.S.C. 1801 et seq.) is amended—

12 (1) in section 101—

13 (A) in subsection (a), by moving paragraph

14 (7) two ems to the right; and

15 (B) by moving subsections (b) through (p)
 16 two ems to the right;

17 (2) in section 103, by redesignating subsection
 18 (i) as subsection (h);

19 (3) in section 109(a)—

20 (A) in paragraph (1), by striking “section
 21 112.,” and inserting “section 112;” and

22 (B) in paragraph (2), by striking the sec-
 23 ond period;

24 (4) in section 301(1), by striking “‘United
 25 States’” and all that follows through “and ‘State’”

1 and inserting “‘United States’, ‘person’, ‘weapon of
2 mass destruction’, and ‘State’”;

3 (5) in section 304(b), by striking “subsection
4 (a)(3)” and inserting “subsection (a)(2)”; and

5 (6) in section 502(a), by striking “a annual”
6 and inserting “an annual”.

7 **SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL IN-**
8 **TELLIGENCE AGENCY ACT OF 1949.**

9 The Central Intelligence Agency Act of 1949 (50
10 U.S.C. 403a et seq.) is amended—

11 (1) in paragraph (1) of section 5(a), by striking
12 “authorized under paragraphs (2) and (3) of section
13 102(a), subsections (c)(7) and (d) of section 103,
14 subsections (a) and (g) of section 104, and section
15 303 of the National Security Act of 1947 (50 U.S.C.
16 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and
17 405)” and inserting “authorized under section 104A
18 of the National Security Act of 1947 (50 U.S.C.
19 403–4a).”; and

20 (2) in section 17(d)(3)(B)—

21 (A) in clause (i), by striking “advise” and
22 inserting “advice”; and

23 (B) by amending clause (ii) to read as fol-
24 lows:

“(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

“(I) Deputy Director;

“(II) Associate Deputy Director;

“(III) Director of the National Clandestine Service;

“(IV) Director of Intelligence;

“(V) Director of Support; or

“(VI) Director of Science and Technology.”.

SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking “ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS” and inserting “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA”; and

(2) by striking “Associate Director of the Central Intelligence Agency for Military Affairs” and inserting “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position”.

1 **SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
2 **CURITY ACT OF 1947.**

3 The National Security Act of 1947 (50 U.S.C. 401
4 et seq.) is amended—

5 (1) in section 3(4)(L), by striking “other” the
6 second place it appears;

7 (2) in section 102A—

8 (A) in subsection (c)(3)(A), by striking
9 “annual budgets for the Joint Military Intel-
10 ligence Program and for Tactical Intelligence
11 and Related Activities” and inserting “annual
12 budget for the Military Intelligence Program or
13 any successor program or programs”;

14 (B) in subsection (d)—

15 (i) in paragraph (1)(B), by striking
16 “Joint Military Intelligence Program” and
17 inserting “Military Intelligence Program or
18 any successor program or programs”;

19 (ii) in paragraph (3) in the matter
20 preceding subparagraph (A), by striking
21 “subparagraph (A)” and inserting “para-
22 graph (1)(A)”;

23 (iii) in paragraph (5)—

24 (I) in subparagraph (A), by strik-
25 ing “or personnel” in the matter pre-
26 ceding clause (i); and

1 (II) in subparagraph (B), by
2 striking “or agency involved” in the
3 second sentence and inserting “in-
4 volved or the Director of the Central
5 Intelligence Agency (in the case of the
6 Central Intelligence Agency)”;

7 (C) in subsection (l)(2)(B), by striking
8 “section” and inserting “paragraph”; and

9 (D) in subsection (n), by inserting “AND
10 OTHER” after “ACQUISITION”;

11 (3) in section 103(b), by striking “, the Na-
12 tional Security Act of 1947 (50 U.S.C. 401 et
13 seq.),”;

14 (4) in section 104A(g)(1) in the matter pre-
15 ceding subparagraph (A), by striking “Directorate of
16 Operations” and inserting “National Clandestine
17 Service”;

18 (5) in section 119(c)(2)(B) (50 U.S.C.
19 404o(c)(2)(B)), by striking “subsection (h)” and in-
20 serting “subsection (i)”;

21 (6) in section 701(b)(1), by striking “Direc-
22 torate of Operations” and inserting “National Clan-
23 destine Service”;

1 (7) in section 705(e)(2)(D)(i) (50 U.S.C.
2 432c(e)(2)(D)(i)), by striking “responsible” and in-
3 serting “responsive”; and

4 (8) in section 1003(h)(2) in the matter pre-
5 ceding subparagraph (A), by striking “subsection
6 (i)(2)(B)” and inserting “subsection (g)(2)(B)”.

7 **SEC. 805. TECHNICAL AMENDMENTS RELATING TO THE**
8 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
9 **GRAM.**

10 (a) IN GENERAL.—Subsection (a) of section 1403 of
11 the National Defense Authorization Act for Fiscal Year
12 1991 (50 U.S.C. 404b) is amended—

13 (1) in the heading, by striking “FOREIGN”; and

14 (2) by striking “foreign” each place it appears.

15 (b) RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-
16 TELLIGENCE.—Such section 1403, as amended by sub-
17 section (a), is further amended—

18 (1) in subsections (a) and (c), by striking “Di-
19 rector of Central Intelligence” and inserting “Direc-
20 tor of National Intelligence”; and

21 (2) in subsection (b), by inserting “of National
22 Intelligence” after “Director”.

23 (c) FUTURE-YEARS DEFENSE PROGRAM.—Sub-
24 section (c) of such section 1403, as amended by subsection
25 (b), is further amended by striking “multiyear defense

1 program submitted pursuant to section 114a of title 10,
 2 United States Code” and inserting “future-years defense
 3 program submitted pursuant to section 221 of title 10,
 4 United States Code”.

5 (d) CONFORMING AMENDMENTS.—

6 (1) IN GENERAL.—The heading of such section
 7 1403 is amended to read as follows:

8 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
 9 **GRAM.”.**

10 (2) TABLE OF CONTENTS AMENDMENT.—The
 11 table of contents in section 2 of the National De-
 12 fense Authorization Act for Fiscal Year 1991 (Pub-
 13 lic Law 101–510; 104 Stat. 1485) is amended by
 14 striking the item relating to section 1403 and insert-
 15 ing the following new item:

“Sec. 1403. Multiyear National Intelligence Program.”.

16 **SEC. 806. TECHNICAL AMENDMENTS TO THE INTEL-**
 17 **LIGENCE REFORM AND TERRORISM PREVEN-**
 18 **TION ACT OF 2004.**

19 (a) AMENDMENTS TO THE NATIONAL SECURITY IN-
 20 TELLIGENCE REFORM ACT OF 2004.—The National Secu-
 21 rity Intelligence Reform Act of 2004 (title I of Public Law
 22 108–458; 118 Stat. 3643) is amended—

23 (1) in subparagraph (B) of section 1016(e)(10)
 24 (6 U.S.C. 485(e)(10)), by striking “Attorney Gen-

1 eral” the second place it appears and inserting “De-
2 partment of Justice”;

3 (2) in subsection (e) of section 1071, by strik-
4 ing “(1)”; and

5 (3) in subsection (b) of section 1072, in the
6 subsection heading by inserting “AGENCY” after
7 “INTELLIGENCE”.

8 (b) OTHER AMENDMENTS TO THE INTELLIGENCE
9 REFORM AND TERRORISM PREVENTION ACT OF 2004.—
10 The Intelligence Reform and Terrorism Prevention Act of
11 2004 (Public Law 108–458; 118 Stat. 3638) is amend-
12 ed—

13 (1) in section 2001 (28 U.S.C. 532 note)—

14 (A) in paragraph (1) of subsection (c)—

15 (i) by striking “shall,” and inserting
16 “shall”; and

17 (ii) by inserting “of” before “an insti-
18 tutional culture”;

19 (B) in paragraph (2) of subsection (e), by
20 striking “the National Intelligence Director in a
21 manner consistent with section 112(e)” and in-
22 serting “the Director of National Intelligence in
23 a manner consistent with applicable law”; and

1 (C) in subsection (f), by striking “shall,”
2 in the matter preceding paragraph (1) and in-
3 serting “shall”; and
4 (2) in section 2006 (28 U.S.C. 509 note)—
5 (A) in paragraph (2), by striking “the
6 Federal” and inserting “Federal”; and
7 (B) in paragraph (3), by striking “the spe-
8 cific” and inserting “specific”.

9 **SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
10 **SCHEDULE.**

11 (a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
12 of title 5, United States Code, is amended by striking the
13 item relating to the Director of Central Intelligence and
14 inserting the following new item:

15 “Director of the Central Intelligence Agency.”.

16 (b) EXECUTIVE SCHEDULE LEVEL IV.—Section
17 5315 of title 5, United States Code, is amended by strik-
18 ing the item relating to the General Counsel of the Office
19 of the National Intelligence Director and inserting the fol-
20 lowing new item:

21 “General Counsel of the Office of the Director of Na-
22 tional Intelligence.”.

1 **SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF**
2 **THE INTELLIGENCE AUTHORIZATION ACT**
3 **FOR FISCAL YEAR 2004.**

4 Section 105(b) of the Intelligence Authorization Act
5 for Fiscal Year 2004 (Public Law 108–177; 117 Stat.
6 2603; 31 U.S.C. 311 note) is amended—

7 (1) by striking “Director of Central Intel-
8 ligence” and inserting “Director of National Intel-
9 ligence”; and

10 (2) by inserting “or in section 313 of such
11 title,” after “subsection (a)),”.

12 **SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF**
13 **THE INTELLIGENCE AUTHORIZATION ACT**
14 **FOR FISCAL YEAR 1995.**

15 Section 602 of the Intelligence Authorization Act for
16 Fiscal Year 1995 (50 U.S.C. 403–2b) is amended—

17 (1) in subsection (a), in paragraph (2), by
18 striking “Director of Central Intelligence” and in-
19 serting “Director of National Intelligence”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “Director
22 of Central Intelligence” and inserting “Director
23 of National Intelligence”;

24 (B) in paragraph (2)—

25 (i) in subparagraph (A), by striking
26 “Director of Central Intelligence” and in-

1 serting “Director of National Intelligence”;
 2 and
 3 (ii) in subparagraph (B), by striking
 4 “Director of Central Intelligence” and in-
 5 serting “Director of National Intelligence”;
 6 and
 7 (C) in paragraph (3), by striking “Director
 8 of Central Intelligence” and inserting “Director
 9 of the Central Intelligence Agency”.

10 **SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF**
 11 **THE INTELLIGENCE AUTHORIZATION ACT,**
 12 **FISCAL YEAR 1992.**

13 (a) ROLE OF THE DIRECTOR OF NATIONAL INTEL-
 14 LIGENCE.—Section 403 of the Intelligence Authorization
 15 Act, Fiscal Year 1992 (50 U.S.C. 403–2) is amended by
 16 striking “The Director of Central Intelligence” and insert-
 17 ing the following:

18 “(a) IN GENERAL.—The Director of National Intel-
 19 ligence”.

20 (b) DEFINITION OF INTELLIGENCE COMMUNITY.—
 21 Section 403 of the Intelligence Authorization Act, Fiscal
 22 Year 1992, as amended by subsection (a), is further
 23 amended—

24 (1) by striking “Intelligence Community” and
 25 insert “intelligence community”; and

1 (2) by striking the second sentence and insert-
2 ing the following:
3 “(b) INTELLIGENCE COMMUNITY DEFINED.—In this
4 section, the term ‘intelligence community’ has the meaning
5 given that term in section 3(4) of the National Security
6 Act of 1947 (50 U.S.C. 401a(4)).”.

Passed the Senate August 5, 2010.

Attest:

Secretary.

111TH CONGRESS
2D Session

S. 3611

AN ACT

To authorize appropriations for fiscal year 2010 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.