

In the Senate of the United States,

September 27, 2010.

Resolved, That the bill from the House of Representatives (H.R. 2701) entitled “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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
3 *telligence Authorization Act for Fiscal Year 2010”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *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. Restriction on conduct of intelligence activities.

Sec. 103. Budgetary provisions.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM**

Sec. 201. Technical modification to mandatory retirement provision of the Central 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 intelligence community.
Sec. 303. Pay authority for critical positions.
Sec. 304. Award of rank to members of the Senior National Intelligence Service.
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 languages.

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. Information access by the Comptroller General of the United States.*
- 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:*

3 (1) **CONGRESSIONAL INTELLIGENCE COMMIT-**
 4 **TEES.**—*The term “congressional intelligence commit-*
 5 *tees” means—*

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

8 (B) *the Permanent Select Committee on In-*
 9 *telligence of the House of Representatives.*

10 (2) **INTELLIGENCE COMMUNITY.**—*The term “in-*
 11 *telligence community” has the meaning given that*
 12 *term in section 3(4) of the National Security Act of*
 13 *1947 (50 U.S.C. 401a(4)).*

1 **TITLE I—BUDGET AND**
2 **PERSONNEL AUTHORIZATIONS**

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

4 *For the purposes of section 504 of the National Secu-*
5 *rity Act of 1947 (50 U.S.C. 414), appropriated funds avail-*
6 *able to an intelligence agency may be obligated or expended*
7 *for an intelligence or intelligence-related activity as appro-*
8 *riated for fiscal year 2010, as modified by such re-*
9 *programming and transfers of funds authorized by and re-*
10 *ported to the appropriate congressional committees.*

11 **SEC. 102. RESTRICTION ON CONDUCT OF INTELLIGENCE**
12 **ACTIVITIES.**

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

17 **SEC. 103. BUDGETARY PROVISIONS.**

18 *The budgetary effects of this Act, for the purpose of*
19 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
20 *shall be determined by reference to the latest statement titled*
21 *“Budgetary Effects of PAYGO Legislation” for this Act,*
22 *submitted for printing in the Congressional Record by the*
23 *Chairman of the Senate Budget Committee, provided that*
24 *such statement has been submitted prior to the vote on pas-*
25 *sage.*

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

5 **SEC. 201. TECHNICAL MODIFICATION TO MANDATORY RE-**
6 **TIREMENT PROVISION OF THE CENTRAL IN-**
7 **TELLIGENCE AGENCY RETIREMENT ACT.**

8 *Subparagraph (A) of section 235(b)(1) of the Central*
9 *Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1))*
10 *is amended by striking “receiving compensation under the*
11 *Senior Intelligence Service pay schedule at the rate” and*
12 *inserting “who is at the Senior Intelligence Service rank”.*

13 **TITLE III—GENERAL INTEL-**
14 **LIGENCE COMMUNITY MAT-**
15 **TERS**

16 **Subtitle A—Personnel Matters**

17 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
18 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**
2 **DETAILS TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 (a) *IN GENERAL.*—*Title I of the National Security Act*
5 *of 1947 (50 U.S.C. 402 et seq.) is amended by inserting*
6 *after section 113 the following new section:*

7 “*DETAIL OF OTHER PERSONNEL*

8 “*SEC. 113A. Except as provided in section 904(g)(2)*
9 *of the Counterintelligence Enhancement Act of 2002 (50*
10 *U.S.C. 402c(g)(2)) and section 113 of this Act, and notwith-*
11 *standing any other provision of law, an officer or employee*
12 *of the United States or member of the Armed Forces may*
13 *be detailed to the staff of an element of the intelligence com-*
14 *munity funded through the National Intelligence Program*
15 *from another element of the intelligence community or from*
16 *another element of the United States Government on a re-*
17 *imbursable or nonreimbursable basis, as jointly agreed to*
18 *by the head of the receiving element and the head of the*
19 *detailing element, for a period not to exceed 2 years.”.*

20 (b) *TABLE OF CONTENTS AMENDMENT.*—*The table of*
21 *contents in the first section of such Act is amended by in-*
22 *serting after the item relating to section 113 the following*
23 *new item:*

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

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

2 *Section 102A of the National Security Act of 1947 (50*
3 *U.S.C. 403–1) is amended by adding at the end the fol-*
4 *lowing new subsection:*

5 “(s) *PAY AUTHORITY FOR CRITICAL POSITIONS.—(1)*
6 *Notwithstanding any pay limitation established under any*
7 *other provision of law applicable to employees in elements*
8 *of the intelligence community, the Director of National In-*
9 *telligence may, in coordination with the Director of the Of-*
10 *fice of Personnel Management and the Director of the Office*
11 *of Management and Budget, grant authority to the head*
12 *of a department or agency to fix the rate of basic pay for*
13 *one or more positions within the intelligence community*
14 *at a rate in excess of any applicable limitation, subject to*
15 *the provisions of this subsection. The exercise of authority*
16 *so granted is at the discretion of the head of the department*
17 *or agency employing the individual in a position covered*
18 *by such authority, subject to the provisions of this sub-*
19 *section and any conditions established by the Director of*
20 *National Intelligence when granting such authority.*

21 “(2) *Authority under this subsection may be granted*
22 *or exercised only—*

23 “(A) *with respect to a position that requires an*
24 *extremely high level of expertise and is critical to suc-*
25 *cessful accomplishment of an important mission; and*

1 “(B) to the extent necessary to recruit or retain
2 an individual exceptionally well qualified for the po-
3 sition.

4 “(3) The head of a department or agency may not fix
5 a rate of basic pay under this subsection at a rate greater
6 than the rate payable for level II of the Executive Schedule
7 under section 5313 of title 5, United States Code, except
8 upon written approval of the Director of National Intel-
9 ligence or as otherwise authorized by law.

10 “(4) The head of a department or agency may not fix
11 a rate of basic pay under this subsection at a rate greater
12 than the rate payable for level I of the Executive Schedule
13 under section 5312 of title 5, United States Code, except
14 upon written approval of the President in response to a
15 request by the Director of National Intelligence or as other-
16 wise authorized by law.

17 “(5) Any grant of authority under this subsection for
18 a position shall terminate at the discretion of the Director
19 of National Intelligence.

20 “(6)(A) The Director of National Intelligence shall no-
21 tify the congressional intelligence committees not later than
22 30 days after the date on which the Director grants author-
23 ity to the head of a department or agency under this sub-
24 section.

1 “(B) *The head of a department or agency to which the*
2 *Director of National Intelligence grants authority under*
3 *this subsection shall notify the congressional intelligence*
4 *committees and the Director of the exercise of such authority*
5 *not later than 30 days after the date on which such head*
6 *exercises such authority.*”.

7 **SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR**
8 **NATIONAL INTELLIGENCE SERVICE.**

9 *Section 102A of the National Security Act of 1947 (50*
10 *U.S.C. 403–1), as amended by section 303 of this Act, is*
11 *further amended by adding at the end the following new*
12 *subsection:*

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

22 “(2) *The President may establish procedures to award*
23 *a rank under paragraph (1) to a member of the Senior Na-*
24 *tional Intelligence Service or a senior civilian officer of the*
25 *intelligence community whose identity as such a member*

1 *or officer is classified information (as defined in section*
2 *606(1)).”.*

3 **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
4 **THE INTELLIGENCE COMMUNITY.**

5 *(a) ASSESSMENT.—Title V of the National Security*
6 *Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting*
7 *after section 506A the following new section:*

8 *“ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE*
9 *INTELLIGENCE COMMUNITY*

10 *“SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The*
11 *Director of National Intelligence shall, in consultation with*
12 *the head of each element of the intelligence community, pre-*
13 *pare an annual personnel level assessment for such element*
14 *that assesses the personnel levels for such element for the*
15 *fiscal year following the fiscal year in which the assessment*
16 *is submitted.*

17 *“(b) SCHEDULE.—Each assessment required by sub-*
18 *section (a) shall be submitted to the congressional intel-*
19 *ligence committees each year at the time that the President*
20 *submits to Congress the budget for a fiscal year pursuant*
21 *to section 1105 of title 31, United States Code.*

22 *“(c) CONTENTS.—Each assessment required by sub-*
23 *section (a) submitted during a fiscal year shall contain the*
24 *following information for the element of the intelligence*
25 *community concerned:*

1 “(1) *The budget submission for personnel costs*
2 *for the upcoming fiscal year.*

3 “(2) *The dollar and percentage increase or de-*
4 *crease of such costs as compared to the personnel costs*
5 *of the current fiscal year.*

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

9 “(4) *The number of full-time equivalent positions*
10 *that is the basis for which personnel funds are re-*
11 *quested for the upcoming fiscal year.*

12 “(5) *The numerical and percentage increase or*
13 *decrease of the number referred to in paragraph (4)*
14 *as compared to the number of full-time equivalent po-*
15 *sitions of the current fiscal year.*

16 “(6) *The numerical and percentage increase or*
17 *decrease of the number referred to in paragraph (4)*
18 *as compared to the number of full-time equivalent po-*
19 *sitions during the prior 5 fiscal years.*

20 “(7) *The best estimate of the number and costs*
21 *of core contract personnel to be funded by the element*
22 *for the upcoming fiscal year.*

23 “(8) *The numerical and percentage increase or*
24 *decrease of such costs of core contract personnel as*

1 *compared to the best estimate of the costs of core con-*
2 *tract personnel of the current fiscal year.*

3 “(9) *The numerical and percentage increase or*
4 *decrease of such number and such costs of core con-*
5 *tract personnel as compared to the number and cost*
6 *of core contract personnel during the prior 5 fiscal*
7 *years.*

8 “(10) *A justification for the requested personnel*
9 *and core contract personnel levels.*

10 “(11) *The best estimate of the number of intel-*
11 *ligence collectors and analysts employed or contracted*
12 *by each element of the intelligence community.*

13 “(12) *A statement by the Director of National*
14 *Intelligence that, based on current and projected fund-*
15 *ing, the element concerned will have sufficient—*

16 “(A) *internal infrastructure to support the*
17 *requested personnel and core contract personnel*
18 *levels;*

19 “(B) *training resources to support the re-*
20 *quested personnel levels; and*

21 “(C) *funding to support the administrative*
22 *and operational activities of the requested per-*
23 *sonnel levels.”.*

24 (b) *APPLICABILITY DATE.—The first assessment re-*
25 *quired to be submitted under section 506B(b) of the Na-*

1 *tional Security Act of 1947, as added by subsection (a),*
 2 *shall be submitted to the congressional intelligence commit-*
 3 *tees at the time that the President submits to Congress the*
 4 *budget for fiscal year 2012 pursuant to section 1105 of title*
 5 *31, United States Code.*

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

“Sec. 506B. Annual personnel level assessments for the intelligence community.”.

10 **SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR**
 11 **CRITICAL LANGUAGE TRAINING.**

12 *Section 102A(e) of the National Security Act of 1947*
 13 *(50 U.S.C. 403–1(e)) is amended by—*

14 (1) *redesignating paragraph (3) as paragraph*
 15 *(4); and*

16 (2) *inserting after paragraph (2) the following*
 17 *new paragraph:*

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

24 *“(B) Except as provided in subparagraph (C), the Di-*
 25 *rector of National Intelligence may use a full-time equiva-*

1 *lent position authorized under subparagraph (A) only for*
2 *the purpose of providing a temporary transfer of personnel*
3 *made in accordance with paragraph (2) to an element of*
4 *the intelligence community to enable such element to in-*
5 *crease the total number of personnel authorized for such ele-*
6 *ment, on a temporary basis—*

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

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

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

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

19 “(i) *the number of transfers of personnel made*
20 *by the Director pursuant to subparagraph (B),*
21 *disaggregated by each element of the intelligence com-*
22 *munity;*

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

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

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

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

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

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

1 ***Subtitle B—Education Programs***

2 ***SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROB-***
3 ***ERTS INTELLIGENCE SCHOLARS PROGRAM.***

4 (a) *PERMANENT AUTHORIZATION.*—*Subtitle C of title*
5 *X of the National Security Act of 1947 (50 U.S.C. 441m*
6 *et seq.) is amended by adding at the end the following new*
7 *section:*

8 “*PROGRAM ON RECRUITMENT AND TRAINING*

9 “*SEC. 1022. (a) PROGRAM.*—(1) *The Director of Na-*
10 *tional Intelligence shall carry out a program to ensure that*
11 *selected students or former students are provided funds to*
12 *continue academic training, or are reimbursed for academic*
13 *training previously obtained, in areas of specialization that*
14 *the Director, in consultation with the other heads of the ele-*
15 *ments of the intelligence community, identifies as areas in*
16 *which the current capabilities of the intelligence community*
17 *are deficient or in which future capabilities of the intel-*
18 *ligence community are likely to be deficient.*

19 “(2) *A student or former student selected for participa-*
20 *tion in the program shall commit to employment with an*
21 *element of the intelligence community, following completion*
22 *of appropriate academic training, under such terms and*
23 *conditions as the Director considers appropriate.*

24 “(3) *The program shall be known as the Pat Roberts*
25 *Intelligence Scholars Program.*

1 “(b) *ELEMENTS.*—*In carrying out the program under*
2 *subsection (a), the Director shall—*

3 “(1) *establish such requirements relating to the*
4 *academic training of participants as the Director*
5 *considers appropriate to ensure that participants are*
6 *prepared for employment as intelligence professionals;*
7 *and*

8 “(2) *periodically review the areas of specializa-*
9 *tion of the elements of the intelligence community to*
10 *determine the areas in which such elements are, or*
11 *are likely to be, deficient in capabilities.*

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

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

16 “(2) *to pay the full tuition of a student or*
17 *former student for the completion of such course of*
18 *study;*

19 “(3) *to pay for books and materials that the stu-*
20 *dent or former student requires or required to com-*
21 *plete such course of study;*

22 “(4) *to pay the expenses of the student or former*
23 *student for travel requested by an element of the intel-*
24 *ligence community in relation to such program; or*

1 “(5) for such other purposes the Director con-
2 siders reasonably appropriate to carry out such pro-
3 gram.”.

4 **(b) CONFORMING AMENDMENTS.—**

5 **(1) TABLE OF CONTENTS AMENDMENT.—***The*
6 *table of contents in the first section of such Act, as*
7 *amended by section 305 of this Act, is further amend-*
8 *ed—*

9 **(A)** *by transferring the item relating to sec-*
10 *tion 1002 so such item immediately follows the*
11 *item relating to section 1001; and*

12 **(B)** *by inserting after the item relating to*
13 *section 1021 the following new item:*

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

14 **(2) REPEAL OF PILOT PROGRAM.—**

15 **(A) AUTHORITY.—***Section 318 of the Intel-*
16 *ligence Authorization Act for Fiscal Year 2004*
17 *(Public Law 108–177; 50 U.S.C. 441g note) is*
18 *repealed.*

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

1 **SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDU-**
2 **CATIONAL SCHOLARSHIP PROGRAM.**

3 (a) *EXPANSION OF THE LOUIS STOKES EDUCATIONAL*
4 *SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.*—*Sec-*
5 *tion 16 of the National Security Agency Act of 1959 (50*
6 *U.S.C. 402 note) is amended—*

7 (1) *in subsection (a)—*

8 (A) *by inserting “and graduate” after “un-*
9 *dergraduate”;* and

10 (B) *by striking “the baccalaureate” and in-*
11 *serting “a baccalaureate or graduate”;*

12 (2) *in subsection (b), by inserting “or graduate”*
13 *after “undergraduate”;*

14 (3) *in subsection (e)(2), by inserting “and grad-*
15 *uate” after “undergraduate”;* and

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

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

21 (b) *AUTHORITY FOR PARTICIPATION BY INDIVIDUALS*
22 *WHO ARE NOT EMPLOYED BY THE UNITED STATES GOV-*
23 *ERNMENT.*—

24 (1) *IN GENERAL.*—*Subsection (b) of section 16 of*
25 *the National Security Agency Act of 1959 (50 U.S.C.*
26 *402 note), as amended by subsection (a)(2), is further*

1 amended by striking “civilian employees” and insert-
2 ing “civilians who may or may not be employees”.

3 (2) *CONFORMING AMENDMENTS.*—Section 16 of
4 the National Security Agency Act of 1959 (50 U.S.C.
5 402 note), as amended by subsection (a), is further
6 amended—

7 (A) in subsection (c), by striking “employ-
8 ees” and inserting “program participants”; and

9 (B) in subsection (d)—

10 (i) in paragraph (1)—

11 (I) in the matter preceding sub-
12 paragraph (A), strike “an employee of
13 the Agency,” and insert “a program
14 participant,”;

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

18 (III) in subparagraph (C)—

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

23 (bb) by striking “employee’s”
24 each place that term appears and

1 inserting “program partici-
2 pant’s”; and

3 (IV) in subparagraph (D)—

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

8 (bb) by striking “employee’s”
9 each place that term appears and
10 inserting “program partici-
11 pant’s”; and

12 (ii) in paragraph (3)(C)—

13 (I) by striking “employee” both
14 places that term appears and inserting
15 “program participant”; and

16 (II) by striking “employee’s” and
17 inserting “program participant’s”.

18 (c) *TERMINATION OF PROGRAM PARTICIPANTS.*—Sub-
19 section (d)(1)(C) of section 16 of the National Security
20 Agency Act of 1959 (50 U.S.C. 402 note), as amended by
21 subsection (b)(2)(B)(i)(III), is further amended by striking
22 “terminated” and all that follows and inserting “termi-
23 nated—

24 “(i) by the Agency due to misconduct by the
25 program participant;

1 “(ii) by the program participant volun-
2 tarily; or

3 “(iii) by the Agency for the failure of the
4 program participant to maintain such level of
5 academic standing in the educational course of
6 training as the Director of the National Security
7 Agency shall have specified in the agreement of
8 the program participant under this subsection;
9 and”.

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

16 (e) *AUTHORITY OF ELEMENTS OF THE INTELLIGENCE*
17 *COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL*
18 *SCHOLARSHIP PROGRAM.*—

19 (1) *AUTHORITY.*—Subtitle C of title X of the Na-
20 *tional Security Act of 1947 (50 U.S.C. 441m et seq.),*
21 *as amended by section 311 of this Act, is further*
22 *amended by adding at the end the following new sec-*
23 *tion:*

24 “*EDUCATIONAL SCHOLARSHIP PROGRAM*

25 “*SEC. 1023. The head of a department or agency con-*
26 *taining an element of the intelligence community may es-*

1 *tablish an undergraduate or graduate training program*
 2 *with respect to civilian employees and prospective civilian*
 3 *employees of such element similar in purpose, conditions,*
 4 *content, and administration to the program that the Sec-*
 5 *retary of Defense is authorized to establish under section*
 6 *16 of the National Security Agency Act of 1959 (50 U.S.C.*
 7 *402 note).”.*

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

“Sec. 1023. Educational scholarship program.”.

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

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

19 “*INTELLIGENCE OFFICER TRAINING PROGRAM*

20 “*SEC. 1024. (a) PROGRAMS.—(1) The Director of Na-*
 21 *tional Intelligence may carry out grant programs in ac-*
 22 *cordance with subsection (b) to enhance the recruitment and*
 23 *retention of an ethnically and culturally diverse intelligence*
 24 *community workforce with capabilities critical to the na-*
 25 *tional security interests of the United States.*

1 “(2) *In carrying out paragraph (1), the Director shall*
2 *identify the skills necessary to meet current or emergent*
3 *needs of the intelligence community and the educational*
4 *disciplines that will provide individuals with such skills.*

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

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

13 “(A) *Curriculum or program development.*

14 “(B) *Faculty development.*

15 “(C) *Laboratory equipment or improvements.*

16 “(D) *Faculty research.*

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

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

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

4 “(2) a description of the results and accomplish-
5 ments 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 such
9 regulations as may be necessary to carry out this section.

10 “(f) DEFINITIONS.—In this section:

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

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

16 (b) REPEAL OF DUPLICATIVE PROVISIONS.—

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

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

23 (B) Section 1003 of the National Security
24 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. 402*
4 *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 ab-*
8 *rogate any agreement, contract, or employment rela-*
9 *tionship that was in effect in relation to the provi-*
10 *sions repealed under paragraph (1) on the day prior*
11 *to the date of the enactment of this Act.*

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

16 (c) *TABLE OF CONTENTS AMENDMENT.—The table of*
17 *contents in the first section of the National Security Act*
18 *of 1947, as amended by section 312 of this Act, is further*
19 *amended by striking the item relating to section 1003 and*
20 *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 Intel-*
24 *ligence, in consultation with the National Security Edu-*
25 *cation Board established under section 803(a) of the David*

1 *L. Boren National Security Education Act of 1991 (50*
2 *U.S.C. 1903(a)), may establish a pilot program for inten-*
3 *sive 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 under*
9 *the David L. Boren National Security Education Act*
10 *of 1991 (50 U.S.C. 1901 et seq.), as determined by the*
11 *Director of National Intelligence; and*

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

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

19 (d) *AUTHORIZATION OF APPROPRIATIONS.—*

20 (1) *IN GENERAL.—There is authorized to be ap-*
21 *propriated to carry out this section \$2,000,000.*

22 (2) *AVAILABILITY.—Funds authorized to be ap-*
23 *propriated under paragraph (1) shall remain avail-*
24 *able until the termination of the pilot program in ac-*
25 *cordance with subsection (c).*

1 ***Subtitle C—Acquisition Matters***

2 ***SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYS-***
3 ***TEMS.***

4 (a) *VULNERABILITY ASSESSMENTS OF MAJOR SYS-*
5 *TEMS.—*

6 (1) *IN GENERAL.—Title V of the National Secu-*
7 *urity Act of 1947 (50 U.S.C. 413 et seq.), as amended*
8 *by section 305 of this Act, is further amended by in-*
9 *serting after section 506B, as added by section 305(a),*
10 *the following new section:*

11 “*VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS*

12 “*SEC. 506C. (a) INITIAL VULNERABILITY ASSESS-*
13 *MENTS.—(1)(A) Except as provided in subparagraph (B),*
14 *the Director of National Intelligence shall conduct and sub-*
15 *mit to the congressional intelligence committees an initial*
16 *vulnerability assessment for each major system and its sig-*
17 *nificant items of supply—*

18 “*(i) except as provided in clause (ii), prior to*
19 *the completion of Milestone B or an equivalent acqui-*
20 *sition decision for the major system; or*

21 “*(ii) prior to the date that is 1 year after the*
22 *date of the enactment of the Intelligence Authorization*
23 *Act for Fiscal Year 2010 in the case of a major sys-*
24 *tem for which Milestone B or an equivalent acquisi-*
25 *tion decision—*

1 “(I) was completed prior to such date of en-
2 actment; or

3 “(II) is completed on a date during the 180-
4 day period following such date of enactment.

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

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

16 “(i) identify vulnerabilities;

17 “(ii) define exploitation potential;

18 “(iii) examine the system’s potential effective-
19 ness;

20 “(iv) determine overall vulnerability; and

21 “(v) make recommendations for risk reduction.

22 “(2) If an initial vulnerability assessment for a major
23 system is not submitted to the congressional intelligence
24 committees as required by paragraph (1), funds appro-
25 priated for the acquisition of the major system may not

1 *be obligated for a major contract related to the major sys-*
2 *tem. Such prohibition on the obligation of funds for the ac-*
3 *quisition of the major system shall cease to apply on the*
4 *date on which the congressional intelligence committees re-*
5 *ceive the initial vulnerability assessment.*

6 “(b) *SUBSEQUENT VULNERABILITY ASSESSMENTS.—*
7 *(1) The Director of National Intelligence shall, periodically*
8 *throughout the procurement of a major system or if the Di-*
9 *rector determines that a change in circumstances warrants*
10 *the issuance of a subsequent vulnerability assessment, con-*
11 *duct a subsequent vulnerability assessment of each major*
12 *system and its significant items of supply within the Na-*
13 *tional Intelligence Program.*

14 “(2) *Upon the request of a congressional intelligence*
15 *committee, the Director of National Intelligence may, if ap-*
16 *propriate, recertify the previous vulnerability assessment or*
17 *may conduct a subsequent vulnerability assessment of a*
18 *particular major system and its significant items of supply*
19 *within the National Intelligence Program.*

20 “(3) *Any subsequent vulnerability assessment of a*
21 *major system and its significant items of supply shall in-*
22 *clude use of an analysis-based approach and, if applicable,*
23 *a testing-based approach, to monitor the exploitation poten-*
24 *tial of such system and reexamine the factors described in*
25 *clauses (i) through (v) of subsection (a)(1)(C).*

1 “(c) *MAJOR SYSTEM MANAGEMENT.*—*The Director of*
2 *National Intelligence shall give due consideration to the vul-*
3 *nerability assessments prepared for a given major system*
4 *when developing and determining the National Intelligence*
5 *Program budget.*

6 “(d) *CONGRESSIONAL OVERSIGHT.*—(1) *The Director*
7 *of National Intelligence shall provide to the congressional*
8 *intelligence committees a copy of each vulnerability assess-*
9 *ment conducted under subsection (a) or (b) not later than*
10 *10 days after the date of the completion of such assessment.*

11 “(2) *The Director of National Intelligence shall pro-*
12 *vide the congressional intelligence committees with a pro-*
13 *posed schedule for subsequent periodic vulnerability assess-*
14 *ments of a major system under subsection (b)(1) when pro-*
15 *viding such committees with the initial vulnerability assess-*
16 *ment under subsection (a) of such system as required by*
17 *paragraph (1).*

18 “(e) *DEFINITIONS.*—*In this section:*

19 “(1) *The term ‘item of supply’ has the meaning*
20 *given that term in section 4(10) of the Office of Fed-*
21 *eral Procurement Policy Act (41 U.S.C. 403(10)).*

22 “(2) *The term ‘major contract’ means each of the*
23 *6 largest prime, associate, or Government-furnished*
24 *equipment contracts under a major system that is in*

1 *excess of \$40,000,000 and that is not a firm, fixed*
2 *price contract.*

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

5 “(4) *The term ‘Milestone B’ means a decision to*
6 *enter into major system development and demonstra-*
7 *tion pursuant to guidance prescribed by the Director*
8 *of National Intelligence.*”

9 “(5) *The term ‘vulnerability assessment’ means*
10 *the process of identifying and quantifying*
11 *vulnerabilities in a major system and its significant*
12 *items of supply.*”

13 (2) *TABLE OF CONTENTS AMENDMENT.—The*
14 *table of contents in the first section of the National*
15 *Security Act of 1947, as amended by section 313 of*
16 *this Act, is further amended by inserting after the*
17 *item relating to section 506B, as added by section*
18 *305(c) of this Act, the following new item:*

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

19 (b) *DEFINITION OF MAJOR SYSTEM.—Paragraph (3)*
20 *of section 506A(e) of the National Security Act of 1947 (50*
21 *U.S.C. 415a–1(e)) is amended by striking “(in current fis-*
22 *cal year dollars)” and inserting “(based on fiscal year 2010*
23 *constant dollars)”.*

1 **SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM**
 2 **TRANSFORMATION.**

3 (a) *INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
 4 *TRANSFORMATION.*—

5 (1) *IN GENERAL.*—*Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:*

10 “*INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
 11 *TRANSFORMATION*

12 “*SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.*—(1) *Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$3,000,000 unless—*

18 “(A) *the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and*

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

25 “(2) *The certification described in this paragraph for*
 26 *an intelligence community business system transformation*

1 *is a certification made by the Director of the Office of Busi-*
2 *ness Transformation of the Office of the Director of Na-*
3 *tional Intelligence that the intelligence community business*
4 *system transformation—*

5 “(A) *complies with the enterprise architecture*
6 *under subsection (b) and such other policies and*
7 *standards that the Director of National Intelligence*
8 *considers appropriate; or*

9 “(B) *is necessary—*

10 “(i) *to achieve a critical national security*
11 *capability or address a critical requirement; or*

12 “(ii) *to prevent a significant adverse effect*
13 *on a project that is needed to achieve an essen-*
14 *tial capability, taking into consideration any al-*
15 *ternative solutions for preventing such adverse*
16 *effect.*

17 “(3) *With respect to a fiscal year after fiscal year*
18 *2010, the amount referred to in paragraph (1) in the matter*
19 *preceding subparagraph (A) shall be equal to the sum of—*

20 “(A) *the amount in effect under such paragraph*
21 *(1) for the preceding fiscal year (determined after ap-*
22 *plication of this paragraph), plus*

23 “(B) *such amount multiplied by the annual per-*
24 *centage increase in the consumer price index (all*

1 *items; U.S. city average) as of September of the pre-*
2 *vious fiscal year.*

3 “(b) *ENTERPRISE ARCHITECTURE FOR INTELLIGENCE*
4 *COMMUNITY BUSINESS SYSTEMS.*—(1) *The Director of Na-*
5 *tional Intelligence shall, acting through the board estab-*
6 *lished under subsection (f), develop and implement an en-*
7 *terprise architecture to cover all intelligence community*
8 *business systems, and the functions and activities supported*
9 *by such business systems. The enterprise architecture shall*
10 *be sufficiently defined to effectively guide, constrain, and*
11 *permit implementation of interoperable intelligence com-*
12 *munity business system solutions, consistent with applica-*
13 *ble policies and procedures established by the Director of*
14 *the Office of Management and Budget.*

15 “(2) *The enterprise architecture under paragraph (1)*
16 *shall include the following:*

17 “(A) *An information infrastructure that will en-*
18 *able the intelligence community to—*

19 “(i) *comply with all Federal accounting, fi-*
20 *nancial management, and reporting require-*
21 *ments;*

22 “(ii) *routinely produce timely, accurate,*
23 *and reliable financial information for manage-*
24 *ment purposes;*

1 “(iii) integrate budget, accounting, and pro-
2 gram information and systems; and

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

6 “(B) Policies, procedures, data standards, and
7 system interface requirements that apply uniformly
8 throughout the intelligence community.

9 “(c) *RESPONSIBILITIES FOR INTELLIGENCE COMMU-*
10 *NITY BUSINESS SYSTEM TRANSFORMATION.*—*The Director*
11 *of National Intelligence shall be responsible for the entire*
12 *life cycle of an intelligence community business system*
13 *transformation, including review, approval, and oversight*
14 *of the planning, design, acquisition, deployment, operation,*
15 *and maintenance of the business system transformation.*

16 “(d) *INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
17 *INVESTMENT REVIEW.*—(1) *The Director of the Office of*
18 *Business Transformation of the Office of the Director of Na-*
19 *tional Intelligence shall establish and implement, not later*
20 *than 60 days after the enactment of the Intelligence Author-*
21 *ization Act for Fiscal Year 2010, an investment review*
22 *process for the intelligence community business systems for*
23 *which the Director of the Office of Business Transformation*
24 *is responsible.*

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

3 “(A) *meet the requirements of section 11312 of*
4 *title 40, United States Code; and*

5 “(B) *specifically set forth the responsibilities of*
6 *the Director of the Office of Business Transformation*
7 *under such review process.*

8 “(3) *The investment review process under paragraph*
9 *(1) shall include the following elements:*

10 “(A) *Review and approval by an investment re-*
11 *view board (consisting of appropriate representatives*
12 *of the intelligence community) of each intelligence*
13 *community business system as an investment before*
14 *the obligation of funds for such system.*

15 “(B) *Periodic review, but not less often than an-*
16 *nually, of every intelligence community business sys-*
17 *tem investment.*

18 “(C) *Thresholds for levels of review to ensure ap-*
19 *propriate review of intelligence community business*
20 *system investments depending on the scope, com-*
21 *plexity, and cost of the system involved.*

22 “(D) *Procedures for making certifications in ac-*
23 *cordance with the requirements of subsection (a)(2).*

24 “(e) *BUDGET INFORMATION.—For each fiscal year*
25 *after fiscal year 2011, the Director of National Intelligence*

1 *shall include in the materials the Director submits to Con-*
2 *gress in support of the budget for such fiscal year that is*
3 *submitted to Congress under section 1105 of title 31, United*
4 *States Code, the following information:*

5 “(1) *An identification of each intelligence com-*
6 *munity business system for which funding is proposed*
7 *in such budget.*

8 “(2) *An identification of all funds, by appro-*
9 *priation, proposed in such budget for each such sys-*
10 *tem, including—*

11 “(A) *funds for current services to operate*
12 *and maintain such system;*

13 “(B) *funds for business systems moderniza-*
14 *tion identified for each specific appropriation;*
15 *and*

16 “(C) *funds for associated business process*
17 *improvement or reengineering efforts.*

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

20 “(f) *INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
21 *TRANSFORMATION GOVERNANCE BOARD.—(1) The Director*
22 *of National Intelligence shall establish a board within the*
23 *intelligence community business system transformation*
24 *governance structure (in this subsection referred to as the*
25 *‘Board’).*

1 “(2) *The Board shall—*

2 “(A) *recommend to the Director policies and*
3 *procedures necessary to effectively integrate all busi-*
4 *ness activities and any transformation, reform, reor-*
5 *ganization, or process improvement initiatives under-*
6 *taken within the intelligence community;*

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

8 “(i) *the enterprise architecture developed*
9 *under subsection (b); and*

10 “(ii) *any plans for an intelligence commu-*
11 *nity business systems modernization;*

12 “(C) *manage cross-domain integration consistent*
13 *with such enterprise architecture;*

14 “(D) *coordinate initiatives for intelligence com-*
15 *munity business system transformation to maximize*
16 *benefits and minimize costs for the intelligence com-*
17 *munity, and periodically report to the Director on the*
18 *status of efforts to carry out an intelligence commu-*
19 *nity business system transformation;*

20 “(E) *ensure that funds are obligated for intel-*
21 *ligence community business system transformation in*
22 *a manner consistent with subsection (a); and*

23 “(F) *carry out such other duties as the Director*
24 *shall specify.*

1 “(g) *RELATION TO ANNUAL REGISTRATION REQUIRE-*
2 *MENTS.*—*Nothing in this section shall be construed to alter*
3 *the requirements of section 8083 of the Department of De-*
4 *fense Appropriations Act, 2005 (Public Law 108–287; 118*
5 *Stat. 989), with regard to information technology systems*
6 *(as defined in subsection (d) of such section).*

7 “(h) *RELATIONSHIP TO DEFENSE BUSINESS ENTER-*
8 *PRISE ARCHITECTURE.*—*Nothing in this section shall be*
9 *construed to exempt funds authorized to be appropriated*
10 *to the Department of Defense from the requirements of sec-*
11 *tion 2222 of title 10, United States Code, to the extent that*
12 *such requirements are otherwise applicable.*

13 “(i) *RELATION TO CLINGER-COHEN ACT.*—(1) *Execu-*
14 *tive agency responsibilities in chapter 113 of title 40,*
15 *United States Code, for any intelligence community busi-*
16 *ness system transformation shall be exercised jointly by—*

17 “(A) *the Director of National Intelligence and*
18 *the Chief Information Officer of the Intelligence Com-*
19 *munity; and*

20 “(B) *the head of the executive agency that con-*
21 *tains the element of the intelligence community in-*
22 *volved and the chief information officer of that execu-*
23 *tive agency.*

24 “(2) *The Director of National Intelligence and the head*
25 *of the executive agency referred to in paragraph (1)(B) shall*

1 *enter into a Memorandum of Understanding to carry out*
2 *the requirements of this section in a manner that best meets*
3 *the needs of the intelligence community and the executive*
4 *agency.*

5 “(j) *REPORTS.*—*Not later than March 31 of each of*
6 *the years 2011 through 2015, the Director of National Intel-*
7 *ligence shall submit to the congressional intelligence com-*
8 *mittees a report on the compliance of the intelligence com-*
9 *munity with the requirements of this section. Each such re-*
10 *port shall—*

11 “(1) *describe actions taken and proposed for*
12 *meeting the requirements of subsection (a), includ-*
13 *ing—*

14 “(A) *specific milestones and actual perform-*
15 *ance against specified performance measures,*
16 *and any revision of such milestones and per-*
17 *formance measures; and*

18 “(B) *specific actions on the intelligence*
19 *community business system transformations sub-*
20 *mitted for certification under such subsection;*

21 “(2) *identify the number of intelligence commu-*
22 *nity business system transformations that received a*
23 *certification described in subsection (a)(2); and*

24 “(3) *describe specific improvements in business*
25 *operations and cost savings resulting from successful*

1 *intelligence community business systems trans-*
2 *formation efforts.*

3 “(k) *DEFINITIONS.—In this section:*

4 “(1) *The term ‘enterprise architecture’ has the*
5 *meaning given that term in section 3601(4) of title*
6 *44, United States Code.*

7 “(2) *The terms ‘information system’ and ‘infor-*
8 *mation technology’ have the meanings given those*
9 *terms in section 11101 of title 40, United States Code.*

10 “(3) *The term ‘intelligence community business*
11 *system’ means an information system, including a*
12 *national security system, that is operated by, for, or*
13 *on behalf of an element of the intelligence community,*
14 *including a financial system, mixed system, financial*
15 *data feeder system, and the business infrastructure*
16 *capabilities shared by the systems of the business en-*
17 *terprise architecture, including people, process, and*
18 *technology, that build upon the core infrastructure*
19 *used to support business activities, such as acquisi-*
20 *tion, financial management, logistics, strategic plan-*
21 *ning and budgeting, installations and environment,*
22 *and human resource management.*

23 “(4) *The term ‘intelligence community business*
24 *system transformation’ means—*

1 “(A) *the acquisition or development of a*
2 *new intelligence community business system; or*

3 “(B) *any significant modification or en-*
4 *hancement of an existing intelligence community*
5 *business system (other than necessary to main-*
6 *tain current services).*

7 “(5) *The term ‘national security system’ has the*
8 *meaning given that term in section 3542 of title 44,*
9 *United States Code.*

10 “(6) *The term ‘Office of Business Trans-*
11 *formation of the Office of the Director of National In-*
12 *telligence’ includes any successor office that assumes*
13 *the functions of the Office of Business Transformation*
14 *of the Office of the Director of National Intelligence*
15 *as carried out by the Office of Business Trans-*
16 *formation on the date of the enactment of the Intel-*
17 *ligence Authorization Act for Fiscal Year 2010.”.*

18 (2) *TABLE OF CONTENTS AMENDMENT.—The*
19 *table of contents in the first section of that Act, as*
20 *amended by section 321 of this Act, is further amend-*
21 *ed by inserting after the item relating to section*
22 *506C, as added by section 321(a)(2), the following*
23 *new item:*

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

24 (b) *IMPLEMENTATION.—*

1 (1) *CERTAIN DUTIES.*—Not later than 60 days
2 after the date of the enactment of this Act, the Direc-
3 tor of National Intelligence shall designate a chair
4 and other members to serve on the board established
5 under subsection (f) of such section 506D of the Na-
6 tional Security Act of 1947 (as added by subsection
7 (a)).

8 (2) *ENTERPRISE ARCHITECTURE.*—

9 (A) *SCHEDULE FOR DEVELOPMENT.*—The
10 Director shall develop the enterprise architecture
11 required by subsection (b) of such section 506D
12 (as so added), including the initial Business En-
13 terprise Architecture for business transformation,
14 not later than 60 days after the enactment of
15 this Act.

16 (B) *REQUIREMENT FOR IMPLEMENTATION*
17 *PLAN.*—In developing such an enterprise archi-
18 tecture, the Director shall develop an implemen-
19 tation plan for such enterprise architecture that
20 includes the following:

21 (i) An acquisition strategy for new sys-
22 tems that are expected to be needed to com-
23 plete such enterprise architecture, including
24 specific time-phased milestones, performance

1 *metrics, and a statement of the financial*
2 *and nonfinancial resource needs.*

3 *(ii) An identification of the intelligence*
4 *community business systems in operation or*
5 *planned as of the date that is 60 days after*
6 *the enactment of this Act that will not be a*
7 *part of such enterprise architecture, together*
8 *with the schedule for the phased termination*
9 *of the utilization of any such systems.*

10 *(iii) An identification of the intel-*
11 *ligence community business systems in op-*
12 *eration or planned as of such date, that will*
13 *be a part of such enterprise architecture, to-*
14 *gether with a strategy for modifying such*
15 *systems to ensure that such systems comply*
16 *with such enterprise architecture.*

17 *(C) SUBMISSION OF ACQUISITION STRAT-*
18 *EGY.—Based on the results of an enterprise proc-*
19 *ess management review and the availability of*
20 *funds, the Director shall submit the acquisition*
21 *strategy described in subparagraph (B)(i) to the*
22 *congressional intelligence committees not later*
23 *than March 31, 2011.*

1 **SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYS-**
 2 **TEMS.**

3 (a) *REPORTS.*—

4 (1) *IN GENERAL.*—*Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended*
 5 *by section 322 of this Act, is further amended by in-*
 6 *serting after section 506D, as added by section*
 7 *322(a)(1), the following new section:*

8 “*REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS*

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

10 “(1) *The term ‘cost estimate’—*

11 “(A) *means an assessment and quantifica-*
 12 *tion of all costs and risks associated with the ac-*
 13 *quisition of a major system based upon reason-*
 14 *ably available information at the time the Direc-*
 15 *tor establishes the 2010 adjusted total acquisition*
 16 *cost for such system pursuant to subsection (h)*
 17 *or restructures such system pursuant to section*
 18 *506F(c); and*

19 “(B) *does not mean an ‘independent cost es-*
 20 *timate’.*

21 “(2) *The term ‘critical cost growth threshold’*
 22 *means a percentage increase in the total acquisition*
 23 *cost for a major system of at least 25 percent over the*
 24 *total acquisition cost for the major system as shown*
 25

1 *in the current Baseline Estimate for the major sys-*
2 *tem.*

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

6 “(i) *approved by the Director, or a designee*
7 *of the Director, at Milestone B or an equivalent*
8 *acquisition decision for the development, pro-*
9 *curement, and construction of such system;*

10 “(ii) *approved by the Director at the time*
11 *such system is restructured pursuant to section*
12 *506F(c); or*

13 “(iii) *the 2010 adjusted total acquisition*
14 *cost determined pursuant to subsection (h).*

15 “(B) *A current Baseline Estimate may be in the*
16 *form of an independent cost estimate.*

17 “(4) *Except as otherwise specifically provided,*
18 *the term ‘Director’ means the Director of National In-*
19 *telligence.*

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

22 “(6) *The term ‘major contract’ means each of the*
23 *6 largest prime, associate, or Government-furnished*
24 *equipment contracts under a major system that is in*

1 *excess of \$40,000,000 and that is not a firm, fixed*
2 *price contract.*

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

5 “(8) *The term ‘Milestone B’ means a decision to*
6 *enter into major system development and demonstra-*
7 *tion pursuant to guidance prescribed by the Director.*

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

9 “(A) *the head of the element of the intel-*
10 *ligence community that is responsible for the*
11 *budget, cost, schedule, and performance of a*
12 *major system; or*

13 “(B) *in the case of a major system within*
14 *the Office of the Director of National Intel-*
15 *ligence, the deputy who is responsible for the*
16 *budget, cost, schedule, and performance of the*
17 *major system.*

18 “(10) *The term ‘significant cost growth thresh-*
19 *old’ means the percentage increase in the total acqui-*
20 *sition cost for a major system of at least 15 percent*
21 *over the total acquisition cost for such system as*
22 *shown in the current Baseline Estimate for such sys-*
23 *tem.*

24 “(11) *The term ‘total acquisition cost’ means the*
25 *amount equal to the total cost for development and*

1 *procurement of, and system-specific construction for,*
2 *a major system.*

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

7 “(2) *A major system cost report shall include the fol-*
8 *lowing information (as of the last day of the quarter for*
9 *which the report is made):*

10 “(A) *The total acquisition cost for the major sys-*
11 *tem.*

12 “(B) *Any cost variance or schedule variance in*
13 *a major contract for the major system since the con-*
14 *tract was entered into.*

15 “(C) *Any changes from a major system schedule*
16 *milestones or performances that are known, expected,*
17 *or anticipated by the program manager.*

18 “(D) *Any significant changes in the total acqui-*
19 *sition cost for development and procurement of any*
20 *software component of the major system, schedule*
21 *milestones for such software component of the major*
22 *system, or expected performance of such software com-*
23 *ponent of the major system that are known, expected,*
24 *or anticipated by the program manager.*

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

4 “(c) *REPORTS FOR BREACH OF SIGNIFICANT OR CRIT-*
5 *ICAL COST GROWTH THRESHOLDS.—If the program man-*
6 *ager of a major system for which a report has previously*
7 *been submitted under subsection (b) determines at any time*
8 *during a quarter that there is reasonable cause to believe*
9 *that the total acquisition cost for the major system has in-*
10 *creased by a percentage equal to or greater than the signifi-*
11 *cant cost growth threshold or critical cost growth threshold*
12 *and if a report indicating an increase of such percentage*
13 *or more has not previously been submitted to the Director,*
14 *then the program manager shall immediately submit to the*
15 *Director a major system cost report containing the informa-*
16 *tion, determined as of the date of the report, required under*
17 *subsection (b).*

18 “(d) *NOTIFICATION TO CONGRESS OF COST*
19 *GROWTH.—(1) Whenever a major system cost report is sub-*
20 *mitted to the Director, the Director shall determine whether*
21 *the current acquisition cost for the major system has in-*
22 *creased by a percentage equal to or greater than the signifi-*
23 *cant cost growth threshold or the critical cost growth thresh-*
24 *old.*

1 “(2) *If the Director determines that the current total*
2 *acquisition cost has increased by a percentage equal to or*
3 *greater than the significant cost growth threshold or critical*
4 *cost growth threshold, the Director shall submit to Congress*
5 *a Major System Congressional Report pursuant to sub-*
6 *section (e).*

7 “(e) *REQUIREMENT FOR MAJOR SYSTEM CONGRES-*
8 *SIONAL REPORT.—(1) Whenever the Director determines*
9 *under subsection (d) that the total acquisition cost of a*
10 *major system has increased by a percentage equal to or*
11 *greater than the significant cost growth threshold for the*
12 *major system, a Major System Congressional Report shall*
13 *be submitted to Congress not later than 45 days after the*
14 *date on which the Director receives the major system cost*
15 *report for such major system.*

16 “(2) *If the total acquisition cost of a major system (as*
17 *determined by the Director under subsection (d)) increases*
18 *by a percentage equal to or greater than the critical cost*
19 *growth threshold for the program or subprogram, the Direc-*
20 *tor shall take actions consistent with the requirements of*
21 *section 506F.*

22 “(f) *MAJOR SYSTEM CONGRESSIONAL REPORT ELE-*
23 *MENTS.—(1) Except as provided in paragraph (2), each*
24 *Major System Congressional Report shall include the fol-*
25 *lowing:*

1 “(A) *The name of the major system.*

2 “(B) *The date of the preparation of the report.*

3 “(C) *The program phase of the major system as*
4 *of the date of the preparation of the report.*

5 “(D) *The estimate of the total acquisition cost*
6 *for the major system expressed in constant base-year*
7 *dollars and in current dollars.*

8 “(E) *The current Baseline Estimate for the*
9 *major system in constant base-year dollars and in*
10 *current dollars.*

11 “(F) *A statement of the reasons for any increase*
12 *in total acquisition cost for the major system.*

13 “(G) *The completion status of the major sys-*
14 *tem—*

15 “(i) *expressed as the percentage that the*
16 *number of years for which funds have been ap-*
17 *propriated for the major system is of the number*
18 *of years for which it is planned that funds will*
19 *be appropriated for the major system; and*

20 “(ii) *expressed as the percentage that the*
21 *amount of funds that have been appropriated for*
22 *the major system is of the total amount of funds*
23 *which it is planned will be appropriated for the*
24 *major system.*

1 “(H) *The fiscal year in which the major system*
2 *was first authorized and in which funds for such sys-*
3 *tem were first appropriated by Congress.*

4 “(I) *The current change and the total change, in*
5 *dollars and expressed as a percentage, in the total ac-*
6 *quisition cost for the major system, stated both in*
7 *constant base-year dollars and in current dollars.*

8 “(J) *The quantity of end items to be acquired*
9 *under the major system and the current change and*
10 *total change, if any, in that quantity.*

11 “(K) *The identities of the officers responsible for*
12 *management and cost control of the major system.*

13 “(L) *The action taken and proposed to be taken*
14 *to control future cost growth of the major system.*

15 “(M) *Any changes made in the performance or*
16 *schedule milestones of the major system and the extent*
17 *to which such changes have contributed to the increase*
18 *in total acquisition cost for the major system.*

19 “(N) *The following contract performance assess-*
20 *ment information with respect to each major contract*
21 *under the major system:*

22 “(i) *The name of the contractor.*

23 “(ii) *The phase that the contract is in at*
24 *the time of the preparation of the report.*

1 “(iii) *The percentage of work under the con-*
2 *tract that has been completed.*

3 “(iv) *Any current change and the total*
4 *change, in dollars and expressed as a percentage,*
5 *in the contract cost.*

6 “(v) *The percentage by which the contract is*
7 *currently ahead of or behind schedule.*

8 “(vi) *A narrative providing a summary ex-*
9 *planation of the most significant occurrences, in-*
10 *cluding cost and schedule variances under major*
11 *contracts of the major system, contributing to the*
12 *changes identified and a discussion of the effect*
13 *these occurrences will have on the future costs*
14 *and schedule of the major system.*

15 “(O) *In any case in which one or more problems*
16 *with a software component of the major system sig-*
17 *nificantly contributed to the increase in costs of the*
18 *major system, the action taken and proposed to be*
19 *taken to solve such problems.*

20 “(2) *A Major System Congressional Report prepared*
21 *for a major system for which the increase in the total acqui-*
22 *sition cost is due to termination or cancellation of the entire*
23 *major system shall include only—*

24 “(A) *the information described in subparagraphs*
25 *(A) through (F) of paragraph (1); and*

1 “(B) the total percentage change in total acquisi-
2 tion cost for such system.

3 “(g) *PROHIBITION ON OBLIGATION OF FUNDS.*—If a
4 determination of an increase by a percentage equal to or
5 greater than the significant cost growth threshold is made
6 by the Director under subsection (d) and a Major System
7 Congressional Report containing the information described
8 in subsection (f) is not submitted to Congress under sub-
9 section (e)(1), or if a determination of an increase by a
10 percentage equal to or greater than the critical cost growth
11 threshold is made by the Director under subsection (d) and
12 the Major System Congressional Report containing the in-
13 formation described in subsection (f) and section 506F(b)(3)
14 and the certification required by section 506F(b)(2) are not
15 submitted to Congress under subsection (e)(2), funds appro-
16 priated for construction, research, development, test, evalua-
17 tion, and procurement may not be obligated for a major
18 contract under the major system. The prohibition on the
19 obligation of funds for a major system shall cease to apply
20 at the end of the 45-day period that begins on the date—
21 “(1) on which Congress receives the Major Sys-
22 tem Congressional Report under subsection (e)(1)
23 with respect to that major system, in the case of a de-
24 termination of an increase by a percentage equal to

1 or greater than the significant cost growth threshold
2 (as determined in subsection (d)); or

3 “(2) on which Congress receives both the Major
4 System Congressional Report under subsection (e)(2)
5 and the certification of the Director under section
6 506F(b)(2) with respect to that major system, in the
7 case of an increase by a percentage equal to or greater
8 than the critical cost growth threshold (as determined
9 under subsection (d)).

10 “(h) TREATMENT OF COST INCREASES PRIOR TO EN-
11 ACTMENT OF INTELLIGENCE AUTHORIZATION ACT FOR FIS-
12 CAL YEAR 2010.—(1) Not later than 180 days after the date
13 of the enactment of the Intelligence Authorization Act for
14 Fiscal Year 2010, the Director—

15 “(A) shall, for each major system, determine if
16 the total acquisition cost of such major system in-
17 creased by a percentage equal to or greater than the
18 significant cost growth threshold or the critical cost
19 growth threshold prior to such date of enactment;

20 “(B) shall establish for each major system for
21 which the total acquisition cost has increased by a
22 percentage equal to or greater than the significant
23 cost growth threshold or the critical cost growth
24 threshold prior to such date of enactment a revised

1 *current Baseline Estimate based upon an updated*
2 *cost estimate;*

3 *“(C) may, for a major system not described in*
4 *subparagraph (B), establish a revised current Base-*
5 *line Estimate based upon an updated cost estimate;*
6 *and*

7 *“(D) shall submit to Congress a report describ-*
8 *ing—*

9 *“(i) each determination made under sub-*
10 *paragraph (A);*

11 *“(ii) each revised current Baseline Estimate*
12 *established for a major system under subpara-*
13 *graph (B); and*

14 *“(iii) each revised current Baseline Esti-*
15 *mate established for a major system under sub-*
16 *paragraph (C), including the percentage increase*
17 *of the total acquisition cost of such major system*
18 *that occurred prior to the date of the enactment*
19 *of such Act.*

20 *“(2) The revised current Baseline Estimate established*
21 *for a major system under subparagraph (B) or (C) of para-*
22 *graph (1) shall be the 2010 adjusted total acquisition cost*
23 *for the major system and may include the estimated cost*
24 *of conducting any vulnerability assessments for such major*
25 *system required under section 506C.*

1 “(i) *REQUIREMENTS TO USE BASE YEAR DOLLARS.*—
2 *Any determination of a percentage increase under this sec-*
3 *tion shall be stated in terms of constant base year dollars.*

4 “(j) *FORM OF REPORT.*—*Any report required to be*
5 *submitted under this section may be submitted in a classi-*
6 *fied form.”.*

7 (2) *APPLICABILITY DATE OF QUARTERLY RE-*
8 *PORTS.*—*The first report required to be submitted*
9 *under subsection (b) of section 506E of the National*
10 *security Act of 1947, as added by paragraph (1) of*
11 *this subsection, shall be submitted with respect to the*
12 *first fiscal quarter that begins on a date that is not*
13 *less than 180 days after the date of the enactment of*
14 *this Act.*

15 (3) *TABLE OF CONTENTS AMENDMENT.*—*The*
16 *table of contents in the first section of that Act, as*
17 *amended by section 322 of this Act, is further amend-*
18 *ed by inserting after the item relating to section*
19 *506D, as added by section 322(a)(2), the following*
20 *new item:*

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

21 (b) *MAJOR DEFENSE ACQUISITION PROGRAMS.*—*Noth-*
22 *ing in this section, section 324, or an amendment made*
23 *by this section or section 324, shall be construed to exempt*
24 *an acquisition program of the Department of Defense from*
25 *the requirements of chapter 144 of title 10, United States*

1 *Code or Department of Defense Directive 5000, to the extent*
2 *that such requirements are otherwise applicable.*

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

4 *(a) IN GENERAL.—Title V of the National Security*
5 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by section*
6 *323 of this Act, is further amended by inserting after section*
7 *506E, as added by section 323(a), the following new section:*

8 *“CRITICAL COST GROWTH IN MAJOR SYSTEMS*

9 *“SEC. 506F. (a) REASSESSMENT OF MAJOR SYS-*
10 *TEM.—If the Director of National Intelligence determines*
11 *under section 506E(d) that the total acquisition cost of a*
12 *major system has increased by a percentage equal to or*
13 *greater than the critical cost growth threshold for the major*
14 *system, the Director shall—*

15 *“(1) determine the root cause or causes of the*
16 *critical cost growth, in accordance with applicable*
17 *statutory requirements, policies, procedures, and*
18 *guidance; and*

19 *“(2) carry out an assessment of—*

20 *“(A) the projected cost of completing the*
21 *major system if current requirements are not*
22 *modified;*

23 *“(B) the projected cost of completing the*
24 *major system based on reasonable modification*
25 *of such requirements;*

1 “(C) *the rough order of magnitude of the*
2 *costs of any reasonable alternative system or ca-*
3 *pability; and*

4 “(D) *the need to reduce funding for other*
5 *systems due to the growth in cost of the major*
6 *system.*

7 “(b) *PRESUMPTION OF TERMINATION.—(1) After con-*
8 *ducting the reassessment required by subsection (a) with re-*
9 *spect to a major system, the Director shall terminate the*
10 *major system unless the Director submits to Congress a*
11 *Major System Congressional Report containing a certifi-*
12 *cation in accordance with paragraph (2) and the informa-*
13 *tion described in paragraph (3). The Director shall submit*
14 *such Major System Congressional Report and certification*
15 *not later than 90 days after the date the Director receives*
16 *the relevant major system cost report under subsection (b)*
17 *or (c) of section 506E.*

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

20 “(A) *the continuation of the major system is es-*
21 *sential to the national security;*

22 “(B) *there are no alternatives to the major sys-*
23 *tem that will provide acceptable capability to meet*
24 *the intelligence requirement at less cost;*

1 “(C) *the new estimates of the total acquisition*
2 *cost have been determined by the Director to be rea-*
3 *sonable;*

4 “(D) *the major system is a higher priority than*
5 *other systems whose funding must be reduced to ac-*
6 *commodate the growth in cost of the major system;*
7 *and*

8 “(E) *the management structure for the major*
9 *system is adequate to manage and control the total*
10 *acquisition cost.*

11 “(3) *A Major System Congressional Report accom-*
12 *panying a written certification under paragraph (2) shall*
13 *include, in addition to the requirements of section 506E(e),*
14 *the root cause analysis and assessment carried out pursuant*
15 *to subsection (a), the basis for each determination made in*
16 *accordance with subparagraphs (A) through (E) of para-*
17 *graph (2), and a description of all funding changes made*
18 *as a result of the growth in the cost of the major system,*
19 *including reductions made in funding for other systems to*
20 *accommodate such cost growth, together with supporting*
21 *documentation.*

22 “(c) *ACTIONS IF MAJOR SYSTEM NOT TERMINATED.—*
23 *If the Director elects not to terminate a major system pur-*
24 *suant to subsection (b), the Director shall—*

1 “(1) restructure the major system in a manner
2 that addresses the root cause or causes of the critical
3 cost growth, as identified pursuant to subsection (a),
4 and ensures that the system has an appropriate man-
5 agement structure as set forth in the certification sub-
6 mitted pursuant to subsection (b)(2)(E);

7 “(2) rescind the most recent Milestone approval
8 for the major system;

9 “(3) require a new Milestone approval for the
10 major system before taking any action to enter a new
11 contract, exercise an option under an existing con-
12 tract, or otherwise extend the scope of an existing con-
13 tract under the system, except to the extent deter-
14 mined necessary by the Milestone Decision Authority,
15 on a nondelegable basis, to ensure that the system
16 may be restructured as intended by the Director with-
17 out unnecessarily wasting resources;

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

21 “(5) conduct regular reviews of the major system.

22 “(d) *ACTIONS IF MAJOR SYSTEM TERMINATED.*—If a
23 major system is terminated pursuant to subsection (b), the
24 Director shall submit to Congress a written report setting
25 forth—

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

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

5 “(3) the course the Director plans to pursue to
6 meet any intelligence requirements otherwise intended
7 to be met by the major system.

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

11 “(f) *WAIVER.*—(1) The Director may waive the re-
12 quirements of subsections (d)(2), (e), and (g) of section
13 506E and subsections (a)(2), (b), (c), and (d) of this section
14 with respect to a major system if the Director determines
15 that at least 90 percent of the amount of the current Base-
16 line Estimate for the major system has been expended.

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

21 “(i) the information described in section 506E(f);
22 and

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

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

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

7 “(B) The Director shall submit the written notice re-
8 quired by subparagraph (A) not later than 90 days after
9 the date that the Director receives a major system cost re-
10 port under subsection (b) or (c) of section 506E that indi-
11 cates that the total acquisition cost for the major system
12 has increased by a percentage equal to or greater than the
13 significant cost growth threshold or critical cost growth
14 threshold.

15 “(g) DEFINITIONS.—In this section, the terms ‘cost es-
16 timate’, ‘critical cost growth threshold’, ‘current Baseline
17 Estimate’, ‘major system’, and ‘total acquisition cost’ have
18 the meaning given those terms in section 506E(a).”.

19 (b) TABLE OF CONTENTS AMENDMENT.—The table of
20 contents in the first section of that Act, as amended by sec-
21 tion 323 of this Act, is further amended by inserting after
22 the items relating to section 506E, as added by section
23 323(a)(3), the following new item:

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

1 **SEC. 325. FUTURE BUDGET PROJECTIONS.**

2 (a) *IN GENERAL.*—*Title V of the National Security*
3 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by section*
4 *324 of this Act, is further amended by inserting after section*
5 *506F, as added by section 324(a), the following new section:*

6 “*FUTURE BUDGET PROJECTIONS*

7 “*SEC. 506G. (a) FUTURE YEAR INTELLIGENCE*
8 *PLANS.*—*(1) The Director of National Intelligence, with the*
9 *concurrence of the Director of the Office of Management and*
10 *Budget, shall provide to the congressional intelligence com-*
11 *mittees a Future Year Intelligence Plan, as described in*
12 *paragraph (2), for—*

13 “*(A) each expenditure center in the National In-*
14 *telligence Program; and*

15 “*(B) each major system in the National Intel-*
16 *ligence Program.*

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

23 “*(B) A Future Year Intelligence Plan submitted under*
24 *subparagraph (B) of paragraph (1) for a major system shall*
25 *include—*

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

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

5 “(b) *LONG-TERM BUDGET PROJECTIONS*.—(1) *The Di-*
6 *rector of National Intelligence, with the concurrence of the*
7 *Director of the Office of Management and Budget, shall pro-*
8 *vide to the congressional intelligence committees a Long-*
9 *term Budget Projection for each element of the intelligence*
10 *community funded under the National Intelligence Pro-*
11 *gram acquiring a major system that includes the budget*
12 *for such element for the 5-year period that begins on the*
13 *day after the end of the last fiscal year for which year-*
14 *by-year proposed funding is included in a Future Year In-*
15 *telligence Plan for such major system in accordance with*
16 *subsection (a)(2)(A).*

17 “(2) *A Long-term Budget Projection submitted under*
18 *paragraph (1) shall include—*

19 “(A) *projections for the appropriate element of*
20 *the intelligence community for—*

21 “(i) *pay and benefits of officers and em-*
22 *ployees of such element;*

23 “(ii) *other operating and support costs and*
24 *minor acquisitions of such element;*

1 “(iii) research and technology required by
2 such element;

3 “(iv) current and planned major system ac-
4 quisitions for such element;

5 “(v) any future major system acquisitions
6 for such element; and

7 “(vi) any additional funding projections
8 that the Director of National Intelligence con-
9 siders appropriate;

10 “(B) a budget projection based on effective cost
11 and schedule execution of current or planned major
12 system acquisitions and application of Office of Man-
13 agement and Budget inflation estimates to future
14 major system acquisitions;

15 “(C) any additional assumptions and projections
16 that the Director of National Intelligence considers
17 appropriate; and

18 “(D) a description of whether, and to what ex-
19 tent, the total projection for each year exceeds the level
20 that would result from applying the most recent Of-
21 fice of Management and Budget inflation estimate to
22 the budget of that element of the intelligence commu-
23 nity.

24 “(c) *SUBMISSION TO CONGRESS.*—The Director of Na-
25 tional Intelligence, with the concurrence of the Director of

1 *the Office of Management and Budget, shall submit to the*
2 *congressional intelligence committees each Future Year In-*
3 *telligence Plan or Long-term Budget Projection required*
4 *under subsection (a) or (b) for a fiscal year at the time*
5 *that the President submits to Congress the budget for such*
6 *fiscal year pursuant section 1105 of title 31, United States*
7 *Code.*

8 “(d) *MAJOR SYSTEM AFFORDABILITY REPORT.—(1)*
9 *The Director of National Intelligence, with the concurrence*
10 *of the Director of the Office of Management and Budget,*
11 *shall prepare a report on the acquisition of a major system*
12 *funded under the National Intelligence Program before the*
13 *time that the President submits to Congress the budget for*
14 *the first fiscal year in which appropriated funds are antici-*
15 *pated to be obligated for the development or procurement*
16 *of such major system.*

17 “(2) *The report on such major system shall include an*
18 *assessment of whether, and to what extent, such acquisition,*
19 *if developed, procured, and operated, is projected to cause*
20 *an increase in the most recent Future Year Intelligence*
21 *Plan and Long-term Budget Projection submitted under*
22 *section 506G for an element of the intelligence community.*

23 “(3) *The Director of National Intelligence shall update*
24 *the report whenever an independent cost estimate must be*
25 *updated pursuant to section 506A(a)(4).*

1 “(4) *The Director of National Intelligence shall submit*
2 *each report required by this subsection at the time that the*
3 *President submits to Congress the budget for a fiscal year*
4 *pursuant to section 1105 of title 31, United States Code.*

5 “(e) *DEFINITIONS.—In this section:*

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

10 “(2) *INDEPENDENT COST ESTIMATE; MAJOR SYS-*
11 *TEM.—The terms ‘independent cost estimate’ and*
12 *‘major system’ have the meaning given those terms in*
13 *section 506A(e).”.*

14 “(b) *APPLICABILITY DATE.—The first Future Year In-*
15 *telligence Plan and Long-term Budget Projection required*
16 *to be submitted under subsection (a) and (b) of section 506G*
17 *of the National Security Act of 1947, as added by subsection*
18 *(a), shall be submitted to the congressional intelligence com-*
19 *mittees at the time that the President submits to Congress*
20 *the budget for fiscal year 2012 pursuant to section 1105*
21 *of title 31, United States Code.*

22 “(c) *CONFORMING AMENDMENTS.—*

23 “(1) *TABLE OF CONTENTS AMENDMENT.—The*
24 *table of contents in the first section of that Act, as*
25 *amended by section 324 of this Act, is further amend-*

1 *ed by inserting after the items relating to section*
2 *506F, as added by section 324(b), the following new*
3 *item:*

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

4 (2) *REPEAL OF DUPLICATIVE PROVISION.—Sec-*
5 *tion 8104 of the Department of Defense Appropria-*
6 *tions Act, 2010 (50 U.S.C. 415a–3; Public Law 111–*
7 *118; 123 Stat. 3451) is repealed.*

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

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

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

21 *“(B) The head of an element of the intelligence commu-*
22 *nity may not exercise an authority referred to in subpara-*
23 *graph (A) until—*

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

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

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

9 “(III) a certification that the mission of
10 such element would be—

11 “(aa) impaired if such authority is not
12 exercised; or

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

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

17 “(I) a description of the authority referred
18 to in subparagraph (A) that is authorized to be
19 exercised; and

20 “(II) a justification to support the exercise
21 of such authority.

22 “(C) A request and authorization to exercise an au-
23 thority referred to in subparagraph (A) may be made with
24 respect to an individual acquisition or with respect to a

1 *specific class of acquisitions described in the request and*
2 *authorization referred to in subparagraph (B).*

3 “(D)(i) *A request from a head of an element of the*
4 *intelligence community located within one of the depart-*
5 *ments described in clause (ii) to exercise an authority re-*
6 *ferred to in subparagraph (A) shall be submitted to the Di-*
7 *rector of National Intelligence in accordance with any pro-*
8 *cedures established by the head of such department.*

9 “(ii) *The departments described in this clause are the*
10 *Department of Defense, the Department of Energy, the De-*
11 *partment of Homeland Security, the Department of Justice,*
12 *the Department of State, and the Department of the Treas-*
13 *ury.*

14 “(E)(i) *The head of an element of the intelligence com-*
15 *munity may not be authorized to utilize an authority re-*
16 *ferred to in subparagraph (A) for a class of acquisitions*
17 *for a period of more than 3 years, except that the Director*
18 *of National Intelligence (without delegation) may authorize*
19 *the use of such an authority for not more than 6 years.*

20 “(ii) *Each authorization to utilize an authority re-*
21 *ferred to in subparagraph (A) may be extended in accord-*
22 *ance with the requirements of subparagraph (B) for succes-*
23 *sive periods of not more than 3 years, except that the Direc-*
24 *tor of National Intelligence (without delegation) may au-*
25 *thorize an extension period of not more than 6 years.*

1 “(F) Subject to clauses (i) and (ii) of subparagraph
2 (E), the Director of National Intelligence may only delegate
3 the authority of the Director under subparagraphs (A)
4 through (E) to the Principal Deputy Director of National
5 Intelligence or a Deputy Director of National Intelligence.

6 “(G) The Director of National Intelligence shall sub-
7 mit—

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

14 “(ii) to the Director of the Office of Management
15 and Budget a notification of an authorization to exer-
16 cise an authority referred to in subparagraph (A) for
17 an acquisition or class of acquisitions that will exceed
18 \$50,000,000 annually.

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

24 “(I) Nothing in this paragraph may be construed to
25 alter or otherwise limit the authority of the Central Intel-

1 *ligence Agency to independently exercise an authority under*
2 *section 3 or 8(a) of the Central Intelligence Agency Act of*
3 *1949 (50 U.S.C. 403c and 403j(a)).”.*

4 ***Subtitle D—Congressional***
5 ***Oversight, Plans, and Reports***

6 **SEC. 331. NOTIFICATION PROCEDURES.**

7 (a) *PROCEDURES.*—Section 501(c) of the National Se-
8 *curity Act of 1947 (50 U.S.C. 413(c)) is amended by strik-*
9 *ing “such procedures” and inserting “such written proce-*
10 *dures”.*

11 (b) *INTELLIGENCE ACTIVITIES.*—Section 502(a)(2) of
12 *such Act (50 U.S.C. 413a(a)(2)) is amended by inserting*
13 *“(including the legal basis under which the intelligence ac-*
14 *tivity is being or was conducted)” after “concerning intel-*
15 *ligence activities”.*

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

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

21 (2) *in subsection (c)—*

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

1 (B) in paragraph (4), by striking “com-
2 mittee. When” and inserting the following: “com-
3 mittee.

4 “(5)(A) When”; and

5 (C) in paragraph (5), as designated by sub-
6 paragraph (B)—

7 (i) in subparagraph (A), as so des-
8 ignated—

9 (I) by inserting “, or a notifica-
10 tion provided under subsection (d)(1),”
11 after “access to a finding”;

12 (II) by inserting “written” before
13 “statement”; and

14 (ii) by adding at the end the following
15 new subparagraph:

16 “(B) Not later than 180 days after a state-
17 ment of reasons is submitted in accordance with
18 subparagraph (A) or this subparagraph, the
19 President shall ensure that—

20 “(i) all members of the congressional
21 intelligence committees are provided access
22 to the finding or notification; or

23 “(ii) a statement of reasons that it is
24 essential to continue to limit access to such
25 finding or such notification to meet extraor-

1 *dinary circumstances affecting vital inter-*
2 *ests of the United States is submitted to the*
3 *Members of Congress specified in paragraph*
4 *(2).”;*

5 *(3) in subsection (d)—*

6 *(A) by striking “(d) The President” and in-*
7 *serting “(d)(1) The President”;*

8 *(B) in paragraph (1), as designated by sub-*
9 *paragraph (A), by inserting “in writing” after*
10 *“notified”; and*

11 *(C) by adding at the end the following new*
12 *paragraph:*

13 *“(2) In determining whether an activity con-*
14 *stitutes a significant undertaking for purposes of*
15 *paragraph (1), the President shall consider whether*
16 *the activity—*

17 *“(A) involves significant risk of loss of life;*

18 *“(B) requires an expansion of existing au-*
19 *thorities, including authorities relating to re-*
20 *search, development, or operations;*

21 *“(C) results in the expenditure of signifi-*
22 *cant funds or other resources;*

23 *“(D) requires notification under section*
24 *504;*

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

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

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

9 “(g)(1) In any case where access to a finding reported
10 under subsection (c) or notification provided under sub-
11 section (d)(1) is not made available to all members of a
12 congressional intelligence committee in accordance with
13 subsection (c)(2), the President shall notify all members of
14 such committee that such finding or such notification has
15 been provided only to the members specified in subsection
16 (c)(2).

17 “(2) In any case where access to a finding reported
18 under subsection (c) or notification provided under sub-
19 section (d)(1) is not made available to all members of a
20 congressional intelligence committee in accordance with
21 subsection (c)(2), the President shall provide to all members
22 of such committee a general description regarding the find-
23 ing or notification, as applicable, consistent with the rea-
24 sons for not yet fully informing all members of such com-
25 mittee.

1 “(3) *The President shall maintain—*

2 “(A) *a record of the members of Congress to*
 3 *whom a finding is reported under subsection (c) or*
 4 *notification is provided under subsection (d)(1) and*
 5 *the date on which each member of Congress receives*
 6 *such finding or notification; and*

7 “(B) *each written statement provided under sub-*
 8 *section (c)(5).”.*

9 **SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVER-**
 10 **SIGHT REQUIREMENTS.**

11 (a) *IN GENERAL.—Title V of the National Security*
 12 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by section*
 13 *325 of this Act, is further amended by adding at the end*
 14 *the following new section:*

15 “**CERTIFICATION OF COMPLIANCE WITH OVERSIGHT**
 16 **REQUIREMENTS**

17 “**SEC. 508.** *The head of each element of the intelligence*
 18 *community shall annually submit to the congressional in-*
 19 *telligence committees—*

20 “(1) *a certification that, to the best of the knowl-*
 21 *edge of the head of such element—*

22 “(A) *the head of such element is in full com-*
 23 *pliance with the requirements of this title; and*

24 “(B) *any information required to be sub-*
 25 *mitted by the head of such element under this*

1 *Act before the date of the submission of such cer-*
2 *tification has been properly submitted; or*

3 “(2) *if the head of such element is unable to sub-*
4 *mit a certification under paragraph (1), a state-*
5 *ment—*

6 “(A) *of the reasons the head of such element*
7 *is unable to submit such a certification;*

8 “(B) *describing any information required to*
9 *be submitted by the head of such element under*
10 *this Act before the date of the submission of such*
11 *statement that has not been properly submitted;*
12 *and*

13 “(C) *that the head of such element will sub-*
14 *mit such information as soon as possible after*
15 *the submission of such statement.”.*

16 (b) *APPLICABILITY DATE.—The first certification or*
17 *statement required to be submitted by the head of each ele-*
18 *ment of the intelligence community under section 508 of*
19 *the National Security Act of 1947, as added by subsection*
20 *(a), shall be submitted not later than 90 days after the date*
21 *of the enactment of this Act.*

22 (c) *TABLE OF CONTENTS AMENDMENT.—The table of*
23 *contents in the first section of the National Security Act*
24 *of 1947, as amended by section 325 of this Act, is further*

1 *amended by inserting after the item related to section 507*
2 *the following new item:*

“Sec. 508. Certification of compliance with oversight requirements.”.

3 **SEC. 333. REPORT ON DETENTION AND INTERROGATION**
4 **ACTIVITIES.**

5 (a) *REQUIREMENT FOR REPORT.*—*Not later than De-*
6 *cember 1, 2010, the Director of National Intelligence, in co-*
7 *ordination with the Attorney General and the Secretary of*
8 *Defense, shall submit to the congressional intelligence com-*
9 *mittees a comprehensive report containing—*

10 (1) *the policies and procedures of the United*
11 *States Government governing participation by an ele-*
12 *ment of the intelligence community in the interroga-*
13 *tion of individuals detained by the United States who*
14 *are suspected of international terrorism with the ob-*
15 *jective, in whole or in part, of acquiring national in-*
16 *telligence, including such policies and procedures of*
17 *each appropriate element of the intelligence commu-*
18 *nity or interagency body established to carry out in-*
19 *terrogations;*

20 (2) *the policies and procedures relating to any*
21 *detention by the Central Intelligence Agency of such*
22 *individuals in accordance with Executive Order*
23 *13491;*

24 (3) *the legal basis for the policies and procedures*
25 *referred to in paragraphs (1) and (2);*

1 (4) *the training and research to support the poli-*
2 *cies and procedures referred to in paragraphs (1) and*
3 *(2); and*

4 (5) *any action that has been taken to implement*
5 *section 1004 of the Detainee Treatment Act of 2005*
6 *(42 U.S.C. 2000dd-1).*

7 *(b) OTHER SUBMISSION OF REPORT.—*

8 (1) *CONGRESSIONAL ARMED SERVICES COMMIT-*
9 *TEES.—To the extent that the report required by sub-*
10 *section (a) addresses an element of the intelligence*
11 *community within the Department of Defense, the Di-*
12 *rector of National Intelligence, in consultation with*
13 *the Secretary of Defense, shall submit that portion of*
14 *the report, and any associated material that is nec-*
15 *essary to make that portion understandable, to the*
16 *Committee on Armed Services of the Senate and the*
17 *Committee on Armed Services of the House of Rep-*
18 *resentatives. The Director of National Intelligence*
19 *may authorize redactions of the report and any asso-*
20 *ciated materials submitted pursuant to this para-*
21 *graph, if such redactions are consistent with the pro-*
22 *tection of sensitive intelligence sources and methods.*

23 (2) *CONGRESSIONAL JUDICIARY COMMITTEES.—*

24 *To the extent that the report required by subsection*
25 *(a) addresses an element of the intelligence commu-*

1 *Facility at Guantanamo Bay, Cuba, by the Depart-*
2 *ment of Defense; and*

3 *(2) an assessment of the likelihood that such de-*
4 *tainees will engage in terrorism or communicate with*
5 *persons in terrorist organizations.*

6 **SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL**
7 **WEAPONS.**

8 *(a) REQUIREMENT FOR REPORT.—Not later than 180*
9 *days after the date of the enactment of this Act, the Director*
10 *of National Intelligence shall submit to the congressional*
11 *intelligence committees a report on—*

12 *(1) the intelligence collection efforts of the United*
13 *States dedicated to assessing the threat from biological*
14 *weapons from state, nonstate, or rogue actors, either*
15 *foreign or domestic; and*

16 *(2) efforts to protect the biodefense knowledge*
17 *and infrastructure of the United States.*

18 *(b) CONTENT.—The report required by subsection (a)*
19 *shall include—*

20 *(1) an assessment of the intelligence collection ef-*
21 *forts of the United States dedicated to detecting the*
22 *development or use of biological weapons by state,*
23 *nonstate, or rogue actors, either foreign or domestic;*

24 *(2) information on fiscal, human, technical,*
25 *open-source, and other intelligence collection resources*

1 *of the United States dedicated for use to detect or pro-*
2 *tect against the threat of biological weapons;*

3 *(3) an assessment of any problems that may re-*
4 *duce the overall effectiveness of United States intel-*
5 *ligence collection and analysis to identify and protect*
6 *biological weapons targets, including—*

7 *(A) intelligence collection gaps or inefficien-*
8 *cies;*

9 *(B) inadequate information sharing prac-*
10 *tices; or*

11 *(C) inadequate cooperation among depart-*
12 *ments or agencies of the United States;*

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

20 *(5) a description of appropriate goals, schedules,*
21 *milestones, or metrics to measure the long-term effec-*
22 *tiveness of actions implemented to carry out the plan*
23 *described in paragraph (4); and*

24 *(6) any long-term resource and human capital*
25 *issues related to the collection of intelligence regarding*

1 *biological weapons, including any recommendations*
2 *to address shortfalls of experienced and qualified staff*
3 *possessing relevant scientific, language, and technical*
4 *skills.*

5 *(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later*
6 *than 30 days after the date on which the Director of Na-*
7 *tional Intelligence submits the report required by subsection*
8 *(a), the Director shall begin implementation of the strategic*
9 *plan referred to in subsection (b)(4).*

10 **SEC. 336. CYBERSECURITY OVERSIGHT.**

11 *(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—*

12 *(1) REQUIREMENT FOR NOTIFICATION.—*

13 *(A) EXISTING PROGRAMS.—Not later than*
14 *30 days after the date of the enactment of this*
15 *Act, the President shall submit to Congress a no-*
16 *tification for each cybersecurity program in op-*
17 *eration on such date that includes the docu-*
18 *mentation referred to in subparagraphs (A)*
19 *through (F) of paragraph (2).*

20 *(B) NEW PROGRAMS.—Not later than 30*
21 *days after the date of the commencement of oper-*
22 *ations of a new cybersecurity program, the Presi-*
23 *dent shall submit to Congress a notification of*
24 *such commencement that includes the docu-*

1 *mentation referred to in subparagraphs (A)*
2 *through (F) of paragraph (2).*

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

6 (A) *the legal basis for the cybersecurity pro-*
7 *gram;*

8 (B) *the certification, if any, made pursuant*
9 *to section 2511(2)(a)(ii)(B) of title 18, United*
10 *States Code, or other statutory certification of le-*
11 *gality for the cybersecurity program;*

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

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

20 (E) *the plan, if any, for independent audit*
21 *or review of the cybersecurity program to be car-*
22 *ried out by the head of such department or agen-*
23 *cy, in conjunction with the appropriate inspector*
24 *general; and*

1 (F) recommendations, if any, for legislation
2 to improve the capabilities of the United States
3 Government to protect the cybersecurity of the
4 United States.

5 (b) PROGRAM REPORTS.—

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

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

18 (B) an assessment of whether the implemen-
19 tation of the cybersecurity program—

20 (i) is in compliance with—

21 (I) the legal basis referred to in
22 subsection (a)(2)(A); and

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

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

4 (iii) includes an adequate independent
5 audit or review system and whether im-
6 provements to such independent audit or re-
7 view system are necessary.

8 (2) SCHEDULE FOR SUBMISSION OF REPORTS.—

9 (A) EXISTING PROGRAMS.—Not later than
10 180 days after the date of the enactment of this
11 Act, and annually thereafter, the head of a de-
12 partment or agency of the United States with re-
13 sponsibility for a cybersecurity program for
14 which a notification is required to be submitted
15 under subsection (a)(1)(A) shall submit a report
16 required under paragraph (1).

17 (B) NEW PROGRAMS.—Not later than 120
18 days after the date on which a certification is
19 submitted under subsection (a)(1)(B), and annu-
20 ally thereafter, the head of a department or agen-
21 cy of the United States with responsibility for
22 the cybersecurity program for which such certifi-
23 cation is submitted shall submit a report re-
24 quired under paragraph (1).

25 (3) COOPERATION AND COORDINATION.—

1 (A) *COOPERATION.*—*The head of each de-*
2 *partment or agency of the United States required*
3 *to submit a report under paragraph (1) for a*
4 *particular cybersecurity program, and the in-*
5 *pector general of each such department or agen-*
6 *cy, shall, to the extent practicable, work in con-*
7 *junction with any other such head or inspector*
8 *general required to submit such a report for such*
9 *cybersecurity program.*

10 (B) *COORDINATION.*—*The heads of all of the*
11 *departments and agencies of the United States*
12 *required to submit a report under paragraph (1)*
13 *for a particular cybersecurity program shall des-*
14 *ignate one such head to coordinate the conduct of*
15 *the reports on such program.*

16 (c) *INFORMATION SHARING REPORT.*—*Not later than*
17 *one year after the date of the enactment of this Act, the*
18 *Inspector General of the Department of Homeland Security*
19 *and the Inspector General of the Intelligence Community*
20 *shall jointly submit to Congress and the President a report*
21 *on the status of the sharing of cyber-threat information, in-*
22 *cluding—*

23 (1) *a description of how cyber-threat intelligence*
24 *information, including classified information, is*
25 *shared among the agencies and departments of the*

1 *United States and with persons responsible for crit-*
2 *ical 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 Inspec-*
8 *tor General that would help to fully inform Congress*
9 *or the President regarding the effectiveness and legal-*
10 *ity of cybersecurity programs.*

11 (d) *PERSONNEL DETAILS.—*

12 (1) *AUTHORITY TO DETAIL.—Notwithstanding*
13 *any other provision of law, the head of an element of*
14 *the intelligence community that is funded through the*
15 *National Intelligence Program may detail an officer*
16 *or employee of such element to the National Cyber In-*
17 *vestigative Joint Task Force or to the Department of*
18 *Homeland Security to assist the Task Force or the*
19 *Department with cybersecurity, as jointly agreed by*
20 *the head of such element and the Task Force or the*
21 *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 after
4 the date of the enactment of this Act, the Director of Na-
5 tional Intelligence shall submit to Congress a plan for re-
6 cruiting, retaining, and training a highly-qualified cyberse-
7 curity intelligence community workforce to secure the net-
8 works of the intelligence community. Such plan shall in-
9 clude—

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

12 (2) an examination of issues of recruiting, reten-
13 tion, and the professional development of such work-
14 force, including the possibility of providing retention
15 bonuses or other forms of compensation;

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

19 (4) an assessment of the impact of the establish-
20 ment of the Department of Defense Cyber Command
21 on such workforce;

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

1 (6) *strategies for addressing such other matters*
2 *as the Director of National Intelligence considers nec-*
3 *essary to the cybersecurity of the intelligence commu-*
4 *nity.*

5 (f) *REPORT ON GUIDELINES AND LEGISLATION TO IM-*
6 *PROVE 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 Na-*
9 *tional Intelligence, in coordination with the Attorney*
10 *General, the Director of the National Security Agen-*
11 *cy, the White House Cybersecurity Coordinator, and*
12 *any other officials the Director of National Intel-*
13 *ligence considers appropriate, shall submit to Con-*
14 *gress a report containing guidelines or legislative rec-*
15 *ommendations, if appropriate, to improve the capa-*
16 *bilities of the intelligence community and law enforce-*
17 *ment agencies to protect the cybersecurity of the*
18 *United States. Such report shall include guidelines or*
19 *legislative recommendations on—*

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

23 (B) *the need for data retention requirements*
24 *to assist the intelligence community and law en-*
25 *forcement 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, including*
6 *statutes criminalizing the facilitation of crimi-*
7 *nal acts, the scope of laws for which a cyber*
8 *crime constitutes a predicate offense, trespassing*
9 *statutes, data breach notification requirements,*
10 *and victim restitution statutes.*

11 (2) *SUBSEQUENT.*—*Not later than one year after*
12 *the date on which the initial report is submitted*
13 *under paragraph (1), and annually thereafter for two*
14 *years, the Director of National Intelligence, in con-*
15 *sultation with the Attorney General, the Director of*
16 *the National Security Agency, the White House Cy-*
17 *bersecurity Coordinator, and any other officials the*
18 *Director of National Intelligence considers appro-*
19 *priate, shall submit to Congress an update of the re-*
20 *port required under paragraph (1).*

21 (g) *SUNSET.*—*The requirements and authorities of*
22 *subsections (a) through (e) shall terminate on December 31,*
23 *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 out-*
7 *side of the department or agency of the United*
8 *States that was the intended recipient of the per-*
9 *sonally 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 TASK*
18 *FORCE.*—*The term “National Cyber Investigative*
19 *Joint Task Force” means the multiagency cyber in-*
20 *vestigation coordination organization overseen by the*
21 *Director of the Federal Bureau of Investigation*
22 *known as the National Cyber Investigative Joint Task*
23 *Force that coordinates, integrates, and provides perti-*
24 *nent information related to cybersecurity investiga-*
25 *tions.*

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 IN**
6 **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 Representa-*
12 *tives 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 and*
17 *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 pe-*
20 *riod beginning on the date of the submission of the re-*
21 *port;*

22 (3) *the number of positions authorized for such*
23 *element that require foreign language proficiency that*
24 *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 element
7 with foreign language proficiency, including the for-
8 eign language and a description of the proficiency
9 level of such persons;

10 (6) the number of personnel of such element cur-
11 rently attending foreign language training, including
12 the provider of such training;

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

16 (8) an assessment of methods and models for
17 basic, advanced, and intensive foreign language train-
18 ing 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 element
22 that require proficiency in the foreign language
23 or dialect;

24 (B) the number of personnel of such element
25 that are serving in a position that requires pro-

1 *proficiency in the foreign language or dialect to per-*
2 *form the primary duty of the position;*

3 *(C) the number of personnel of such element*
4 *that are serving in a position that does not re-*
5 *quire proficiency in the foreign language or dia-*
6 *lect to perform the primary duty of the position;*

7 *(D) the number of personnel of such element*
8 *rated at each level of proficiency of the Inter-*
9 *agency Language Roundtable;*

10 *(E) whether the number of personnel at each*
11 *level of proficiency of the Interagency Language*
12 *Roundtable meets the requirements of such ele-*
13 *ment;*

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

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

21 *(H) the number of personnel serving as lin-*
22 *guists that discontinued serving such element*
23 *during the preceding calendar year;*

24 *(I) the percentage of work requiring lin-*
25 *guistic skills that is fulfilled by a foreign coun-*

1 *try, international organization, or other foreign*
2 *entity; and*

3 *(J) the percentage of work requiring lin-*
4 *guistic skills that is fulfilled by contractors;*

5 *(10) an assessment of the foreign language ca-*
6 *capacity and capabilities of the intelligence community*
7 *as a whole;*

8 *(11) an identification of any critical gaps in for-*
9 *ign language proficiency with respect to such element*
10 *and recommendations for eliminating such gaps;*

11 *(12) recommendations, if any, for eliminating*
12 *required reports relating to foreign-language pro-*
13 *ficiency that the Director of National Intelligence con-*
14 *siders outdated or no longer relevant; and*

15 *(13) an assessment of the feasibility of employing*
16 *foreign nationals lawfully present in the United*
17 *States who have previously worked as translators or*
18 *interpreters for the Armed Forces or another depart-*
19 *ment or agency of the United States Government in*
20 *Iraq or Afghanistan to meet the critical language*
21 *needs of such element.*

22 *(b) FORM.—The report required under subsection (a)*
23 *shall be submitted in unclassified form, but may include*
24 *a classified annex.*

1 **SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY**
2 **WITHIN THE INTELLIGENCE COMMUNITY.**

3 (a) *REQUIREMENT FOR REPORT.*—Not later than one
4 year after the date of the enactment of this Act, the Director
5 of National Intelligence, in coordination with the head of
6 each element of the intelligence community, shall submit to
7 the congressional intelligence committees a report on the
8 plans of each such element to increase diversity within the
9 intelligence community.

10 (b) *CONTENT.*—The report required by subsection (a)
11 shall include specific implementation plans to increase di-
12 versity within each element of the intelligence community,
13 including—

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

19 (2) *specific plans and initiatives for each such*
20 *element to increase recruiting and hiring of diverse*
21 *candidates;*

22 (3) *specific plans and initiatives for each such*
23 *element to improve retention of diverse Federal em-*
24 *ployees at the junior, midgrade, senior, and manage-*
25 *ment levels;*

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

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

8 (c) *FORM.*—The report required by subsection (a) shall
9 be submitted in unclassified form, but may include a classi-
10 fied annex.

11 **SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CON-**
12 **TRACTORS.**

13 (a) *REQUIREMENT FOR REPORT.*—Not later than Feb-
14 ruary 1, 2011, the Director of National Intelligence shall
15 submit to the congressional intelligence committees and the
16 Committees on Armed Services of the House of Representa-
17 tives and the Senate a report describing the use of personal
18 services contracts across the intelligence community, the im-
19 pact of the use of such contracts on the intelligence commu-
20 nity workforce, plans for conversion of contractor employ-
21 ment into United States Government employment, and the
22 accountability mechanisms that govern the performance of
23 such personal services contracts.

24 (b) *CONTENT.*—

1 (1) *IN GENERAL.*—*The report submitted under*
2 *subsection (a) shall include—*

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

13 (B) *an identification of contracts in effect*
14 *during the preceding fiscal year under which the*
15 *contractor is performing substantially similar*
16 *functions to a United States Government em-*
17 *ployee;*

18 (C) *an assessment of costs incurred or sav-*
19 *ings achieved during the preceding fiscal year by*
20 *awarding contracts for the performance of such*
21 *functions referred to in subparagraph (B) in-*
22 *stead of using full-time employees of the elements*
23 *of the intelligence community to perform such*
24 *functions;*

1 (D) an assessment of the appropriateness of
2 using contractors to perform the activities de-
3 scribed in paragraph (2);

4 (E) an estimate of the number of contracts,
5 and the number of personnel working under such
6 contracts, related to the performance of activities
7 described in paragraph (2);

8 (F) a comparison of the compensation of
9 contract employees and United States Govern-
10 ment employees performing substantially similar
11 functions during the preceding fiscal year;

12 (G) an analysis of the attrition of United
13 States Government employees for contractor posi-
14 tions that provide substantially similar functions
15 during the preceding fiscal year;

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

20 (I) an analysis of the oversight and ac-
21 countability mechanisms applicable to personal
22 services contracts awarded for intelligence activi-
23 ties by each element of the intelligence commu-
24 nity during fiscal years 2009 and 2010;

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

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

11 (2) *ACTIVITIES.*—Activities described in this
12 paragraph are the following:

13 (A) Intelligence collection.

14 (B) Intelligence analysis.

15 (C) Covert actions, including rendition, de-
16 tention, and interrogation activities.

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

20 (a) *STUDY.*—The Inspector General of the Intelligence
21 Community shall conduct a study on the electronic waste
22 destruction practices of the intelligence community. Such
23 study shall assess—

24 (1) the security of the electronic waste disposal
25 practices of the intelligence community, including the

1 *potential for counterintelligence exploitation of de-*
2 *stroyed, discarded, or recycled materials;*

3 *(2) the environmental impact of such disposal*
4 *practices; and*

5 *(3) methods to improve the security and environ-*
6 *mental impact of such disposal practices, including*
7 *steps to prevent the forensic exploitation of electronic*
8 *waste.*

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

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

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

24 *(b) REPORT.—Not later than one year after the date*
25 *of the enactment of this Act, the Director of the Central In-*

1 *telligence Agency shall submit to Congress the results of the*
2 *classification review conducted under subsection (a), in-*
3 *cluding the total number of records of the Agency that are*
4 *relevant.*

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

8 **SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGATION**
9 **EXERCISE OF ENFORCEMENT JURISDICTION**
10 **IN FOREIGN NATIONS.**

11 *Not later than 120 days after the date of the enactment*
12 *of this Act, the Director of the Federal Bureau of Investiga-*
13 *tion, in consultation with the Secretary of State, shall sub-*
14 *mit to Congress a review of constraints under international*
15 *law and the laws of foreign nations to the assertion of en-*
16 *forcement jurisdiction with respect to criminal investiga-*
17 *tions of terrorism offenses under the laws of the United*
18 *States conducted by agents of the Federal Bureau of Inves-*
19 *tigation in foreign nations and using funds made available*
20 *for the National Intelligence Program, including con-*
21 *straints identified in section 432 of the Restatement (Third)*
22 *of the Foreign Relations Law of the 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 enactment*
5 *of this Act, the Director of the Central Intelligence Agency*
6 *shall make publicly available an unclassified version of the*
7 *report of the Inspector General of the Central Intelligence*
8 *Agency entitled “Procedures Used in Narcotics Airbridge*
9 *Denial Program in Peru, 1995–2001”, dated August 25,*
10 *2008.*

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

12 *Not later than 180 days after the date of the enactment*
13 *of this Act, the Director of National Intelligence, in con-*
14 *sultation with the Nuclear Regulatory Commission, shall*
15 *submit to Congress a report summarizing intelligence re-*
16 *lated to the threat to the United States from weapons that*
17 *use radiological materials, including highly dispersible sub-*
18 *stances 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 enactment*
22 *of this Act, the Director of National Intelligence shall sub-*
23 *mit to Congress a report on the feasibility and advisability*
24 *of creating a national space intelligence office to manage*
25 *space-related intelligence assets and access to 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 enactment*
5 *of this Act, the Director of National Intelligence shall sub-*
6 *mit to Congress a report on the attempt to detonate an ex-*
7 *plosive device aboard Northwest Airlines flight number 253*
8 *on December 25, 2009. Such report shall describe the fail-*
9 *ures, if any, to share or analyze intelligence or other infor-*
10 *mation and the measures that the intelligence community*
11 *has taken or will take to prevent such failures, including—*

12 *(1) a description of the roles and responsibilities*
13 *of the counterterrorism analytic components of the in-*
14 *telligence community in synchronizing, correlating,*
15 *and analyzing all sources of intelligence related to*
16 *terrorism;*

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

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

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

9 (3) any recommendations that the Director con-
10 siders appropriate for legislation to improve the shar-
11 ing of intelligence or information relating to terror-
12 ists;

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 procedures
25 by which the intelligence community prioritizes ter-

1 *rorism threat leads and the standards used by ele-*
2 *ments of the intelligence community to determine if*
3 *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 fail-*
15 *ures, that have been transmitted to the Director of*
16 *National Intelligence.*

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

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

22 (b) *ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE*
23 *SHARING WITH THE UNITED NATIONS.*—Section 112 of the
24 *National Security Act of 1947 (50 U.S.C. 404g) is amend-*
25 *ed—*

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

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

4 (c) *ANNUAL REPORT ON PROGRESS IN AUDITABLE FI-*
5 *NANCIAL STATEMENTS.—Section 114A of the National Se-*
6 *curity 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 Act*
9 *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 Com-
3 mittee on Appropriations,”; and

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

7 (e) ANNUAL CERTIFICATION ON COUNTERINTEL-
8 LIGENCE INITIATIVES.—Section 1102(b) of the National Se-
9 curity 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 of
14 the Intelligence Authorization Act for Fiscal Year 2003 (50
15 U.S.C. 404n–2) is amended—

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

17 (2) by redesignating subsections (e), (f), (g), and

18 (h) as subsections (d), (e), (f), and (g), respectively.

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

23 (h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPI-
24 ONAGE.—Subsection (b) of section 809 of the Intelligence

1 *Authorization Act for Fiscal Year 1995 (50 U.S.C. App.*
 2 *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 than*
 8 *February 1, 2011, and once every two years there-*
 9 *after, the President shall submit to the congressional*
 10 *intelligence committees and congressional leadership a*
 11 *report updating the information referred to in sub-*
 12 *section (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.”.

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

6 **SEC. 348. INFORMATION ACCESS BY THE COMPTROLLER**

7 **GENERAL OF THE UNITED STATES.**

8 (a) *DNI DIRECTIVE GOVERNING ACCESS.*—

9 (1) *REQUIREMENT FOR DIRECTIVE.*—*The Direc-*
10 *tor of National Intelligence, in consultation with the*
11 *Comptroller General of the United States, shall issue*
12 *a written directive governing the access of the Comp-*
13 *troller General to information in the possession of an*
14 *element of the intelligence community.*

15 (2) *AMENDMENT TO DIRECTIVE.*—*The Director of*
16 *National Intelligence, in consultation with the Comp-*
17 *troller General, may issue an amendment to the direc-*
18 *tive issued under paragraph (1) at any time the Di-*
19 *rector determines such an amendment is appropriate.*

20 (3) *RELATIONSHIP TO OTHER LAWS.*—*The direc-*
21 *tive issued under paragraph (1) and any amendment*
22 *to such directive issued under paragraph (2) shall be*
23 *consistent with the provisions of—*

24 (A) *chapter 7 of title 31, United States*
25 *Code; and*

1 (B) *the National Security Act of 1947 (50*
2 *U.S.C. 401 et seq.)*.

3 (b) *CONFIDENTIALITY OF INFORMATION.—*

4 (1) *REQUIREMENT FOR CONFIDENTIALITY.—The*
5 *Comptroller General of the United States shall ensure*
6 *that the level of confidentiality of information made*
7 *available to the Comptroller General pursuant to the*
8 *directive issued under subsection (a)(1) or an amend-*
9 *ment to such directive issued under subsection (a)(2)*
10 *is not less than the level of confidentiality of such in-*
11 *formation required of the head of the element of the*
12 *intelligence community from which such information*
13 *was obtained.*

14 (2) *PENALTIES FOR UNAUTHORIZED DISCLO-*
15 *SURE.—An officer or employee of the Government Ac-*
16 *countability Office shall be subject to the same statu-*
17 *tory penalties for unauthorized disclosure or use of*
18 *such information as an officer or employee of the ele-*
19 *ment of the intelligence community from which such*
20 *information was obtained.*

21 (c) *SUBMISSION TO CONGRESS.—*

22 (1) *SUBMISSION OF DIRECTIVE.—The directive*
23 *issued under subsection (a)(1) shall be submitted to*
24 *Congress by the Director of National Intelligence, to-*

1 *gether with any comments of the Comptroller General*
 2 *of the United States, no later than May 1, 2011.*

3 (2) *SUBMISSION OF AMENDMENT.*—*Any amend-*
 4 *ment to such directive issued under subsection (a)(2)*
 5 *shall be submitted to Congress by the Director, to-*
 6 *gether with any comments of the Comptroller General.*

7 (d) *EFFECTIVE DATE.*—*The directive issued under*
 8 *subsection (a)(1) and any amendment to such directive*
 9 *issued under subsection (a)(2) shall take effect 60 days after*
 10 *the date such directive or amendment is submitted to Con-*
 11 *gress under subsection (c), unless the Director determines*
 12 *that for reasons of national security the directive or amend-*
 13 *ment should take effect sooner.*

14 **SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUB-**
 15 **MISSION DATES.**

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

18 (1) *in subsection (a)—*

19 (A) *in paragraph (1)—*

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

22 (ii) *by redesignating subparagraphs*
 23 *(C), (D), (E), (F), (H), (I), and (N) as sub-*
 24 *paragraphs (A), (B), (C), (D), (E), (F), and*
 25 *(G), respectively; and*

1 (iii) by adding at the end the following
2 new subparagraphs:

3 “(H) The annual report on outside employment
4 of employees of elements of the intelligence community
5 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 may
19 delete the information described in subparagraph (A) or (C)
20 of paragraph (2) or in subparagraph (A) or (C) of para-
21 graph (3) if the head of such element certifies in writing
22 to the Secretary of State that the publication of such infor-
23 mation could adversely affect United States intelligence
24 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 Intelligence
4 who shall keep a record of such information.

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

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

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

13 “(B) the use of such funds for such activity sup-
14 ports an emergent need, improves program effective-
15 ness, or increases efficiency; and”.

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

18 (a) INCREASE IN PENALTIES FOR DISCLOSURE OF UN-
19 DERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

20 (1) DISCLOSURE OF AGENT AFTER ACCESS TO
21 INFORMATION IDENTIFYING AGENT.—Subsection (a) of
22 section 601 of the National Security Act of 1947 (50
23 U.S.C. 421) is amended by striking “ten years” and
24 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 PROTEC-*
6 *TION OF INTELLIGENCE IDENTITIES.*—*The first sentence of*
7 *section 603(a) of the National Security Act of 1947 (50*
8 *U.S.C. 423(a)) is amended by inserting “including an as-*
9 *essment of the need, if any, for modification of this title*
10 *for the purpose of improving legal protections for covert*
11 *agents,” after “measures to protect the identities of covert*
12 *agents.”.*

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

14 *Section 601 of the Implementing Recommendations of*
15 *the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is*
16 *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 pursu-*
21 *ant to section 1105 of title 31, United States Code, the*
22 *President shall disclose to the public the aggregate amount*
23 *of appropriations requested for that fiscal year for the Na-*
24 *tional Intelligence Program.*

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

7 “(c) *WAIVER.*—

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

14 “(A) *a statement, in unclassified form, that*
15 *the disclosure required in subsection (a) or (b)*
16 *for that fiscal year would damage national secu-*
17 *rity; 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 Interest
17 Declassification Act of 2000 (50 U.S.C. 435 note) is amend-
18 ed—

19 (1) by striking “jurisdiction,” and inserting “ju-
20 risdiction or by a member of the committee of juris-
21 diction,”; 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 of*
 5 *Justice and Related Agencies Appropriations Act, 1993*
 6 *(Public Law 102–395; 28 U.S.C. 533 note) is amended in*
 7 *the flush text following subparagraph (D) by striking “(or,*
 8 *if designated by the Director, the Assistant Director, Intel-*
 9 *ligence 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 Branch*
 14 *or a similar successor position) and the Attorney General*
 15 *(or a designee of the Attorney General who is in the Na-*
 16 *tional Security Division in a position not lower than Dep-*
 17 *uty Assistant Attorney General or a similar successor posi-*
 18 *tion)”.*

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

20 *(a) REPORTS RELATING TO SECURITY CLEARANCES.—*

21 *(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE*
 22 *DETERMINATIONS.—*

23 *(A) IN GENERAL.—Title V of the National*
 24 *Security Act of 1947 (50 U.S.C. 413 et seq.), as*
 25 *amended by section 325 of this Act, is further*
 26 *amended by inserting after section 506G, as*

1 *added by section 325(a), the following new sec-*
2 *tion:*

3 “*REPORTS ON SECURITY CLEARANCES*

4 “*SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION*
5 *REQUIREMENTS.—(1) The President shall every four years*
6 *conduct an audit of the manner in which the executive*
7 *branch determines whether a security clearance is required*
8 *for a particular position in the United States Government.*

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

12 “*(b) REPORT ON SECURITY CLEARANCE DETERMINA-*
13 *TIONS.—(1) Not later than February 1 of each year, the*
14 *President shall submit to Congress a report on the security*
15 *clearance process. Such report shall include, for each secu-*
16 *rity clearance level—*

17 “*(A) the number of employees of the United*
18 *States Government who—*

19 “*(i) held a security clearance at such level*
20 *as of October 1 of the preceding year; and*

21 “*(ii) were approved for a security clearance*
22 *at such level during the preceding fiscal year;*

23 “*(B) the number of contractors to the United*
24 *States Government who—*

25 “*(i) held a security clearance at such level*
26 *as of October 1 of the preceding year; and*

1 “(i) were approved for a security clearance
2 at such level during the preceding fiscal year;
3 and

4 “(C) for each element of the intelligence commu-
5 nity—

6 “(i) the total amount of time it took to
7 process the security clearance determination for
8 such level that—

9 “(I) was among the 80 percent of secu-
10 rity clearance determinations made during
11 the preceding fiscal year that took the short-
12 est amount of time to complete; and

13 “(II) took the longest amount of time
14 to complete;

15 “(i) the total amount of time it took to
16 process the security clearance determination for
17 such level that—

18 “(I) was among the 90 percent of secu-
19 rity clearance determinations made during
20 the preceding fiscal year that took the short-
21 est amount of time to complete; and

22 “(II) took the longest amount of time
23 to complete;

24 “(iii) the number of pending security clear-
25 ance investigations for such level as of October 1

1 *of the preceding year that have remained pend-*
2 *ing for—*

3 *“(I) 4 months or less;*

4 *“(II) between 4 months and 8 months;*

5 *“(III) between 8 months and one year;*

6 *and*

7 *“(IV) more than one year;*

8 *“(iv) the percentage of reviews during the*
9 *preceding fiscal year that resulted in a denial or*
10 *revocation of a security clearance;*

11 *“(v) the percentage of investigations during*
12 *the preceding fiscal year that resulted in incom-*
13 *plete information;*

14 *“(vi) the percentage of investigations during*
15 *the preceding fiscal year that did not result in*
16 *enough information to make a decision on poten-*
17 *tially adverse information; and*

18 *“(vii) for security clearance determinations*
19 *completed or pending during the preceding fiscal*
20 *year that have taken longer than one year to*
21 *complete—*

22 *“(I) the number of security clearance*
23 *determinations for positions as employees of*
24 *the United States Government that required*
25 *more than one year to complete;*

1 “(II) the number of security clearance
2 determinations for contractors that required
3 more than one year to complete;

4 “(III) the agencies that investigated
5 and adjudicated such determinations; and

6 “(IV) the cause of significant delays in
7 such determinations.

8 “(2) For purposes of paragraph (1), the President may
9 consider—

10 “(A) security clearances at the level of confiden-
11 tial and secret as one security clearance level; and

12 “(B) security clearances at the level of top secret
13 or higher as one security clearance level.

14 “(c) FORM.—The results required under subsection
15 (a)(2) and the reports required under subsection (b)(1) shall
16 be submitted in unclassified form, but may include a classi-
17 fied annex.”.

18 (B) INITIAL AUDIT.—The first audit re-
19 quired to be conducted under section 506H(a)(1)
20 of the National Security Act of 1947, as added
21 by subparagraph (A) of this paragraph, shall be
22 completed not later than February 1, 2011.

23 (C) TABLE OF CONTENTS AMENDMENT.—
24 The table of contents in the first section of such
25 Act, as amended by section 347(i) of this Act, is

1 *further amended by inserting after the item re-*
2 *lating to section 506G, as added by section 325*
3 *of this Act, the following new item:*

“*Sec. 506H. Reports on security clearances.*”.

4 (2) *REPORT ON METRICS FOR ADJUDICATION*
5 *QUALITY.—Not later than 180 days after the date of*
6 *the enactment of this Act, the President shall submit*
7 *to Congress a report on security clearance investiga-*
8 *tions and adjudications. Such report shall include—*

9 (A) *United States Government-wide adju-*
10 *dications guidelines and metrics for adjudication*
11 *quality;*

12 (B) *a plan to improve the professional de-*
13 *velopment of security clearance adjudicators;*

14 (C) *metrics to evaluate the effectiveness of*
15 *interagency clearance reciprocity;*

16 (D) *United States Government-wide inves-*
17 *tigation standards and metrics for investigation*
18 *quality; and*

19 (E) *the advisability, feasibility, counter-*
20 *intelligence risk, and cost effectiveness of—*

21 (i) *by not later than January 1, 2012,*
22 *requiring the investigation and adjudica-*
23 *tion of security clearances to be conducted*
24 *by not more than two Federal agencies; and*

1 (ii) by not later than January 1, 2015,
2 requiring the investigation and adjudica-
3 tion of security clearances to be conducted
4 by not more than one Federal agency.

5 (b) *SECURITY CLEARANCE RECIPROCITY.*—

6 (1) *AUDIT.*—*The Inspector General of the Intel-*
7 *ligence Community shall conduct an audit of the reci-*
8 *procuity of security clearances among the elements of*
9 *the intelligence community.*

10 (2) *REPORT.*—*Not later than 180 days after the*
11 *date of the enactment of this Act, the Inspector Gen-*
12 *eral of the Intelligence Community shall submit to the*
13 *congressional intelligence committees a report con-*
14 *taining the results of the audit conducted under para-*
15 *graph (1). Such report shall include an assessment of*
16 *the time required to obtain a reciprocal security*
17 *clearance for—*

18 (A) *an employee of an element of the intel-*
19 *ligence community detailed to another element of*
20 *the intelligence community;*

21 (B) *an employee of an element of the intel-*
22 *ligence community seeking permanent employ-*
23 *ment with another element of the intelligence*
24 *community; and*

1 (C) a contractor seeking permanent employ-
2 ment with an element of the intelligence commu-
3 nity.

4 (3) *FORM.*—The report required under para-
5 graph (2) shall be submitted in unclassified form, but
6 may include a classified annex.

7 **SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAK-**
8 **NESSES.**

9 (a) *DEFINITIONS.*—In this section:

10 (1) *COVERED ELEMENT OF THE INTELLIGENCE*
11 *COMMUNITY.*—The term “covered element of the intel-
12 ligence community” means—

13 (A) the Central Intelligence Agency;

14 (B) the Defense Intelligence Agency;

15 (C) the National Geospatial-Intelligence
16 Agency;

17 (D) the National Reconnaissance Office; or

18 (E) the National Security Agency.

19 (2) *INDEPENDENT AUDITOR.*—The term “inde-
20 pendent auditor” means an individual who—

21 (A)(i) is a Federal, State, or local govern-
22 ment auditor who meets the independence stand-
23 ards included in generally accepted government
24 auditing standards; or

1 (ii) is a public accountant who meets such
2 independence standards; and

3 (B) is designated as an auditor by the Di-
4 rector of National Intelligence or the head of a
5 covered element of the intelligence community, as
6 appropriate.

7 (3) *INDEPENDENT REVIEW.*—The term “inde-
8 pendent review” means an audit, attestation, or ex-
9 amination conducted by an independent auditor in
10 accordance with generally accepted government audit-
11 ing standards.

12 (4) *LONG-STANDING, CORRECTABLE MATERIAL*
13 *WEAKNESS.*—The term “long-standing, correctable
14 material weakness” means a material weakness—

15 (A) that was first reported in the annual fi-
16 nancial report of a covered element of the intel-
17 ligence community for a fiscal year prior to fis-
18 cal year 2007; and

19 (B) the correction of which is not substan-
20 tially dependent on a business system that was
21 not implemented prior to the end of fiscal year
22 2010.

23 (5) *MATERIAL WEAKNESS.*—The term “material
24 weakness” has the meaning given that term under the
25 Office of Management and Budget Circular A-123,

1 entitled “*Management’s Responsibility for Internal*
2 *Control*,” revised December 21, 2004.

3 (6) *SENIOR INTELLIGENCE MANAGEMENT OFFI-*
4 *CIAL.*—*The term “senior intelligence management of-*
5 *ficial” means an official within a covered element of*
6 *the intelligence community who is—*

7 (A)(i) *compensated under the Senior Intel-*
8 *ligence Service pay scale; or*

9 (ii) *the head of a covered element of the in-*
10 *telligence community; and*

11 (B) *compensated for employment with funds*
12 *appropriated pursuant to an authorization of*
13 *appropriations in this Act.*

14 (b) *IDENTIFICATION OF SENIOR INTELLIGENCE MAN-*
15 *AGEMENT OFFICIALS.*—

16 (1) *REQUIREMENT TO IDENTIFY.*—*Not later than*
17 *30 days after the date of the enactment of this Act,*
18 *the head of a covered element of the intelligence com-*
19 *munity shall designate a senior intelligence manage-*
20 *ment official of such element to be responsible for cor-*
21 *recting each long-standing, correctable material weak-*
22 *ness of such element.*

23 (2) *HEAD OF A COVERED ELEMENT OF THE IN-*
24 *TELLIGENCE COMMUNITY.*—*The head of a covered ele-*
25 *ment of the intelligence community may designate*

1 *himself or herself as the senior intelligence manage-*
2 *ment official responsible for correcting a long-stand-*
3 *ing, correctable material weakness under paragraph*
4 *(1).*

5 *(3) REQUIREMENT TO UPDATE DESIGNATION.—If*
6 *the head of a covered element of the intelligence com-*
7 *munity determines that a senior intelligence manage-*
8 *ment official designated under paragraph (1) is no*
9 *longer responsible for correcting a long-standing, cor-*
10 *rectable material weakness, the head of such element*
11 *shall designate the successor to such official not later*
12 *than 10 days after the date of such determination.*

13 *(c) NOTIFICATION.—Not later than 10 days after the*
14 *date on which the head of a covered element of the intel-*
15 *ligence community has designated a senior intelligence*
16 *management official pursuant to paragraph (1) or (3) of*
17 *subsection (b), the head of such element shall provide writ-*
18 *ten notification of such designation to the Director of Na-*
19 *tional Intelligence and to such senior intelligence manage-*
20 *ment official.*

21 *(d) CORRECTION OF LONG-STANDING, MATERIAL*
22 *WEAKNESS.—*

23 *(1) DETERMINATION OF CORRECTION OF DEFICI-*
24 *ENCY.—If a long-standing, correctable material*
25 *weakness is corrected, the senior intelligence manage-*

1 *ment official who is responsible for correcting such*
2 *long-standing, correctable material weakness shall*
3 *make and issue a determination of the correction.*

4 (2) *BASIS FOR DETERMINATION.—The deter-*
5 *mination of the senior intelligence management offi-*
6 *cial under paragraph (1) shall be based on the find-*
7 *ings of an independent review.*

8 (3) *NOTIFICATION AND SUBMISSION OF FIND-*
9 *INGS.—A senior intelligence management official who*
10 *makes a determination under paragraph (1) shall—*

11 (A) *notify the head of the appropriate cov-*
12 *ered element of the intelligence community of*
13 *such determination at the time the determination*
14 *is made; and*

15 (B) *ensure that the independent auditor*
16 *whose findings are the basis of a determination*
17 *under paragraph (1) submits to the head of the*
18 *covered element of the intelligence community*
19 *and the Director of National Intelligence the*
20 *findings that such determination is based on not*
21 *later than 5 days after the date on which such*
22 *determination is made.*

23 (e) *CONGRESSIONAL OVERSIGHT.—The head of a cov-*
24 *ered element of the intelligence community shall notify the*

1 congressional intelligence committees not later than 30 days
2 after the date—

3 (1) on which a senior intelligence management
4 official is designated under paragraph (1) or (3) of
5 subsection (b) and notified under subsection (c); or

6 (2) of the correction of a long-standing, correct-
7 able material weakness, as verified by an independent
8 auditor under subsection (d)(2).

9 **SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IMPROVE-**
10 **MENT AND AUDIT READINESS.**

11 Not later than 180 days after the date of the enactment
12 of this Act, the Director of National Intelligence shall—

13 (1) conduct a review of the status of the
14 auditability compliance of each element of the intel-
15 ligence community; and

16 (2) develop a plan and schedule to achieve a full,
17 unqualified audit of each element of the intelligence
18 community not later than September 30, 2013.

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director of**
5 **National Intelligence**

6 **SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF**
7 **NATIONAL INTELLIGENCE.**

8 *Subsection (f) of section 102A of the National Security*
9 *Act of 1947 (50 U.S.C. 403–1) is amended—*

10 *(1) by redesignating paragraphs (7) and (8) as*
11 *paragraphs (8) and (9), respectively; and*

12 *(2) by inserting after paragraph (6) the fol-*
13 *lowing new paragraph:*

14 *“(7)(A) The Director of National Intelligence shall, if*
15 *the Director determines it is necessary, or may, if requested*
16 *by a congressional intelligence committee, conduct an ac-*
17 *countability review of an element of the intelligence commu-*
18 *nity or the personnel of such element in relation to a failure*
19 *or deficiency within the intelligence community.*

20 *“(B) The Director of National Intelligence, in con-*
21 *sultation with the Attorney General, shall establish guide-*
22 *lines and procedures for conducting an accountability re-*
23 *view under subparagraph (A).*

24 *“(C)(i) The Director of National Intelligence shall pro-*
25 *vide the findings of an accountability review conducted*

1 *under subparagraph (A) and the Director's recommenda-*
2 *tions for corrective or punitive action, if any, to the head*
3 *of the applicable element of the intelligence community.*
4 *Such recommendations may include a recommendation for*
5 *dismissal of personnel.*

6 “(ii) *If the head of such element does not implement*
7 *a recommendation made by the Director under clause (i),*
8 *the head of such element shall submit to the congressional*
9 *intelligence committees a notice of the determination not*
10 *to implement the recommendation, including the reasons for*
11 *the determination.*

12 “(D) *The requirements of this paragraph shall not be*
13 *construed to limit any authority of the Director of National*
14 *Intelligence under subsection (m) or with respect to super-*
15 *vision of the Central Intelligence Agency.”.*

16 **SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION**
17 **SHARING.**

18 (a) *AUTHORITIES FOR INTERAGENCY FUNDING.—Sec-*
19 *tion 102A(d)(2) of the National Security Act of 1947 (50*
20 *U.S.C. 403–1(d)(2)) is amended by striking “Program to*
21 *another such program.” and inserting “Program—*

22 “(A) *to another such program;*

23 “(B) *to other departments or agencies of the*
24 *United States Government for the development and*
25 *fielding of systems of common concern related to the*

1 *collection, processing, analysis, exploitation, and dis-*
2 *semination of intelligence information; or*

3 “(C) to a program funded by appropriations not
4 *within the National Intelligence Program to address*
5 *critical gaps in intelligence information sharing or*
6 *access capabilities.”.*

7 ***(b) AUTHORITIES OF HEADS OF OTHER DEPART-***
8 ***MENTS AND AGENCIES.—****Notwithstanding any other provi-*
9 *sion of law, the head of any department or agency of the*
10 *United States is authorized to receive and utilize funds*
11 *made available to the department or agency by the Director*
12 *of National Intelligence pursuant to section 102A(d)(2) of*
13 *the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)),*
14 *as amended by subsection (a), and receive and utilize any*
15 *system referred to in such section that is made available*
16 *to such department or agency.*

17 **SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF**
18 **NATIONAL INTELLIGENCE.**

19 *Subsection (e) of section 103 of the National Security*
20 *Act of 1947 (50 U.S.C. 403–3) is amended to read as fol-*
21 *lows:*

22 “(e) **LOCATION OF THE OFFICE OF THE DIRECTOR OF**
23 **NATIONAL INTELLIGENCE.—***The headquarters of the Office*
24 *of the Director of National Intelligence may be located in*

1 *the Washington metropolitan region, as that term is defined*
2 *in section 8301 of title 40, United States Code.”.*

3 **SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMA-**
4 **TION OFFICER OF THE INTELLIGENCE COM-**
5 **MUNITY.**

6 *Section 103G of the National Security Act of 1947 (50*
7 *U.S.C. 403–3g) is amended—*

8 *(1) in subsection (a)—*

9 *(A) by inserting “of the Intelligence Com-*
10 *munity” after “Chief Information Officer”; and*

11 *(B) by striking “President,” and all that*
12 *follows and inserting “President.”;*

13 *(2) by striking subsection (b) and redesignating*
14 *subsections (c) and (d) as subsections (b) and (c), re-*
15 *spectively;*

16 *(3) in subsection (b) (as so redesignated), by in-*
17 *serting “of the Intelligence Community” after “Chief*
18 *Information Officer”; and*

19 *(4) in subsection (c) (as so redesignated), by in-*
20 *serting “of the Intelligence Community” before “may*
21 *not”.*

22 **SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE**
23 **COMMUNITY.**

24 *(a) ESTABLISHMENT.—*

1 (1) *IN GENERAL.*—*Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended*
2
3 *by section 347 of this Act, is further amended by inserting after section 103G the following new section:*

4 “*INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY*
5
6 “*SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF*
7 *THE INTELLIGENCE COMMUNITY.*—*There is within the Office of the Director of National Intelligence an Office of the*
8 *Inspector General of the Intelligence Community.*

9
10 “(b) *PURPOSE.*—*The purpose of the Office of the Inspector General of the Intelligence Community is—*

11
12 “(1) *to create an objective and effective office, appropriately accountable to Congress, to initiate and*
13 *conduct independent investigations, inspections, audits, and reviews on programs and activities within*
14 *the responsibility and authority of the Director of National Intelligence;*

15
16 “(2) *to provide leadership and coordination and*
17 *recommend policies for activities designed—*

18 “(A) *to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and*
19
20 “(B) *to prevent and detect fraud and abuse*
21 *in such programs and activities;*

22
23 “(C) *to provide for the effective and efficient operation of the Office of the Inspector General of the Intelligence Community;*
24 “(D) *to provide for the effective and efficient operation of the Office of the Inspector General of the Intelligence Community;*

1 “(3) to provide a means for keeping the Director
2 of National Intelligence fully and currently informed
3 about—

4 “(A) problems and deficiencies relating to
5 the administration of programs and activities
6 within the responsibility and authority of the
7 Director of National Intelligence; and

8 “(B) the necessity for, and the progress of,
9 corrective actions; and

10 “(4) in the manner prescribed by this section, to
11 ensure that the congressional intelligence committees
12 are kept similarly informed of—

13 “(A) significant problems and deficiencies
14 relating to programs and activities within the
15 responsibility and authority of the Director of
16 National Intelligence; and

17 “(B) the necessity for, and the progress of,
18 corrective actions.

19 “(c) *INSPECTOR GENERAL OF THE INTELLIGENCE*
20 *COMMUNITY.*—(1) *There is an Inspector General of the In-*
21 *telligence Community, who shall be the head of the Office*
22 *of the Inspector General of the Intelligence Community, who*
23 *shall be appointed by the President, by and with the advice*
24 *and consent of the Senate.*

1 “(2) *The nomination of an individual for appointment*
2 *as Inspector General shall be made—*

3 “(A) *without regard to political affiliation;*

4 “(B) *on the basis of integrity, compliance with*
5 *security standards of the intelligence community, and*
6 *prior experience in the field of intelligence or national*
7 *security; and*

8 “(C) *on the basis of demonstrated ability in ac-*
9 *counting, financial analysis, law, management anal-*
10 *ysis, public administration, or investigations.*

11 “(3) *The Inspector General shall report directly to and*
12 *be under the general supervision of the Director of National*
13 *Intelligence.*

14 “(4) *The Inspector General may be removed from office*
15 *only by the President. The President shall communicate in*
16 *writing to the congressional intelligence committees the rea-*
17 *sons for the removal not later than 30 days prior to the*
18 *effective date of such removal. Nothing in this paragraph*
19 *shall be construed to prohibit a personnel action otherwise*
20 *authorized by law, other than transfer or removal.*

21 “(d) *ASSISTANT INSPECTORS GENERAL.—Subject to*
22 *the policies of the Director of National Intelligence, the In-*
23 *spector General of the Intelligence Community shall—*

24 “(1) *appoint an Assistant Inspector General for*
25 *Audit who shall have the responsibility for super-*

1 *vising the performance of auditing activities relating*
2 *to programs and activities within the responsibility*
3 *and authority of the Director;*

4 *“(2) appoint an Assistant Inspector General for*
5 *Investigations who shall have the responsibility for*
6 *supervising the performance of investigative activities*
7 *relating to such programs and activities; and*

8 *“(3) appoint other Assistant Inspectors General*
9 *that, in the judgment of the Inspector General, are*
10 *necessary to carry out the duties of the Inspector Gen-*
11 *eral.*

12 *“(e) DUTIES AND RESPONSIBILITIES.—It shall be the*
13 *duty and responsibility of the Inspector General of the In-*
14 *telligence Community—*

15 *“(1) to provide policy direction for, and to plan,*
16 *conduct, supervise, and coordinate independently, the*
17 *investigations, inspections, audits, and reviews relat-*
18 *ing to programs and activities within the responsi-*
19 *bility and authority of the Director of National Intel-*
20 *ligence;*

21 *“(2) to keep the Director of National Intelligence*
22 *fully and currently informed concerning violations of*
23 *law and regulations, fraud, and other serious prob-*
24 *lems, abuses, and deficiencies relating to the programs*
25 *and activities within the responsibility and authority*

1 *of the Director, to recommend corrective action con-*
2 *cerning such problems, and to report on the progress*
3 *made in implementing such corrective action;*

4 *“(3) to take due regard for the protection of in-*
5 *telligence sources and methods in the preparation of*
6 *all reports issued by the Inspector General, and, to*
7 *the extent consistent with the purpose and objective of*
8 *such reports, take such measures as may be appro-*
9 *priate to minimize the disclosure of intelligence*
10 *sources and methods described in such reports; and*

11 *“(4) in the execution of the duties and respon-*
12 *sibilities under this section, to comply with generally*
13 *accepted government auditing.*

14 *“(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of*
15 *National Intelligence may prohibit the Inspector General*
16 *of the Intelligence Community from initiating, carrying*
17 *out, or completing any investigation, inspection, audit, or*
18 *review if the Director determines that such prohibition is*
19 *necessary to protect vital national security interests of the*
20 *United States.*

21 *“(2) Not later than seven days after the date on which*
22 *the Director exercises the authority under paragraph (1),*
23 *the Director shall submit to the congressional intelligence*
24 *committees an appropriately classified statement of the rea-*
25 *sons for the exercise of such authority.*

1 “(3) *The Director shall advise the Inspector General*
2 *at the time a statement under paragraph (2) is submitted,*
3 *and, to the extent consistent with the protection of intel-*
4 *ligence sources and methods, provide the Inspector General*
5 *with a copy of such statement.*

6 “(4) *The Inspector General may submit to the congres-*
7 *sional intelligence committees any comments on the state-*
8 *ment of which the Inspector General has notice under para-*
9 *graph (3) that the Inspector General considers appropriate.*

10 “(g) *AUTHORITIES.—(1) The Inspector General of the*
11 *Intelligence Community shall have direct and prompt ac-*
12 *cess to the Director of National Intelligence when necessary*
13 *for any purpose pertaining to the performance of the duties*
14 *of the Inspector General.*

15 “(2)(A) *The Inspector General shall, subject to the lim-*
16 *itations in subsection (f), make such investigations and re-*
17 *ports relating to the administration of the programs and*
18 *activities within the authorities and responsibilities of the*
19 *Director as are, in the judgment of the Inspector General,*
20 *necessary or desirable.*

21 “(B) *The Inspector General shall have access to any*
22 *employee, or any employee of a contractor, of any element*
23 *of the intelligence community needed for the performance*
24 *of the duties of the Inspector General.*

1 “(C) *The Inspector General shall have direct access to*
2 *all records, reports, audits, reviews, documents, papers, rec-*
3 *ommendations, or other materials that relate to the pro-*
4 *grams and activities with respect to which the Inspector*
5 *General has responsibilities under this section.*

6 “(D) *The level of classification or compartmentation*
7 *of information shall not, in and of itself, provide a suffi-*
8 *cient rationale for denying the Inspector General access to*
9 *any materials under subparagraph (C).*

10 “(E) *The Director, or on the recommendation of the*
11 *Director, another appropriate official of the intelligence*
12 *community, shall take appropriate administrative actions*
13 *against an employee, or an employee of a contractor, of an*
14 *element of the intelligence community that fails to cooperate*
15 *with the Inspector General. Such administrative action*
16 *may include loss of employment or the termination of an*
17 *existing contractual relationship.*

18 “(3) *The Inspector General is authorized to receive and*
19 *investigate, pursuant to subsection (h), complaints or infor-*
20 *mation from any person concerning the existence of an ac-*
21 *tivity within the authorities and responsibilities of the Di-*
22 *rector of National Intelligence constituting a violation of*
23 *laws, rules, or regulations, or mismanagement, gross waste*
24 *of funds, abuse of authority, or a substantial and specific*
25 *danger to the public health and safety. Once such complaint*

1 *or information has been received from an employee of the*
2 *intelligence community—*

3 “(A) *the Inspector General shall not disclose the*
4 *identity of the employee without the consent of the*
5 *employee, unless the Inspector General determines*
6 *that such disclosure is unavoidable during the course*
7 *of the investigation or the disclosure is made to an of-*
8 *ficial of the Department of Justice responsible for de-*
9 *termining whether a prosecution should be under-*
10 *taken; and*

11 “(B) *no action constituting a reprisal, or threat*
12 *of reprisal, for making such complaint or disclosing*
13 *such information to the Inspector General may be*
14 *taken by any employee in a position to take such ac-*
15 *tions, unless the complaint was made or the informa-*
16 *tion was disclosed with the knowledge that it was*
17 *false or with willful disregard for its truth or falsity.*

18 “(4) *The Inspector General shall have the authority to*
19 *administer to or take from any person an oath, affirmation,*
20 *or affidavit, whenever necessary in the performance of the*
21 *duties of the Inspector General, which oath, affirmation, or*
22 *affidavit when administered or taken by or before an em-*
23 *ployee of the Office of the Inspector General of the Intel-*
24 *ligence Community designated by the Inspector General*

1 *shall have the same force and effect as if administered or*
2 *taken by, or before, an officer having a seal.*

3 “(5)(A) *Except as provided in subparagraph (B), the*
4 *Inspector General is authorized to require by subpoena the*
5 *production of all information, documents, reports, answers,*
6 *records, accounts, papers, and other data in any medium*
7 *(including electronically stored information, as well as any*
8 *tangible thing) and documentary evidence necessary in the*
9 *performance of the duties and responsibilities of the Inspec-*
10 *tor General.*

11 “(B) *In the case of departments, agencies, and other*
12 *elements of the United States Government, the Inspector*
13 *General shall obtain information, documents, reports, an-*
14 *swers, records, accounts, papers, and other data and evi-*
15 *dence for the purpose specified in subparagraph (A) using*
16 *procedures other than by subpoenas.*

17 “(C) *The Inspector General may not issue a subpoena*
18 *for, or on behalf of, any component of the Office of the Di-*
19 *rector of National Intelligence or any element of the intel-*
20 *ligence community, including the Office of the Director of*
21 *National Intelligence.*

22 “(D) *In the case of contumacy or refusal to obey a*
23 *subpoena issued under this paragraph, the subpoena shall*
24 *be enforceable by order of any appropriate district court*
25 *of the United States.*

1 “(6) *The Inspector General may obtain services as au-*
2 *thorized by section 3109 of title 5, United States Code, at*
3 *rates for individuals not to exceed the daily equivalent of*
4 *the maximum annual rate of basic pay payable for grade*
5 *GS–15 of the General Schedule under section 5332 of title*
6 *5, United States Code.*

7 “(7) *The Inspector General may, to the extent and in*
8 *such amounts as may be provided in appropriations, enter*
9 *into contracts and other arrangements for audits, studies,*
10 *analyses, and other services with public agencies and with*
11 *private persons, and to make such payments as may be nec-*
12 *essary to carry out the provisions of this section.*

13 “(h) *COORDINATION AMONG INSPECTORS GENERAL.—*
14 *(1)(A) In the event of a matter within the jurisdiction of*
15 *the Inspector General of the Intelligence Community that*
16 *may be subject to an investigation, inspection, audit, or re-*
17 *view by both the Inspector General of the Intelligence Com-*
18 *munity and an inspector general with oversight responsi-*
19 *bility for an element of the intelligence community, the In-*
20 *spector General of the Intelligence Community and such*
21 *other inspector general shall expeditiously resolve the ques-*
22 *tion of which inspector general shall conduct such investiga-*
23 *tion, inspection, audit, or review to avoid unnecessary du-*
24 *plication of the activities of the inspectors general.*

1 “(B) *In attempting to resolve a question under sub-*
2 *paragraph (A), the inspectors general concerned may re-*
3 *quest the assistance of the Intelligence Community Inspec-*
4 *tors General Forum established under paragraph (2). In the*
5 *event of a dispute between an inspector general within a*
6 *department or agency of the United States Government and*
7 *the Inspector General of the Intelligence Community that*
8 *has not been resolved with the assistance of such Forum,*
9 *the inspectors general shall submit the question to the Direc-*
10 *tor of National Intelligence and the head of the affected de-*
11 *partment or agency for resolution.*

12 “(2)(A) *There is established the Intelligence Commu-*
13 *nity Inspectors General Forum, which shall consist of all*
14 *statutory or administrative inspectors general with over-*
15 *sight responsibility for an element of the intelligence com-*
16 *munity.*

17 “(B) *The Inspector General of the Intelligence Commu-*
18 *nity shall serve as the Chair of the Forum established under*
19 *subparagraph (A). The Forum shall have no administrative*
20 *authority over any inspector general, but shall serve as a*
21 *mechanism for informing its members of the work of indi-*
22 *vidual members of the Forum that may be of common inter-*
23 *est and discussing questions about jurisdiction or access to*
24 *employees, employees of contract personnel, records, audits,*
25 *reviews, documents, recommendations, or other materials*

1 *that may involve or be of assistance to more than one of*
2 *its members.*

3 “(3) *The inspector general conducting an investiga-*
4 *tion, inspection, audit, or review covered by paragraph (1)*
5 *shall submit the results of such investigation, inspection,*
6 *audit, or review to any other inspector general, including*
7 *the Inspector General of the Intelligence Community, with*
8 *jurisdiction to conduct such investigation, inspection,*
9 *audit, or review who did not conduct such investigation,*
10 *inspection, audit, or review.*

11 “(i) *COUNSEL TO THE INSPECTOR GENERAL.—(1) The*
12 *Inspector General of the Intelligence Community shall—*

13 “(A) *appoint a Counsel to the Inspector General*
14 *who shall report to the Inspector General; or*

15 “(B) *obtain the services of a counsel appointed*
16 *by and directly reporting to another inspector general*
17 *or the Council of the Inspectors General on Integrity*
18 *and Efficiency on a reimbursable basis.*

19 “(2) *The counsel appointed or obtained under para-*
20 *graph (1) shall perform such functions as the Inspector*
21 *General may prescribe.*

22 “(j) *STAFF AND OTHER SUPPORT.—(1) The Director*
23 *of National Intelligence shall provide the Inspector General*
24 *of the Intelligence Community with appropriate and ade-*
25 *quate office space at central and field office locations, to-*

1 *gether with such equipment, office supplies, maintenance*
2 *services, and communications facilities and services as may*
3 *be necessary for the operation of such offices.*

4 “(2)(A) *Subject to applicable law and the policies of*
5 *the Director of National Intelligence, the Inspector General*
6 *shall select, appoint, and employ such officers and employ-*
7 *ees as may be necessary to carry out the functions, powers,*
8 *and duties of the Inspector General. The Inspector General*
9 *shall ensure that any officer or employee so selected, ap-*
10 *pointed, or employed has security clearances appropriate*
11 *for the assigned duties of such officer or employee.*

12 “(B) *In making selections under subparagraph (A),*
13 *the Inspector General shall ensure that such officers and*
14 *employees have the requisite training and experience to en-*
15 *able the Inspector General to carry out the duties of the*
16 *Inspector General effectively.*

17 “(C) *In meeting the requirements of this paragraph,*
18 *the Inspector General shall create within the Office of the*
19 *Inspector General of the Intelligence Community a career*
20 *cadre of sufficient size to provide appropriate continuity*
21 *and objectivity needed for the effective performance of the*
22 *duties of the Inspector General.*

23 “(3) *Consistent with budgetary and personnel re-*
24 *sources allocated by the Director of National Intelligence,*
25 *the Inspector General has final approval of—*

1 “(A) *the selection of internal and external can-*
2 *didates for employment with the Office of the Inspec-*
3 *tor General; and*

4 “(B) *all other personnel decisions concerning*
5 *personnel permanently assigned to the Office of the*
6 *Inspector General, including selection and appoint-*
7 *ment to the Senior Intelligence Service, but excluding*
8 *all security-based determinations that are not within*
9 *the authority of a head of a component of the Office*
10 *of the Director of National Intelligence.*

11 “(4)(A) *Subject to the concurrence of the Director of*
12 *National Intelligence, the Inspector General may request*
13 *such information or assistance as may be necessary for car-*
14 *rying out the duties and responsibilities of the Inspector*
15 *General from any department, agency, or other element of*
16 *the United States Government.*

17 “(B) *Upon request of the Inspector General for infor-*
18 *mation or assistance under subparagraph (A), the head of*
19 *the department, agency, or element concerned shall, insofar*
20 *as is practicable and not in contravention of any existing*
21 *statutory restriction or regulation of the department, agen-*
22 *cy, or element, furnish to the Inspector General, such infor-*
23 *mation or assistance.*

24 “(C) *The Inspector General of the Intelligence Commu-*
25 *nity may, upon reasonable notice to the head of any element*

1 *of the intelligence community and in coordination with that*
2 *element’s inspector general pursuant to subsection (h), con-*
3 *duct, as authorized by this section, an investigation, inspec-*
4 *tion, audit, or review of such element and may enter into*
5 *any place occupied by such element for purposes of the per-*
6 *formance of the duties of the Inspector General.*

7 “(k) *REPORTS.—(1)(A) The Inspector General of the*
8 *Intelligence Community shall, not later than January 31*
9 *and July 31 of each year, prepare and submit to the Direc-*
10 *tor of National Intelligence a classified, and, as appro-*
11 *priate, unclassified semiannual report summarizing the ac-*
12 *tivities of the Office of the Inspector General of the Intel-*
13 *ligence Community during the immediately preceding 6-*
14 *month period ending December 31 (of the preceding year)*
15 *and June 30, respectively. The Inspector General of the In-*
16 *telligence Community shall provide any portion of the re-*
17 *port involving a component of a department of the United*
18 *States Government to the head of that department simulta-*
19 *neously with submission of the report to the Director of Na-*
20 *tional Intelligence.*

21 “(B) *Each report under this paragraph shall include,*
22 *at a minimum, the following:*

23 “(i) *A list of the title or subject of each investiga-*
24 *tion, inspection, audit, or review conducted during*
25 *the period covered by such report.*

1 “(ii) A description of significant problems,
2 abuses, and deficiencies relating to the administration
3 of programs and activities of the intelligence commu-
4 nity within the responsibility and authority of the
5 Director of National Intelligence, and in the relation-
6 ships between elements of the intelligence community,
7 identified by the Inspector General during the period
8 covered by such report.

9 “(iii) A description of the recommendations for
10 corrective action made by the Inspector General dur-
11 ing the period covered by such report with respect to
12 significant problems, abuses, or deficiencies identified
13 in clause (ii).

14 “(iv) A statement of whether or not corrective ac-
15 tion has been completed on each significant rec-
16 ommendation described in previous semiannual re-
17 ports, and, in a case where corrective action has been
18 completed, a description of such corrective action.

19 “(v) A certification of whether or not the Inspec-
20 tor General has had full and direct access to all infor-
21 mation relevant to the performance of the functions of
22 the Inspector General.

23 “(vi) A description of the exercise of the sub-
24 poena authority under subsection (g)(5) by the In-

1 *pector General during the period covered by such re-*
2 *port.*

3 *“(vii) Such recommendations as the Inspector*
4 *General considers appropriate for legislation to pro-*
5 *mote economy, efficiency, and effectiveness in the ad-*
6 *ministration and implementation of programs and*
7 *activities within the responsibility and authority of*
8 *the Director of National Intelligence, and to detect*
9 *and eliminate fraud and abuse in such programs and*
10 *activities.*

11 *“(C) Not later than 30 days after the date of receipt*
12 *of a report under subparagraph (A), the Director shall*
13 *transmit the report to the congressional intelligence com-*
14 *mittees together with any comments the Director considers*
15 *appropriate. The Director shall transmit to the committees*
16 *of the Senate and of the House of Representatives with ju-*
17 *risdiction over a department of the United States Govern-*
18 *ment any portion of the report involving a component of*
19 *such department simultaneously with submission of the re-*
20 *port to the congressional intelligence committees.*

21 *“(2)(A) The Inspector General shall report imme-*
22 *diately to the Director whenever the Inspector General be-*
23 *comes aware of particularly serious or flagrant problems,*
24 *abuses, or deficiencies relating to programs and activities*

1 *within the responsibility and authority of the Director of*
2 *National Intelligence.*

3 “(B) *The Director shall transmit to the congressional*
4 *intelligence committees each report under subparagraph (A)*
5 *within 7 calendar days of receipt of such report, together*
6 *with such comments as the Director considers appropriate.*
7 *The Director shall transmit to the committees of the Senate*
8 *and of the House of Representatives with jurisdiction over*
9 *a department of the United States Government any portion*
10 *of each report under subparagraph (A) that involves a prob-*
11 *lem, abuse, or deficiency related to a component of such de-*
12 *partment simultaneously with transmission of the report to*
13 *the congressional intelligence committees.*

14 “(3)(A) *In the event that—*

15 “(i) *the Inspector General is unable to resolve*
16 *any differences with the Director affecting the execu-*
17 *tion of the duties or responsibilities of the Inspector*
18 *General;*

19 “(ii) *an investigation, inspection, audit, or re-*
20 *view carried out by the Inspector General focuses on*
21 *any current or former intelligence community official*
22 *who—*

23 “(I) *holds or held a position in an element*
24 *of the intelligence community that is subject to*
25 *appointment by the President, whether or not by*

1 *and with the advice and consent of the Senate,*
2 *including such a position held on an acting*
3 *basis;*

4 *“(II) holds or held a position in an element*
5 *of the intelligence community, including a posi-*
6 *tion held on an acting basis, that is appointed*
7 *by the Director of National Intelligence; or*

8 *“(III) holds or held a position as head of an*
9 *element of the intelligence community or a posi-*
10 *tion covered by subsection (b) or (c) of section*
11 *106;*

12 *“(iii) a matter requires a report by the Inspector*
13 *General to the Department of Justice on possible*
14 *criminal conduct by a current or former official de-*
15 *scribed in clause (ii);*

16 *“(iv) the Inspector General receives notice from*
17 *the Department of Justice declining or approving*
18 *prosecution of possible criminal conduct of any cur-*
19 *rent or former official described in clause (ii); or*

20 *“(v) the Inspector General, after exhausting all*
21 *possible alternatives, is unable to obtain significant*
22 *documentary information in the course of an inves-*
23 *tigation, inspection, audit, or review,*

1 *the Inspector General shall immediately notify, and submit*
2 *a report to, the congressional intelligence committees on*
3 *such matter.*

4 “(B) *The Inspector General shall submit to the com-*
5 *mittees of the Senate and of the House of Representatives*
6 *with jurisdiction over a department of the United States*
7 *Government any portion of each report under subparagraph*
8 *(A) that involves an investigation, inspection, audit, or re-*
9 *view carried out by the Inspector General focused on any*
10 *current or former official of a component of such depart-*
11 *ment simultaneously with submission of the report to the*
12 *congressional intelligence committees.*

13 “(4) *The Director shall submit to the congressional in-*
14 *telligence committees any report or findings and rec-*
15 *ommendations of an investigation, inspection, audit, or re-*
16 *view conducted by the office which has been requested by*
17 *the Chairman or Vice Chairman or ranking minority mem-*
18 *ber of either committee.*

19 “(5)(A) *An employee of an element of the intelligence*
20 *community, an employee assigned or detailed to an element*
21 *of the intelligence community, or an employee of a con-*
22 *tractor to the intelligence community who intends to report*
23 *to Congress a complaint or information with respect to an*
24 *urgent concern may report such complaint or information*
25 *to the Inspector General.*

1 “(B) Not later than the end of the 14-calendar-day pe-
2 riod beginning on the date of receipt from an employee of
3 a complaint or information under subparagraph (A), the
4 Inspector General shall determine whether the complaint or
5 information appears credible. Upon making such a deter-
6 mination, the Inspector General shall transmit to the Direc-
7 tor a notice of that determination, together with the com-
8 plaint or information.

9 “(C) Upon receipt of a transmittal from the Inspector
10 General under subparagraph (B), the Director shall, within
11 7 calendar days of such receipt, forward such transmittal
12 to the congressional intelligence committees, together with
13 any comments the Director considers appropriate.

14 “(D)(i) If the Inspector General does not find credible
15 under subparagraph (B) a complaint or information sub-
16 mitted under subparagraph (A), or does not transmit the
17 complaint or information to the Director in accurate form
18 under subparagraph (B), the employee (subject to clause
19 (ii)) may submit the complaint or information to Congress
20 by contacting either or both of the congressional intelligence
21 committees directly.

22 “(ii) An employee may contact the congressional intel-
23 ligence committees directly as described in clause (i) only
24 if the employee—

1 “(I) before making such a contact, furnishes to
2 the Director, through the Inspector General, a state-
3 ment of the employee’s complaint or information and
4 notice of the employee’s intent to contact the congress-
5 sional intelligence committees directly; and

6 “(II) obtains and follows from the Director,
7 through the Inspector General, direction on how to
8 contact the congressional intelligence committees in
9 accordance with appropriate security practices.

10 “(iii) A member or employee of one of the congressional
11 intelligence committees who receives a complaint or infor-
12 mation under this subparagraph does so in that member
13 or employee’s official capacity as a member or employee
14 of such committee.

15 “(E) The Inspector General shall notify an employee
16 who reports a complaint or information to the Inspector
17 General under this paragraph of each action taken under
18 this paragraph with respect to the complaint or informa-
19 tion. Such notice shall be provided not later than 3 days
20 after any such action is taken.

21 “(F) An action taken by the Director or the Inspector
22 General under this paragraph shall not be subject to judi-
23 cial review.

24 “(G) In this paragraph, the term ‘urgent concern’
25 means any of the following:

1 “(i) A serious or flagrant problem, abuse, viola-
2 tion of law or Executive order, or deficiency relating
3 to the funding, administration, or operation of an in-
4 telligence activity within the responsibility and au-
5 thority of the Director of National Intelligence involv-
6 ing classified information, but does not include dif-
7 ferences of opinions concerning public policy matters.

8 “(ii) A false statement to Congress, or a willful
9 withholding from Congress, on an issue of material
10 fact relating to the funding, administration, or oper-
11 ation of an intelligence activity.

12 “(iii) An action, including a personnel action
13 described in section 2302(a)(2)(A) of title 5, United
14 States Code, constituting reprisal or threat of reprisal
15 prohibited under subsection (g)(3)(B) of this section
16 in response to an employee’s reporting an urgent con-
17 cern in accordance with this paragraph.

18 “(H) Nothing in this section shall be construed to limit
19 the protections afforded to an employee under section 17(d)
20 of the Central Intelligence Agency Act of 1949 (50 U.S.C.
21 403q(d)) or section 8H of the Inspector General Act of 1978
22 (5 U.S.C. App.).

23 “(6) In accordance with section 535 of title 28, United
24 States Code, the Inspector General shall expeditiously re-
25 port to the Attorney General any information, allegation,

1 *or complaint received by the Inspector General relating to*
2 *violations of Federal criminal law that involves a program*
3 *or operation of an element of the intelligence community,*
4 *or in the relationships between the elements of the intel-*
5 *ligence community, consistent with such guidelines as may*
6 *be issued by the Attorney General pursuant to subsection*
7 *(b)(2) of such section. A copy of each such report shall be*
8 *furnished to the Director.*

9 “(l) *CONSTRUCTION OF DUTIES REGARDING ELE-*
10 *MENTS OF INTELLIGENCE COMMUNITY.—Except as resolved*
11 *pursuant to subsection (h), the performance by the Inspector*
12 *General of the Intelligence Community of any duty, respon-*
13 *sibility, or function regarding an element of the intelligence*
14 *community shall not be construed to modify or affect the*
15 *duties and responsibilities of any other inspector general*
16 *having duties and responsibilities relating to such element.*

17 “(m) *SEPARATE BUDGET ACCOUNT.—The Director of*
18 *National Intelligence shall, in accordance with procedures*
19 *issued by the Director in consultation with the congress-*
20 *sional intelligence committees, include in the National In-*
21 *telligence Program budget a separate account for the Office*
22 *of the Inspector General of the Intelligence Community.*

23 “(n) *BUDGET.—(1) For each fiscal year, the Inspector*
24 *General of the Intelligence Community shall transmit a*

1 *budget estimate and request to the Director of National In-*
2 *telligence that specifies for such fiscal year—*

3 “(A) *the aggregate amount requested for the op-*
4 *erations of the Inspector General;*

5 “(B) *the amount requested for all training re-*
6 *quirements of the Inspector General, including a cer-*
7 *tification from the Inspector General that the amount*
8 *requested is sufficient to fund all training require-*
9 *ments for the Office of the Inspector General; and*

10 “(C) *the amount requested to support the Coun-*
11 *cil of the Inspectors General on Integrity and Effi-*
12 *ciency, including a justification for such amount.*

13 “(2) *In transmitting a proposed budget to the Presi-*
14 *dent for a fiscal year, the Director of National Intelligence*
15 *shall include for such fiscal year—*

16 “(A) *the aggregate amount requested for the In-*
17 *pector General of the Intelligence Community;*

18 “(B) *the amount requested for Inspector General*
19 *training;*

20 “(C) *the amount requested to support the Coun-*
21 *cil of the Inspectors General on Integrity and Effi-*
22 *ciency; and*

23 “(D) *the comments of the Inspector General, if*
24 *any, with respect to such proposed budget.*

1 “(3) *The Director of National Intelligence shall submit*
2 *to the congressional intelligence committees, the Committee*
3 *on Appropriations of the Senate, and the Committee on Ap-*
4 *propriations of the House of Representatives for each fiscal*
5 *year—*

6 “(A) *a separate statement of the budget estimate*
7 *transmitted pursuant to paragraph (1);*

8 “(B) *the amount requested by the Director for*
9 *the Inspector General pursuant to paragraph (2)(A);*

10 “(C) *the amount requested by the Director for the*
11 *training of personnel of the Office of the Inspector*
12 *General pursuant to paragraph (2)(B);*

13 “(D) *the amount requested by the Director for*
14 *support for the Council of the Inspectors General on*
15 *Integrity and Efficiency pursuant to paragraph*
16 *(2)(C); and*

17 “(E) *the comments of the Inspector General*
18 *under paragraph (2)(D), if any, on the amounts re-*
19 *quested pursuant to paragraph (2), including whether*
20 *such amounts would substantially inhibit the Inspec-*
21 *tor General from performing the duties of the Office*
22 *of the Inspector General.”.*

23 (2) *TABLE OF CONTENTS AMENDMENT.—The*
24 *table of contents in the first section of the National*
25 *Security Act of 1947, as amended by section 347 of*

1 *this Act, is further amended by inserting after the*
2 *item relating to section 103G the following new item:*

 “Sec. 103H. *Inspector General of the Intelligence Community.*”.

3 (b) *PAY OF INSPECTOR GENERAL.*—Subparagraph (A)
4 *of section 4(a)(3) of the Inspector General Reform Act of*
5 *2008 (Public Law 110–409; 5 U.S.C. App. note) is amended*
6 *by inserting “the Inspector General of the Intelligence Com-*
7 *munity,” after “basic pay of”.*

8 (c) *CONSTRUCTION.*—Nothing in the amendment made
9 *by subsection (a)(1) shall be construed to alter the duties*
10 *and responsibilities of the General Counsel of the Office of*
11 *the Director of National Intelligence.*

12 (d) *REPEAL OF SUPERSEDED AUTHORITY TO ESTAB-*
13 *LISH POSITION.*—Section 8K of the *Inspector General Act*
14 *of 1978 (5 U.S.C. App.) shall be repealed on the date that*
15 *the President appoints, with the advice and consent of the*
16 *Senate, the first individual to serve as Inspector General*
17 *for the Intelligence Community pursuant to section 103H*
18 *of the National Security Act of 1947, as added by subsection*
19 *(a), and such individual assumes the duties of the Inspector*
20 *General.*

21 **SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTEL-**
22 **LIGENCE COMMUNITY.**

23 (a) *ESTABLISHMENT.*—Title I of the *National Security*
24 *Act of 1947 (50 U.S.C. 402 et seq.), as amended by section*
25 *405 of this Act, is further amended by inserting after section*

1 103H, as added by section 405(a)(1), the following new sec-
2 tion:

3 “CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE
4 COMMUNITY

5 “SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE
6 INTELLIGENCE COMMUNITY.—To assist the Director of Na-
7 tional Intelligence in carrying out the responsibilities of the
8 Director under this Act and other applicable provisions of
9 law, there is within the Office of the Director of National
10 Intelligence a Chief Financial Officer of the Intelligence
11 Community who shall be appointed by the Director.

12 “(b) DUTIES AND RESPONSIBILITIES.—Subject to the
13 direction of the Director of National Intelligence, the Chief
14 Financial Officer of the Intelligence Community shall—

15 “(1) serve as the principal advisor to the Direc-
16 tor of National Intelligence and the Principal Deputy
17 Director of National Intelligence on the management
18 and allocation of intelligence community budgetary
19 resources;

20 “(2) participate in overseeing a comprehensive
21 and integrated strategic process for resource manage-
22 ment within the intelligence community;

23 “(3) ensure that the strategic plan of the Direc-
24 tor of National Intelligence—

25 “(A) is based on budgetary constraints as
26 specified in the Future Year Intelligence Plans

1 *and Long-term Budget Projections required*
2 *under section 506G; and*

3 “(B) contains specific goals and objectives
4 to support a performance-based budget;

5 “(4) prior to the obligation or expenditure of
6 funds for the acquisition of any major system pursu-
7 ant to a Milestone A or Milestone B decision, receive
8 verification from appropriate authorities that the na-
9 tional requirements for meeting the strategic plan of
10 the Director have been established, and that such re-
11 quirements are prioritized based on budgetary con-
12 straints as specified in the Future Year Intelligence
13 Plans and the Long-term Budget Projections for such
14 major system required under section 506G;

15 “(5) ensure that the collection architectures of the
16 Director are based on budgetary constraints as speci-
17 fied in the Future Year Intelligence Plans and the
18 Long-term Budget Projections required under section
19 506G;

20 “(6) coordinate or approve representations made
21 to Congress by the intelligence community regarding
22 National Intelligence Program budgetary resources;

23 “(7) participate in key mission requirements, ac-
24 quisitions, or architectural boards formed within or

1 *by the Office of the Director of National Intelligence;*
2 *and*

3 “(8) *perform such other duties as may be pre-*
4 *scribed by the Director of National Intelligence.*

5 “(c) *OTHER LAW.—The Chief Financial Officer of the*
6 *Intelligence Community shall serve as the Chief Financial*
7 *Officer of the intelligence community and, to the extent ap-*
8 *plicable, shall have the duties, responsibilities, and authori-*
9 *ties specified in chapter 9 of title 31, United States Code.*

10 “(d) *PROHIBITION ON SIMULTANEOUS SERVICE AS*
11 *OTHER CHIEF FINANCIAL OFFICER.—An individual serv-*
12 *ing in the position of Chief Financial Officer of the Intel-*
13 *ligence Community may not, while so serving, serve as the*
14 *chief financial officer of any other department or agency,*
15 *or component thereof, of the United States Government.*

16 “(e) *DEFINITIONS.—In this section:*

17 “(1) *The term ‘major system’ has the meaning*
18 *given that term in section 506A(e).*

19 “(2) *The term ‘Milestone A’ has the meaning*
20 *given that term in section 506G(f).*

21 “(3) *The term ‘Milestone B’ has the meaning*
22 *given that term in section 506C(e).”.*

23 “(b) *TABLE OF CONTENTS AMENDMENT.—The table of*
24 *contents in the first section of the National Security Act*
25 *of 1947, as amended by section 405(a), is further amended*

1 *by inserting after the item relating to section 103H, as*
2 *added by section 405(a)(2), the following new item:*

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”.

3 **SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OF-**
4 **FICES AND OFFICIALS.**

5 (a) *NATIONAL COUNTER PROLIFERATION CENTER.*—
6 *Section 119A(a) of the National Security Act of 1947 (50*
7 *U.S.C. 4040–1(a)) is amended—*

8 (1) *by striking “Not later than 18 months after*
9 *the date of the enactment of the National Security In-*
10 *telligence Reform Act of 2004, the” and inserting “(1*
11 *The”;* and

12 (2) *by adding at the end the following new para-*
13 *graphs:*

14 “(2) *The head of the National Counter Proliferation*
15 *Center shall be the Director of the National Counter Pro-*
16 *liferation Center, who shall be appointed by the Director*
17 *of National Intelligence.*

18 “(3) *The National Counter Proliferation Center shall*
19 *be located within the Office of the Director of National In-*
20 *telligence.”.*

21 (b) *OFFICERS.*—*Section 103(c) of that Act (50 U.S.C.*
22 *403–3(c)) is amended—*

23 (1) *by redesignating paragraph (9) as para-*
24 *graph (14); and*

1 (2) by inserting after paragraph (8) the fol-
2 lowing new paragraphs:

3 “(9) *The Chief Information Officer of the Intel-*
4 *ligence Community.*

5 “(10) *The Inspector General of the Intelligence*
6 *Community.*

7 “(11) *The Director of the National Counterter-*
8 *rorism Center.*

9 “(12) *The Director of the National Counter Pro-*
10 *liferation Center.*

11 “(13) *The Chief Financial Officer of the Intel-*
12 *ligence Community.*”.

13 **SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE**
14 **OF THE DIRECTOR OF NATIONAL INTEL-**
15 **LIGENCE.**

16 (a) *IN GENERAL.*—*Title VII of the National Security*
17 *Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding*
18 *at the end the following new section:*

19 “*PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE*
20 *DIRECTOR OF NATIONAL INTELLIGENCE*

21 “*SEC. 706. (a) INAPPLICABILITY OF FOIA TO EX-*
22 *EMPTED OPERATIONAL FILES PROVIDED TO ODNI.*—(1)
23 *Subject to paragraph (2), the provisions of section 552 of*
24 *title 5, United States Code, that require search, review, pub-*
25 *lication, or disclosure of a record shall not apply to a record*
26 *provided to the Office of the Director of National Intel-*

1 *ligence by an element of the intelligence community from*
2 *the exempted operational files of such element.*

3 “(2) *Paragraph (1) shall not apply with respect to a*
4 *record of the Office that—*

5 “(A) *contains information derived or dissemi-*
6 *nated from an exempted operational file, unless such*
7 *record is created by the Office for the sole purpose of*
8 *organizing such exempted operational file for use by*
9 *the Office;*

10 “(B) *is disseminated by the Office to a person*
11 *other than an officer, employee, or contractor of the*
12 *Office; or*

13 “(C) *is no longer designated as an exempted*
14 *operational file in accordance with this title.*

15 “(b) *EFFECT OF PROVIDING FILES TO ODNI.—Not-*
16 *withstanding any other provision of this title, an exempted*
17 *operational file that is provided to the Office by an element*
18 *of the intelligence community shall not be subject to the pro-*
19 *visions of section 552 of title 5, United States Code, that*
20 *require search, review, publication, or disclosure of a record*
21 *solely because such element provides such exempted oper-*
22 *ational file to the Office.*

23 “(c) *SEARCH AND REVIEW FOR CERTAIN PURPOSES.—*
24 *Notwithstanding subsection (a) or (b), an exempted oper-*

1 ational file shall continue to be subject to search and review
2 for information concerning any of the following:

3 “(1) United States citizens or aliens lawfully ad-
4 mitted for permanent residence who have requested
5 information on themselves pursuant to the provisions
6 of section 552 or 552a of title 5, United States Code.

7 “(2) Any special activity the existence of which
8 is not exempt from disclosure under the provisions of
9 section 552 of title 5, United States Code.

10 “(3) The specific subject matter of an investiga-
11 tion for any impropriety or violation of law, Execu-
12 tive order, or Presidential directive, in the conduct of
13 an intelligence activity by any of the following:

14 “(A) The Select Committee on Intelligence
15 of the Senate.

16 “(B) The Permanent Select Committee on
17 Intelligence of the House of Representatives.

18 “(C) The Intelligence Oversight Board.

19 “(D) The Department of Justice.

20 “(E) The Office of the Director of National
21 Intelligence.

22 “(F) The Office of the Inspector General of
23 the Intelligence Community.

24 “(d) DECENNIAL REVIEW OF EXEMPTED OPER-
25 ATIONAL FILES.—(1) Not less than once every 10 years, the

1 *Director of National Intelligence shall review the exemp-*
2 *tions in force under subsection (a) to determine whether*
3 *such exemptions may be removed from any category of ex-*
4 *empted files or any portion thereof.*

5 “(2) *The review required by paragraph (1) shall in-*
6 *clude consideration of the historical value or other public*
7 *interest in the subject matter of the particular category of*
8 *files or portions thereof and the potential for declassifying*
9 *a significant part of the information contained therein.*

10 “(3) *A complainant that alleges that the Director of*
11 *National Intelligence has improperly withheld records be-*
12 *cause of failure to comply with this subsection may seek*
13 *judicial review in the district court of the United States*
14 *of the district in which any of the parties reside, or in the*
15 *District of Columbia. In such a proceeding, the court’s re-*
16 *view shall be limited to determining the following:*

17 “(A) *Whether the Director has conducted the re-*
18 *view required by paragraph (1) before the expiration*
19 *of the 10-year period beginning on the date of the en-*
20 *actment of the Intelligence Authorization Act for Fis-*
21 *cal Year 2010 or before the expiration of the 10-year*
22 *period beginning on the date of the most recent re-*
23 *view.*

1 “(B) Whether the Director of National Intel-
2 ligence, in fact, considered the criteria set forth in
3 paragraph (2) in conducting the required review.

4 “(e) SUPERSEDURE OF OTHER LAWS.—The provisions
5 of this section may not be superseded except by a provision
6 of law that is enacted after the date of the enactment of
7 this section and that specifically cites and repeals or modi-
8 fies such provisions.

9 “(f) ALLEGATION; IMPROPER WITHHOLDING OF
10 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in
11 paragraph (2), whenever any person who has requested
12 agency records under section 552 of title 5, United States
13 Code, alleges that the Office has withheld records impro-
14 perly because of failure to comply with any provision of this
15 section, judicial review shall be available under the terms
16 set forth in section 552(a)(4)(B) of title 5, United States
17 Code.

18 “(2) Judicial review shall not be available in the man-
19 ner provided for under paragraph (1) as follows:

20 “(A) In any case in which information specifi-
21 cally authorized under criteria established by an Ex-
22 ecutive order to be kept secret in the interests of na-
23 tional defense or foreign relations is filed with, or
24 produced for, the court by the Office, such informa-

1 *tion shall be examined ex parte, in camera by the*
2 *court.*

3 *“(B) The court shall determine, to the fullest ex-*
4 *tent practicable, the issues of fact based on sworn*
5 *written submissions of the parties.*

6 *“(C)(i) When a complainant alleges that re-*
7 *quested records were improperly withheld because of*
8 *improper exemption of operational files, the Office*
9 *may meet the burden of the Office under section*
10 *552(a)(4)(B) of title 5, United States Code, by dem-*
11 *onstrating to the court by sworn written submission*
12 *that exempted files likely to contain responsive*
13 *records are records provided to the Office by an ele-*
14 *ment of the intelligence community from the exempted*
15 *operational files of such element.*

16 *“(ii) The court may not order the Office to re-*
17 *view the content of any exempted file in order to*
18 *make the demonstration required under clause (i), un-*
19 *less the complainant disputes the Office’s showing*
20 *with a sworn written submission based on personal*
21 *knowledge or otherwise admissible evidence.*

22 *“(D) In proceedings under subparagraph (C), a*
23 *party may not obtain discovery pursuant to rules 26*
24 *through 36 of the Federal Rules of Civil Procedure,*
25 *except that requests for admissions may be made pur-*

1 *suant to rules 26 and 36 of the Federal Rules of Civil*
2 *Procedure.*

3 *“(E) If the court finds under this subsection that*
4 *the Office has improperly withheld requested records*
5 *because of failure to comply with any provision of*
6 *this section, the court shall order the Office to search*
7 *and review each appropriate exempted file for the re-*
8 *quested records and make such records, or portions*
9 *thereof, available in accordance with the provisions of*
10 *section 552 of title 5, United States Code (commonly*
11 *referred to as the Freedom of Information Act), and*
12 *such order shall be the exclusive remedy for failure to*
13 *comply with this section.*

14 *“(F) If at any time following the filing of a com-*
15 *plaint pursuant to this paragraph the Office agrees to*
16 *search each appropriate exempted file for the re-*
17 *quested records, the court shall dismiss the claim*
18 *based upon such complaint.*

19 *“(g) DEFINITIONS.—In this section:*

20 *“(1) The term ‘exempted operational file’ means*
21 *a file of an element of the intelligence community*
22 *that, in accordance with this title, is exempted from*
23 *the provisions of section 552 of title 5, United States*
24 *Code, that require search, review, publication, or dis-*
25 *closure of such file.*

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

4 **(b) TABLE OF CONTENTS AMENDMENT.**—*The table of*
 5 *contents in the first section of the National Security Act*
 6 *of 1947, as amended by section 406(b) of this Act, is further*
 7 *amended by inserting after the item relating to section 705*
 8 *the following new item:*

 “*Sec. 706. Protection of certain files of the Office of the Director of National In-*
 telligence.”.

9 **SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE**
 10 **INTELLIGENCE COMMUNITY.**

11 *Section 1102 of the National Security Act of 1947 (50*
 12 *U.S.C. 442a) is amended—*

13 (1) *in subsection (a)—*

14 (A) *by striking paragraph (2); and*

15 (B) *by striking “(1) In” and inserting*

16 *“In”; and*

17 (2) *in subsection (c)—*

18 (A) *by striking paragraph (2); and*

19 (B) *by striking “(1) The” and inserting*

20 *“The”.*

1 **SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT TO ADVISORY COMMITTEES OF**
3 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
4 **INTELLIGENCE.**

5 (a) *IN GENERAL.*—Section 4(b) of the Federal Advi-
6 sory Committee Act (5 U.S.C. App.) is amended—

7 (1) in paragraph (1), by striking “or”;

8 (2) in paragraph (2), by striking the period and
9 inserting “; or”; and

10 (3) by adding at the end the following new para-
11 graph:

12 “(3) the Office of the Director of National Intel-
13 ligence, if the Director of National Intelligence deter-
14 mines that for reasons of national security such advi-
15 sory committee cannot comply with the requirements
16 of this Act.”.

17 (b) *ANNUAL REPORT.*—

18 (1) *IN GENERAL.*—The Director of National In-
19 telligence and the Director of the Central Intelligence
20 Agency shall each submit to the congressional intel-
21 ligence committees an annual report on advisory com-
22 mittees created by each such Director. Each report
23 shall include—

24 (A) a description of each such advisory
25 committee, including the subject matter of the
26 committee; and

1 (B) a list of members of each such advisory
2 committee.

3 (2) *REPORT ON REASONS FOR ODNI EXCLUSION*
4 *OF ADVISORY COMMITTEE FROM FACA.*—Each report
5 submitted by the Director of National Intelligence in
6 accordance with paragraph (1) shall include the rea-
7 sons for a determination by the Director under sec-
8 tion 4(b)(3) of the Federal Advisory Committee Act (5
9 U.S.C. App.), as added by subsection (a) of this sec-
10 tion, that an advisory committee cannot comply with
11 the requirements of such Act.

12 **SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
13 **INTELLIGENCE ON THE TRANSPORTATION**
14 **SECURITY OVERSIGHT BOARD.**

15 Subparagraph (F) of section 115(b)(1) of title 49,
16 United States Code, is amended to read as follows:

17 “(F) The Director of National Intelligence,
18 or the Director’s designee.”.

19 **SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
20 **THE OFFICE OF THE NATIONAL COUNTER-**
21 **INTELLIGENCE EXECUTIVE.**

22 (a) *REPEAL OF CERTAIN AUTHORITIES.*—Section 904
23 of the Counterintelligence Enhancement Act of 2002 (50
24 U.S.C. 402c) is amended—

25 (1) by striking subsections (d), (h), (i), and (j);

1 (2) by redesignating subsections (e), (f), (g), (k),
2 (l), and (m) as subsections (d), (e), (f), (g), (h), and
3 (i), respectively; and

4 (3) in subsection (f), as redesignated by para-
5 graph (2), by striking paragraphs (3) and (4).

6 (b) *CONFORMING AMENDMENTS.*—Such section 904 is
7 further amended—

8 (1) in subsection (d), as redesignated by sub-
9 section (a)(2) of this section, by striking “subsection
10 (f)” each place it appears in paragraphs (1) and (2)
11 and inserting “subsection (e)”; and

12 (2) in subsection (e), as so redesignated—

13 (A) in paragraph (1), by striking “sub-
14 section (e)(1)” and inserting “subsection (d)(1)”;
15 and

16 (B) in paragraph (2), by striking “sub-
17 section (e)(2)” and inserting “subsection (d)(2)”.

18 **SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF NA-**
19 **TIONAL INTELLIGENCE NAME, INITIALS, OR**
20 **SEAL.**

21 (a) *PROHIBITION.*—Title XI of the National Security
22 Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding
23 at the end the following new section:

1 “MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL
2 INTELLIGENCE NAME, INITIALS, OR SEAL

3 “SEC. 1103. (a) PROHIBITED ACTS.—No person may,
4 except with the written permission of the Director of Na-
5 tional Intelligence, or a designee of the Director, knowingly
6 use the words ‘Office of the Director of National Intel-
7 ligence’, the initials ‘ODNI’, the seal of the Office of the
8 Director of National Intelligence, or any colorable imitation
9 of such words, initials, or seal in connection with any mer-
10 chandise, impersonation, solicitation, or commercial activ-
11 ity in a manner reasonably calculated to convey the impres-
12 sion that such use is approved, endorsed, or authorized by
13 the Director of National Intelligence.

14 “(b) INJUNCTION.—Whenever it appears to the Attor-
15 ney General that any person is engaged or is about to en-
16 gage in an act or practice which constitutes or will con-
17 stitute conduct prohibited by subsection (a), the Attorney
18 General may initiate a civil proceeding in a district court
19 of the United States to enjoin such act or practice. Such
20 court shall proceed as soon as practicable to the hearing
21 and determination of such action and may, at any time
22 before final determination, enter such restraining orders or
23 prohibitions, or take such other action as is warranted, to
24 prevent injury to the United States or to any person or
25 class of persons for whose protection the action is brought.”.

1 (b) *TABLE OF CONTENTS AMENDMENT.*—The table of
 2 contents in the first section of such Act, as amended by sec-
 3 tion 408 of this Act, is further amended by inserting after
 4 the item relating to section 1102 the following new item:

“Sec. 1103. Misuse of the Office of the Director of National Intelligence name, ini-
 tials, or seal.”.

5 **SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
 6 **THE DATA CENTER ENERGY EFFICIENCY RE-**
 7 **PORTS.**

8 (a) *PLAN.*—The Director of National Intelligence shall
 9 develop a plan to implement the recommendations of the
 10 report submitted to Congress under section 1 of the Act enti-
 11 tled “An Act to study and promote the use of energy effi-
 12 cient computer servers in the United States” (Public Law
 13 109–431; 120 Stat. 2920) across the intelligence commu-
 14 nity.

15 (b) *REPORT.*—

16 (1) *IN GENERAL.*—Not later than 180 days after
 17 the date of the enactment of this Act, the Director of
 18 National Intelligence shall submit to the congressional
 19 intelligence committees a report containing the plan
 20 developed under subsection (a).

21 (2) *FORM.*—The report required under para-
 22 graph (1) shall be submitted in unclassified form, but
 23 may include a classified annex.

1 **SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUP-**
 2 **PORT FOR REVIEWS OF INTERNATIONAL**
 3 **TRAFFIC IN ARMS REGULATIONS AND EX-**
 4 **PORT ADMINISTRATION REGULATIONS.**

5 *The Director of National Intelligence may provide sup-*
 6 *port for any review conducted by a department or agency*
 7 *of the United States Government of the International Traf-*
 8 *fic in Arms Regulations or Export Administration Regula-*
 9 *tions, including a review of technologies and goods on the*
 10 *United States Munitions List and Commerce Control List*
 11 *that may warrant controls that are different or additional*
 12 *to the controls such technologies and goods are subject to*
 13 *at the time of such review.*

14 **Subtitle B—Central Intelligence**
 15 **Agency**

16 **SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
 17 **PROTECTIVE PERSONNEL OF THE CENTRAL**
 18 **INTELLIGENCE AGENCY.**

19 *Section 5(a)(4) of the Central Intelligence Agency Act*
 20 *of 1949 (50 U.S.C. 403f(a)(4)) is amended—*

21 *(1) by striking “and the protection” and insert-*
 22 *ing “the protection”; and*

23 *(2) by inserting before the semicolon the fol-*
 24 *lowing: “, and the protection of the Director of Na-*
 25 *tional Intelligence and such personnel of the Office of*

1 *the Director of National Intelligence as the Director*
2 *of National Intelligence may designate”.*

3 **SEC. 422. APPEALS FROM DECISIONS INVOLVING CON-**
4 **TRACTS OF THE CENTRAL INTELLIGENCE**
5 **AGENCY.**

6 *Section 8(d) of the Contract Disputes Act of 1978 (41*
7 *U.S.C. 607(d)) is amended by adding at the end “Notwith-*
8 *standing any other provision of this section and any other*
9 *provision of law, an appeal from a decision of a contracting*
10 *officer of the Central Intelligence Agency relative to a con-*
11 *tract made by that Agency may be filed with whichever of*
12 *the Armed Services Board of Contract Appeals or the Civil-*
13 *ian Board of Contract Appeals is specified by such con-*
14 *tracting officer as the Board to which such an appeal may*
15 *be made and such Board shall have jurisdiction to decide*
16 *that appeal.”.*

17 **SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTEL-**
18 **LIGENCE AGENCY.**

19 *(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIREC-*
20 *TOR OF THE CIA.—Title I of the National Security Act*
21 *of 1947 (50 U.S.C. 402 et seq.), as amended by section 406*
22 *of this Act, is further amended by inserting after section*
23 *104A the following new section:*

1 *Security Act of 1947, as amended by section 414 of*
2 *this Act, is further amended by inserting after the*
3 *item relating to section 104A the following new item:*

 “*Sec. 104B. Deputy Director of the Central Intelligence Agency.*”

4 (c) *APPLICABILITY.*—*The amendments made by this*
5 *section shall apply on the earlier of—*

6 (1) *the date of the appointment by the President*
7 *of an individual to serve as Deputy Director of the*
8 *Central Intelligence Agency pursuant to section 104B*
9 *of the National Security Act of 1947, as added by*
10 *subsection (a), except that the individual administra-*
11 *tively performing the duties of the Deputy Director of*
12 *the Central Intelligence Agency as of the date of the*
13 *enactment of this Act may continue to perform such*
14 *duties until the individual appointed to the position*
15 *of Deputy Director of the Central Intelligence Agency*
16 *assumes the duties of such position; or*

17 (2) *the date of the cessation of the performance*
18 *of the duties of the Deputy Director of the Central In-*
19 *telligence Agency by the individual administratively*
20 *performing such duties as of the date of the enactment*
21 *of this Act.*

22 **SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COM-**
23 **MON CARRIER.**

24 *Subsection (b) of section 116 of the National Security*
25 *Act of 1947 (50 U.S.C. 404k) is amended by striking the*

1 *period at the end and inserting “, who may delegate such*
2 *authority to other appropriate officials of the Central Intel-*
3 *ligence Agency.”.*

4 **SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTEL-**
5 **LIGENCE AGENCY.**

6 (a) *APPOINTMENT AND QUALIFICATIONS OF THE IN-*
7 *SPECTOR GENERAL.—Paragraph (1) of section 17(b) of the*
8 *Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b))*
9 *is amended by striking the second and third sentences and*
10 *inserting “This appointment shall be made without regard*
11 *to political affiliation and shall be on the basis of integrity*
12 *and demonstrated ability in accounting, auditing, financial*
13 *analysis, law, management analysis, public administra-*
14 *tion, or investigation. Such appointment shall also be made*
15 *on the basis of compliance with the security standards of*
16 *the Agency and prior experience in the field of foreign intel-*
17 *ligence.”.*

18 (b) *REMOVAL OF THE INSPECTOR GENERAL.—Para-*
19 *graph (6) of section 17(b) of the Central Intelligence Agency*
20 *Act of 1949 (50 U.S.C. 403q(b)) is amended—*

21 (1) *by striking “immediately”; and*

22 (2) *by striking the period at the end and insert-*
23 *ing “not later than 30 days prior to the effective date*
24 *of such removal. Nothing in this paragraph shall be*

1 *construed to prohibit a personnel action otherwise au-*
2 *thorized by law, other than transfer or removal.”.*

3 (c) *APPLICATION OF SEMIANNUAL REPORTING RE-*
4 *QUIREMENTS WITH RESPECT TO REVIEW REPORTS.—*
5 *Paragraph (1) of section 17(d) of the Central Intelligence*
6 *Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the*
7 *matter preceding subparagraph (A) by inserting “review,”*
8 *after “investigation,”.*

9 (d) *PROTECTION AGAINST REPRISALS.—Subpara-*
10 *graph (B) of section 17(e)(3) of the Central Intelligence*
11 *Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by*
12 *inserting “or providing such information” after “making*
13 *such complaint”.*

14 (e) *INSPECTOR GENERAL SUBPOENA POWER.—Sub-*
15 *paragraph (A) of section 17(e)(5) of the Central Intelligence*
16 *Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by*
17 *inserting “in any medium (including electronically stored*
18 *information or any tangible thing)” after “other data”.*

19 (f) *OTHER ADMINISTRATIVE AUTHORITIES.—*

20 (1) *IN GENERAL.—Subsection (e) of section 17 of*
21 *the Central Intelligence Agency Act of 1949 (50*
22 *U.S.C. 403q), as amended by subsections (d) and (e)*
23 *of this section, is further amended—*

24 (A) *by redesignating paragraph (8) as sub-*
25 *paragraph (9);*

1 (B) in paragraph (9), as so redesignated—

2 (i) by striking “Subject to the concur-
3 rence of the Director, the” and inserting
4 “The”; and

5 (ii) by adding at the end the following:
6 “Consistent with budgetary and personnel
7 resources allocated by the Director, the In-
8 spector General has final approval of—

9 “(A) the selection of internal and external
10 candidates for employment with the Office of In-
11 spector General; and

12 “(B) all other personnel decisions con-
13 cerning personnel permanently assigned to the
14 Office of Inspector General, including selection
15 and appointment to the Senior Intelligence Serv-
16 ice, but excluding all security-based determina-
17 tions that are not within the authority of a head
18 of other Central Intelligence Agency offices.”; and

19 (C) by inserting after paragraph (7) the fol-
20 lowing new paragraph:

21 “(8)(A) The Inspector General shall—

22 “(i) appoint a Counsel to the Inspector General
23 who shall report to the Inspector General; or

24 “(ii) obtain the services of a counsel appointed
25 by and directly reporting to another Inspector Gen-

1 *eral or the Council of the Inspectors General on Integ-*
2 *erty and Efficiency on a reimbursable basis.*

3 *“(B) The counsel appointed or obtained under sub-*
4 *paragraph (A) shall perform such functions as the Inspector*
5 *General may prescribe.”.*

6 *(2) CONSTRUCTION.—Nothing in the amendment*
7 *made by paragraph (1)(C) shall be construed to alter*
8 *the duties and responsibilities of the General Counsel*
9 *of the Central Intelligence Agency.*

10 **SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE**
11 **CENTRAL INTELLIGENCE AGENCY.**

12 *Subsection (f) of section 17 of the Central Intelligence*
13 *Agency Act of 1949 (50 U.S.C. 403q) is amended—*

14 *(1) by inserting “(1)” before “Beginning”; and*

15 *(2) by adding at the end the following new para-*
16 *graph:*

17 *“(2) For each fiscal year, the Inspector General shall*
18 *transmit a budget estimate and request through the Director*
19 *to the Director of National Intelligence that specifies for*
20 *such fiscal year—*

21 *“(A) the aggregate amount requested for the op-*
22 *erations of the Inspector General;*

23 *“(B) the amount requested for all training re-*
24 *quirements of the Inspector General, including a cer-*
25 *tification from the Inspector General that the amount*

1 *requested is sufficient to fund all training require-*
2 *ments for the Office; and*

3 “(C) *the amount requested to support the Coun-*
4 *cil of the Inspectors General on Integrity and Effi-*
5 *ciency, including a justification for such amount.*

6 “(3) *In transmitting a proposed budget to the Presi-*
7 *dent for a fiscal year, the Director of National Intelligence*
8 *shall include for such fiscal year—*

9 “(A) *the aggregate amount requested for the In-*
10 *pector General of the Central Intelligence Agency;*

11 “(B) *the amount requested for Inspector General*
12 *training;*

13 “(C) *the amount requested to support the Coun-*
14 *cil of the Inspectors General on Integrity and Effi-*
15 *ciency; and*

16 “(D) *the comments of the Inspector General, if*
17 *any, with respect to such proposed budget.*

18 “(4) *The Director of National Intelligence shall submit*
19 *to the Committee on Appropriations and the Select Com-*
20 *mittee on Intelligence of the Senate and the Committee on*
21 *Appropriations and the Permanent Select Committee on In-*
22 *telligence of the House of Representatives for each fiscal*
23 *year—*

24 “(A) *a separate statement of the budget estimate*
25 *transmitted pursuant to paragraph (2);*

1 “(B) the amount requested by the Director of Na-
2 tional Intelligence for the Inspector General pursuant
3 to paragraph (3)(A);

4 “(C) the amount requested by the Director of Na-
5 tional Intelligence for training of personnel of the Of-
6 fice of the Inspector General pursuant to paragraph
7 (3)(B);

8 “(D) the amount requested by the Director of Na-
9 tional Intelligence for support for the Council of the
10 Inspectors General on Integrity and Efficiency pursu-
11 ant to paragraph (3)(C); and

12 “(E) the comments of the Inspector General
13 under paragraph (3)(D), if any, on the amounts re-
14 quested pursuant to paragraph (3), including whether
15 such amounts would substantially inhibit the Inspec-
16 tor General from performing the duties of the Office.”.

17 **SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED**
18 **VERSIONS OF CERTAIN INTELLIGENCE PROD-**
19 **UCTS.**

20 *The Director of the Central Intelligence Agency shall*
21 *make publicly available an unclassified version of any*
22 *memoranda or finished intelligence products assessing*
23 *the—*

24 (1) *information gained from high-value detainee*
25 *reporting; and*

1 (2) dated April 3, 2003, July 15, 2004, March
2 2, 2005, and June 1, 2005.

3 **Subtitle C—Defense Intelligence**
4 **Components**

5 **SEC. 431. INSPECTOR GENERAL MATTERS.**

6 (a) *COVERAGE UNDER INSPECTOR GENERAL ACT OF*
7 1978.—Subsection (a)(2) of section 8G of the *Inspector Gen-*
8 *eral Act of 1978 (5 U.S.C. App.) is amended—*

9 (1) by inserting “the *Defense Intelligence Agen-*
10 *cy,*” after “the *Corporation for Public Broadcasting,*”;

11 (2) by inserting “the *National Geospatial-Intel-*
12 *ligence Agency,*” after “the *National Endowment for*
13 *the Humanities,*”; and

14 (3) by inserting “the *National Reconnaissance*
15 *Office, the National Security Agency,*” after “the *Na-*
16 *tional Labor Relations Board,*”.

17 (b) *CERTAIN DESIGNATIONS UNDER INSPECTOR GEN-*
18 *ERAL ACT OF 1978.*—Subsection (a) of section 8H of the
19 *Inspector General Act of 1978 (5 U.S.C. App.) is amended*
20 *by adding at the end the following new paragraph:*

21 “(3) *The Inspectors General of the Defense Intelligence*
22 *Agency, the National Geospatial-Intelligence Agency, the*
23 *National Reconnaissance Office, and the National Security*
24 *Agency shall be designees of the Inspector General of the*
25 *Department of Defense for purposes of this section.*”.

1 (c) *POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.*—Subsection (d) of section 8G of such Act (5
2 *U.S.C. App.*) is amended—
3

4 (1) by inserting “(1)” after “(d)”;

5 (2) in the second sentence of paragraph (1), as
6 designated by paragraph (1) of this subsection, by
7 striking “The head” and inserting “Except as pro-
8 vided in paragraph (2), the head”; and

9 (3) by adding at the end the following new para-
10 graph:

11 “(2)(A) *The Secretary of Defense, in consultation with*
12 *the Director of National Intelligence, may prohibit the in-*
13 *spector general of an element of the intelligence community*
14 *specified in subparagraph (D) from initiating, carrying*
15 *out, or completing any audit or investigation if the Sec-*
16 *retary determines that the prohibition is necessary to pro-*
17 *tect vital national security interests of the United States.*

18 “(B) *If the Secretary exercises the authority under sub-*
19 *paragraph (A), the Secretary shall submit to the committees*
20 *of Congress specified in subparagraph (E) an appropriately*
21 *classified statement of the reasons for the exercise of such*
22 *authority not later than 7 days after the exercise of such*
23 *authority.*

24 “(C) *At the same time the Secretary submits under*
25 *subparagraph (B) a statement on the exercise of the author-*

1 *ity in subparagraph (A) to the committees of Congress spec-*
2 *ified in subparagraph (E), the Secretary shall notify the*
3 *inspector general of such element of the submittal of such*
4 *statement and, to the extent consistent with the protection*
5 *of intelligence sources and methods, provide such inspector*
6 *general with a copy of such statement. Such inspector gen-*
7 *eral may submit to such committees of Congress any com-*
8 *ments on a notice or statement received by the inspector*
9 *general under this subparagraph that the inspector general*
10 *considers appropriate.*

11 “(D) *The elements of the intelligence community speci-*
12 *fied in this subparagraph are as follows:*

13 “(i) *The Defense Intelligence Agency.*

14 “(ii) *The National Geospatial-Intelligence Agen-*
15 *cy.*

16 “(iii) *The National Reconnaissance Office.*

17 “(iv) *The National Security Agency.*

18 “(E) *The committees of Congress specified in this sub-*
19 *paragraph are—*

20 “(i) *the Committee on Armed Services and the*
21 *Select Committee on Intelligence of the Senate; and*

22 “(ii) *the Committee on Armed Services and the*
23 *Permanent Select Committee on Intelligence of the*
24 *House of Representatives.”.*

1 **SEC. 432. CLARIFICATION OF NATIONAL SECURITY MIS-**
2 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
3 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
4 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
5 **FORMATION.**

6 *Section 442(a) of title 10, United States Code, is*
7 *amended—*

8 *(1) by redesignating paragraph (2) as para-*
9 *graph (3);*

10 *(2) by inserting after paragraph (1) the fol-*
11 *lowing new paragraph (2):*

12 *“(2)(A) As directed by the Director of National Intel-*
13 *ligence, the National Geospatial-Intelligence Agency shall*
14 *develop a system to facilitate the analysis, dissemination,*
15 *and incorporation of likenesses, videos, and presentations*
16 *produced by ground-based platforms, including handheld or*
17 *clandestine photography taken by or on behalf of human*
18 *intelligence collection organizations or available as open-*
19 *source information, into the National System for Geospatial*
20 *Intelligence.*

21 *“(B) The authority provided by this paragraph does*
22 *not include authority for the National Geospatial-Intel-*
23 *ligence Agency to manage tasking of handheld or clandes-*
24 *tine photography taken by or on behalf of human intel-*
25 *ligence collection organizations.”; and*

1 (3) in paragraph (3), as so redesignated, by
2 striking “paragraph (1)” and inserting “paragraphs
3 (1) and (2)”.

4 **SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL**
5 **SECURITY AGENCY.**

6 *The National Security Agency Act of 1959 (50 U.S.C.*
7 *402 note) is amended by inserting after the first section*
8 *the following new section:*

9 “SEC. 2. *There is a Director of Compliance of the Na-*
10 *tional Security Agency, who shall be appointed by the Di-*
11 *rector of the National Security Agency and who shall be*
12 *responsible for the programs of compliance over mission ac-*
13 *tivities of the National Security Agency.”*

14 ***Subtitle D—Other Elements***

15 **SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF**
16 **THE INTELLIGENCE COMMUNITY.**

17 *Section 3(4) of the National Security Act of 1947 (50*
18 *U.S.C. 401a(4)) is amended—*

19 (1) *in subparagraph (H)—*

20 (A) *by inserting “the Coast Guard,” after*
21 *“the Marine Corps,”; and*

22 (B) *by inserting “the Drug Enforcement*
23 *Administration,” after “the Federal Bureau of*
24 *Investigation,”; and*

1 (2) in subparagraph (K), by striking “, includ-
2 ing the Office of Intelligence of the Coast Guard”.

3 **SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **COAST GUARD NATIONAL TACTICAL INTE-**
5 **GRATION OFFICE.**

6 *Title 14, United States Code, is amended—*

7 (1) in paragraph (4) of section 93(a), by striking
8 “function” and inserting “function, including re-
9 search, development, test, or evaluation related to in-
10 telligence systems and capabilities,”; and

11 (2) in paragraph (4) of section 662, by inserting
12 “intelligence systems and capabilities or” after “re-
13 lated to”.

14 **SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE**
15 **FEDERAL BUREAU OF INVESTIGATION.**

16 *Section 5759 of title 5, United States Code, is amend-*
17 *ed—*

18 (1) in subsection (a)(2), by striking “is trans-
19 ferred to a different geographic area with a higher
20 cost of living” and inserting “is subject to a mobility
21 agreement and is transferred to a position in a dif-
22 ferent geographical area in which there is a shortage
23 of critical skills”;

24 (2) in subsection (b)(2), by striking the period at
25 the end and inserting “, including requirements for a

1 *bonus recipient's repayment of a bonus in cir-*
2 *cumstances determined by the Director of the Federal*
3 *Bureau of Investigation.”;*

4 (3) *in subsection (c), by striking “basic pay.”*
5 *and inserting “annual rate of basic pay. The bonus*
6 *may be paid in a lump sum or installments linked*
7 *to completion of periods of service.”; and*

8 (4) *in subsection (d), by striking “retention*
9 *bonus” and inserting “bonus paid under this sec-*
10 *tion”.*

11 **SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL**
12 **BUREAU OF INVESTIGATION TO WAIVE MAN-**
13 **DATORY RETIREMENT PROVISIONS.**

14 (a) *CIVIL SERVICE RETIREMENT SYSTEM.—Sub-*
15 *section (b) of section 8335 of title 5, United States Code,*
16 *is amended—*

17 (1) *in the paragraph (2) enacted by section*
18 *112(a)(2) of the Department of Justice Appropria-*
19 *tions Act, 2005 (title I of division B of Public Law*
20 *108–447; 118 Stat. 2868), by striking “2009” and in-*
21 *serting “2011”; and*

22 (2) *by striking the paragraph (2) enacted by sec-*
23 *tion 2005(a)(2) of the Intelligence Reform and Ter-*
24 *rорism Prevention Act of 2004 (Public Law 108–458;*
25 *118 Stat. 3704).*

1 **(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.**—
2 *Subsection (b) of section 8425 of title 5, United States Code,*
3 *is amended—*

4 *(1) in the paragraph (2) enacted by section*
5 *112(b)(2) of the Department of Justice Appropria-*
6 *tions Act, 2005 (title I of division B of Public Law*
7 *108–447; 118 Stat. 2868), by striking “2009” and in-*
8 *serting “2011”; and*

9 *(2) by striking the paragraph (2) enacted by sec-*
10 *tion 2005(b)(2) of the Intelligence Reform and Ter-*
11 *rorism Prevention Act of 2004 (Public Law 108–458;*
12 *118 Stat. 3704).*

13 **SEC. 445. REPORT AND ASSESSMENTS ON TRANS-**
14 **FORMATION OF THE INTELLIGENCE CAPA-**
15 **BILITIES OF THE FEDERAL BUREAU OF IN-**
16 **VESTIGATION.**

17 **(a) REPORT.**—

18 **(1) REQUIREMENT.**—*Not later than 180 days*
19 *after the date of the enactment of this Act, the Direc-*
20 *tor of the Federal Bureau of Investigation, in con-*
21 *sultation with the Director of National Intelligence,*
22 *shall submit to the congressional intelligence commit-*
23 *tees, the Committee on the Judiciary of the Senate,*
24 *and the Committee on the Judiciary of the House of*
25 *Representatives a report describing—*

1 (A) a long-term vision for the intelligence
2 capabilities of the National Security Branch of
3 the Bureau;

4 (B) a strategic plan for the National Security
5 Branch; and

6 (C) the progress made in advancing the capabilities
7 of the National Security Branch.

8 (2) *CONTENT.*—The report required by paragraph
9 (1) shall include—

10 (A) a description of the direction, strategy,
11 and goals for improving the intelligence capabilities
12 of the National Security Branch;

13 (B) a description of the intelligence and national
14 security capabilities of the National Security
15 Branch that will be fully functional within
16 the five-year period beginning on the date on
17 which the report is submitted;

18 (C) a description—

19 (i) of the internal reforms that were
20 carried out at the National Security Branch
21 during the two-year period ending on the
22 date on which the report is submitted; and

23 (ii) of the manner in which such reforms
24 have advanced the capabilities of the
25 National Security Branch;

1 (D) an assessment of the effectiveness of the
2 National Security Branch in performing tasks
3 that are critical to the effective functioning of the
4 National Security Branch as an intelligence
5 agency, including—

6 (i) human intelligence collection, both
7 within and outside the parameters of an ex-
8 isting case file or ongoing investigation, in
9 a manner that protects civil liberties;

10 (ii) intelligence analysis, including the
11 ability of the National Security Branch to
12 produce, and provide policymakers with, in-
13 formation on national security threats to
14 the United States;

15 (iii) management, including the ability
16 of the National Security Branch to manage
17 and develop human capital and implement
18 an organizational structure that supports
19 the objectives and strategies of the Branch;

20 (iv) integration of the National Secu-
21 rity Branch into the intelligence commu-
22 nity, including an ability to robustly share
23 intelligence and effectively communicate
24 and operate with appropriate Federal,
25 State, local, and tribal partners;

1 (v) implementation of an infrastruc-
2 ture that supports the national security and
3 intelligence missions of the National Secu-
4 rity Branch, including proper information
5 technology and facilities; and

6 (vi) reformation of the culture of the
7 National Security Branch, including the in-
8 tegration by the Branch of intelligence ana-
9 lysts and other professional staff into intel-
10 ligence collection operations and the success
11 of the National Security Branch in ensur-
12 ing that intelligence and threat information
13 drive the operations of the Branch;

14 (E) performance metrics and specific an-
15 nual timetables for advancing the performance of
16 the tasks referred to in clauses (i) through (vi)
17 of subparagraph (D) and a description of the ac-
18 tivities being undertaken to ensure that the per-
19 formance of the National Security Branch in
20 carrying out such tasks improves; and

21 (F) an assessment of the effectiveness of the
22 field office supervisory term limit policy of the
23 Federal Bureau of Investigation that requires the
24 mandatory reassignment of a supervisor of the
25 Bureau after a specific term of years.

1 **(b) ANNUAL ASSESSMENTS.**—

2 **(1) REQUIREMENT FOR ASSESSMENTS.**—*Not*
3 *later than 180 days after the date on which the report*
4 *required by subsection (a)(1) is submitted, and annu-*
5 *ally thereafter for five years, the Director of National*
6 *Intelligence, in consultation with the Director of the*
7 *Federal Bureau of Investigation, shall submit to the*
8 *congressional intelligence committees, the Committee*
9 *on the Judiciary of the Senate, and the Committee on*
10 *the Judiciary of the House of Representatives an as-*
11 *essment of the performance of the National Security*
12 *Branch in carrying out the tasks referred to in*
13 *clauses (i) through (vi) of subsection (a)(2)(D) in*
14 *comparison to such performance during previous*
15 *years.*

16 **(2) CONSIDERATIONS.**—*In conducting each as-*
17 *essment required by paragraph (1), the Director of*
18 *National Intelligence—*

19 **(A)** *shall use the performance metrics and*
20 *specific annual timetables for carrying out such*
21 *tasks referred to in subsection (a)(2)(E); and*

22 **(B)** *may request the assistance of any ex-*
23 *pert that the Director considers appropriate, in-*
24 *cluding an inspector general of an appropriate*
25 *department or agency.*

1 **TITLE V—REORGANIZATION OF**
2 **THE DIPLOMATIC TELE-**
3 **COMMUNICATIONS SERVICE**
4 **PROGRAM OFFICE**

5 **SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELE-**
6 **COMMUNICATIONS SERVICE PROGRAM OF-**
7 **FICE.**

8 *(a) REORGANIZATION OF THE DIPLOMATIC TELE-*
9 *COMMUNICATIONS SERVICE PROGRAM OFFICE.—*

10 *(1) IN GENERAL.—Subtitle B of title III of the*
11 *Intelligence Authorization Act for Fiscal Year 2001*
12 *(Public Law 106–567; 22 U.S.C. 7301 et seq.) is*
13 *amended by striking sections 321, 322, 323, and 324,*
14 *and inserting the following new sections:*

15 **“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE**
16 **PROGRAM OFFICE.**

17 *“(a) REORGANIZATION.—The Diplomatic Tele-*
18 *communications Service Program Office established pursu-*
19 *ant to title V of Public Law 102–140 shall be reorganized*
20 *in accordance with this subtitle.*

21 *“(b) DUTIES.—The duties of the DTS–PO include im-*
22 *plementing a program for the establishment and mainte-*
23 *nance of a DTS Network capable of providing multiple lev-*
24 *els of service to meet the wide-ranging needs of all United*
25 *States Government departments and agencies operating*

1 *from diplomatic and consular facilities outside of the*
2 *United States, including national security needs for secure,*
3 *reliable, and robust communications capabilities.*

4 **“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELE-**
5 **COMMUNICATIONS SERVICE GOVERNANCE**
6 **BOARD.**

7 *“(a) GOVERNANCE BOARD.—*

8 *“(1) ESTABLISHMENT.—There is established the*
9 *Diplomatic Telecommunications Service Governance*
10 *Board to direct and oversee the activities and per-*
11 *formance of the DTS–PO.*

12 *“(2) EXECUTIVE AGENT.—*

13 *“(A) DESIGNATION.—The Director of the*
14 *Office of Management and Budget shall des-*
15 *ignate, from among the departments and agen-*
16 *cies of the United States Government that use the*
17 *DTS Network, a department or agency as the*
18 *DTS–PO Executive Agent.*

19 *“(B) DUTIES.—The Executive Agent des-*
20 *ignated under subparagraph (A) shall—*

21 *“(i) nominate a Director of the DTS–*
22 *PO for approval by the Governance Board*
23 *in accordance with subsection (e); and*

24 *“(ii) perform such other duties as es-*
25 *tablished by the Governance Board in the*

1 *determination of written implementing ar-*
2 *rangements and other relevant and appro-*
3 *priate governance processes and procedures*
4 *under paragraph (3).*

5 “(3) *REQUIREMENT FOR IMPLEMENTING AR-*
6 *RANGEMENTS.—Subject to the requirements of this*
7 *subtitle, the Governance Board shall determine the*
8 *written implementing arrangements and other rel-*
9 *evant and appropriate governance processes and pro-*
10 *cedures to manage, oversee, resource, or otherwise ad-*
11 *minister the DTS–PO.*

12 “(b) *MEMBERSHIP.—*

13 “(1) *SELECTION.—The Director of the Office of*
14 *Management and Budget shall designate from among*
15 *the departments and agencies that use the DTS Net-*
16 *work—*

17 “(A) *four departments and agencies to each*
18 *appoint one voting member of the Governance*
19 *Board from the personnel of such departments*
20 *and agencies; and*

21 “(B) *any other departments and agencies*
22 *that the Director considers appropriate to each*
23 *appoint one nonvoting member of the Govern-*
24 *ance Board from the personnel of such depart-*
25 *ments and agencies.*

1 “(2) *VOTING AND NONVOTING MEMBERS.*—*The*
2 *Governance Board shall consist of voting members*
3 *and nonvoting members as follows:*

4 “(A) *VOTING MEMBERS.*—*The voting mem-*
5 *bers shall consist of a Chair, who shall be des-*
6 *ignated by the Director of the Office of Manage-*
7 *ment and Budget, and the four members ap-*
8 *pointed by departments and agencies designated*
9 *under paragraph (1)(A).*

10 “(B) *NONVOTING MEMBERS.*—*The non-*
11 *voting members shall consist of the members ap-*
12 *pointed by departments and agencies designated*
13 *under paragraph (1)(B) and shall act in an ad-*
14 *visory capacity.*

15 “(c) *CHAIR DUTIES AND AUTHORITIES.*—*The Chair of*
16 *the Governance Board shall—*

17 “(1) *preside over all meetings and deliberations*
18 *of the Governance Board;*

19 “(2) *provide the Secretariat functions of the Gov-*
20 *ernance Board; and*

21 “(3) *propose bylaws governing the operation of*
22 *the Governance Board.*

23 “(d) *QUORUM, DECISIONS, MEETINGS.*—*A quorum of*
24 *the Governance Board shall consist of the presence of the*
25 *Chair and four voting members. The decisions of the Gov-*

1 ernance Board shall require a majority of the voting mem-
2 bership. The Chair shall convene a meeting of the Govern-
3 ance Board not less than four times each year to carry out
4 the functions of the Governance Board. The Chair or any
5 voting member may convene a meeting of the Governance
6 Board.

7 “(e) *GOVERNANCE BOARD DUTIES.*—The Governance
8 Board shall have the following duties with respect to the
9 DTS–PO:

10 “(1) *To approve and monitor the plans, services,*
11 *priorities, policies, and pricing methodology of the*
12 *DTS–PO for bandwidth costs and projects carried out*
13 *at the request of a department or agency that uses the*
14 *DTS Network.*

15 “(2) *To provide to the DTS–PO Executive Agent*
16 *the recommendation of the Governance Board with re-*
17 *spect to the approval, disapproval, or modification of*
18 *each annual budget request for the DTS–PO, prior to*
19 *the submission of any such request by the Executive*
20 *Agent.*

21 “(3) *To review the performance of the DTS–PO*
22 *against plans approved under paragraph (1) and the*
23 *management activities and internal controls of the*
24 *DTS–PO.*

1 *tion to the DTS–PO shall remain available to the DTS–*
2 *PO for a period of two fiscal years.*

3 “(b) *FEES.*—*The DTS–PO shall charge a department*
4 *or agency that uses the DTS Network for only those band-*
5 *width costs attributable to such department or agency and*
6 *for specific projects carried out at the request of such de-*
7 *partment or agency, pursuant to the pricing methodology*
8 *for such bandwidth costs and such projects approved under*
9 *section 322(e)(1), for which amounts have not been appro-*
10 *priated for allocation to the DTS–PO. The DTS–PO is au-*
11 *thorized to directly receive payments from departments or*
12 *agencies that use the DTS Network and to invoice such de-*
13 *partments or agencies for the fees under this section either*
14 *in advance of, or upon or after, providing the bandwidth*
15 *or performing such projects. Such funds received from such*
16 *departments or agencies shall remain available to the DTS–*
17 *PO for a period of two fiscal years.*

18 **“SEC. 324. DEFINITIONS.**

19 *“In this subtitle:*

20 “(1) *DTS NETWORK.*—*The term ‘DTS Network’*
21 *means the worldwide telecommunications network*
22 *supporting all United States Government agencies*
23 *and departments operating from diplomatic and con-*
24 *sular facilities outside of the United States.*

1 “(2) *DTS-PO*.—The term ‘*DTS-PO*’ means the
2 *Diplomatic Telecommunications Service Program Of-*
3 *fice*.

4 “(3) *GOVERNANCE BOARD*.—The term ‘*Govern-*
5 *ance Board*’ means the *Diplomatic Telecommuni-*
6 *cations Service Governance Board* established under
7 *section 322(a)(1)*.”.

8 (2) *TABLE OF CONTENTS AMENDMENT*.—The
9 *table of contents in section 1(b) of the Intelligence Au-*
10 *thorization Act for Fiscal Year 2001 (Public Law*
11 *106–567; 114 Stat. 2831) is amended by striking the*
12 *items relating to sections 321, 322, 323, and 324 and*
13 *inserting the following new items:*

“*Sec. 321. Diplomatic Telecommunications Service Program Office.*”

“*Sec. 322. Establishment of the Diplomatic Telecommunications Service Govern-*
ance Board.”

“*Sec. 323. Funding of the Diplomatic Telecommunications Service.*”

“*Sec. 324. Definitions.*”.

14 (b) *CONFORMING AMENDMENTS*.—

15 (1) *REPEAL OF SUSPENSION OF REORGANIZA-*
16 *TION*.—

17 (A) *REPEAL*.—The *Intelligence Authoriza-*
18 *tion Act for Fiscal Year 2002 (Public Law 107–*
19 *108; 22 U.S.C. 7301 note) is amended by strik-*
20 *ing section 311.*

21 (B) *TABLE OF CONTENTS AMENDMENT*.—
22 *The table of contents in section 1 of such Act is*

1 *amended by striking the item relating to section*
2 *311.*

3 (2) *REPEAL OF REFORM.—*

4 (A) *REPEAL.—The Admiral James W.*
5 *Nance and Meg Donovan Foreign Relations Au-*
6 *thorization Act, Fiscal Years 2000 and 2001 (as*
7 *enacted into law by section 1000(a)(7) of Public*
8 *Law 106–113 and contained in appendix G of*
9 *that Act; 113 Stat. 1501A–405) is amended by*
10 *striking section 305.*

11 (B) *TABLE OF CONTENTS AMENDMENT.—*
12 *The table of contents in section 2(b) of such Act*
13 *is amended by striking the item related to sec-*
14 *tion 305.*

15 (3) *REPEAL OF REPORTING REQUIREMENTS.—*
16 *Section 507(b) of the National Security Act of 1947*
17 *(50 U.S.C. 415b(b)), as amended by section 351 of*
18 *this Act, is further amended—*

19 (A) *by striking paragraph (3); and*

20 (B) *by redesignating paragraphs (4) and*
21 *(5) as paragraphs (3) and (4), respectively.*

1 **TITLE VI—FOREIGN INTEL-**
2 **LIGENCE AND INFORMATION**
3 **COMMISSION ACT**

4 **SEC. 601. SHORT TITLE.**

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

7 **SEC. 602. DEFINITIONS.**

8 *In this title:*

9 (1) **COMMISSION.**—*The term “Commission”*
10 *means the Foreign Intelligence and Information Com-*
11 *mission established in section 603(a).*

12 (2) **FOREIGN INTELLIGENCE; INTELLIGENCE.**—
13 *The terms “foreign intelligence” and “intelligence”*
14 *have the meaning given those terms in section 3 of the*
15 *National Security Act of 1947 (50 U.S.C. 401a).*

16 (3) **INFORMATION.**—*The term “information” in-*
17 *cludes information of relevance to the foreign policy*
18 *of the United States collected and conveyed through*
19 *diplomatic reporting and other reporting by personnel*
20 *of the United States Government who are not em-*
21 *ployed by an element of the intelligence community,*
22 *including public and open-source information.*

1 **SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COM-**
2 **MISSION.**

3 (a) *ESTABLISHMENT.*—*There is established in the leg-*
4 *islative branch a Foreign Intelligence and Information*
5 *Commission.*

6 (b) *PURPOSE.*—*The purpose of the Commission is to*
7 *evaluate systems and processes at the strategic, interagency*
8 *level and provide recommendations accordingly, and not to*
9 *seek to duplicate the functions of the Director of National*
10 *Intelligence.*

11 (c) *FUNCTIONS.*—*The Commission shall—*

12 (1) *evaluate the current processes or systems for*
13 *the strategic integration of the intelligence commu-*
14 *nity, including the Open Source Center, and other*
15 *elements of the United States Government, including*
16 *the Department of State, with regard to the collection,*
17 *reporting, and analysis of foreign intelligence and in-*
18 *formation;*

19 (2) *provide recommendations to improve or de-*
20 *velop such processes or systems to integrate the intel-*
21 *ligence community with other elements of the United*
22 *States Government, potentially including the develop-*
23 *ment of an interagency strategy that identifies—*

24 (A) *the collection, reporting, and analysis*
25 *requirements of the United States Government;*

1 (B) the elements of the United States Gov-
2 ernment best positioned to meet collection and
3 reporting requirements, with regard to missions,
4 comparative institutional advantages, and any
5 other relevant factors; and

6 (C) interagency budget and resource alloca-
7 tions necessary to achieve such collection, report-
8 ing, and analytical requirements;

9 (3) evaluate the extent to which current intel-
10 ligence collection, reporting, and analysis strategies
11 are intended to provide global coverage and antici-
12 pate future threats, challenges, and crises;

13 (4) provide recommendations on how to incor-
14 porate into the interagency strategy the means to an-
15 ticipate future threats, challenges, and crises, includ-
16 ing by identifying and supporting collection, report-
17 ing, and analytical capabilities that are global in
18 scope and directed at emerging, long-term, and stra-
19 tegic targets;

20 (5) provide recommendations on strategies for
21 sustaining human and budgetary resources to effect
22 the global collection and reporting missions identified
23 in the interagency strategy, including the
24 prepositioning of collection and reporting capabilities;

1 (6) *provide recommendations for developing,*
2 *clarifying, and, if necessary, bolstering current and*
3 *future collection and reporting roles and capabilities*
4 *of elements of the United States Government that are*
5 *not elements of the intelligence community deployed*
6 *in foreign countries;*

7 (7) *provide recommendations related to the role*
8 *of individual country missions in contributing to the*
9 *interagency strategy;*

10 (8) *evaluate the extent to which the establishment*
11 *of new embassies and out-of-embassy posts are able to*
12 *contribute to expanded global coverage and increased*
13 *collection and reporting and provide recommenda-*
14 *tions related to the establishment of new embassies*
15 *and out-of-embassy posts;*

16 (9) *provide recommendations on executive or leg-*
17 *islative changes necessary to establish any new execu-*
18 *tive branch entity or to expand the authorities of any*
19 *existing executive branch entity, as needed to improve*
20 *the strategic integration referred to in paragraph (1)*
21 *and develop and oversee the implementation of any*
22 *interagency strategy;*

23 (10) *provide recommendations on processes for*
24 *developing and presenting to Congress budget requests*
25 *for each relevant element of the United States Govern-*

1 *ment that reflect the allocations identified in the*
2 *interagency strategy and for congressional oversight of*
3 *the development and implementation of the strategy;*
4 *and*

5 *(11) provide recommendations on any institu-*
6 *tional reforms related to the collection and reporting*
7 *roles of individual elements of the United States Gov-*
8 *ernment outside the intelligence community, as well*
9 *as any budgetary, legislative, or other changes needed*
10 *to achieve such reforms.*

11 **SEC. 604. MEMBERS AND STAFF OF THE COMMISSION.**

12 *(a) MEMBERS OF THE COMMISSION.—*

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

15 *(A) Two members appointed by the major-*
16 *ity leader of the Senate.*

17 *(B) Two members appointed by the minor-*
18 *ity leader of the Senate.*

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

21 *(D) Two members appointed by the minor-*
22 *ity leader of the House of Representatives.*

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

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

3 (2) *SELECTION.—*

4 (A) *IN GENERAL.—Members of the Commis-*
5 *sion shall be individuals who—*

6 (i) *are not officers or employees of the*
7 *United States Government or any State or*
8 *local government; and*

9 (ii) *have knowledge and experience—*

10 (I) *in foreign information and in-*
11 *telligence collection, reporting, and*
12 *analysis, including clandestine collec-*
13 *tion and classified analysis (such as*
14 *experience in the intelligence commu-*
15 *nity), diplomatic reporting and anal-*
16 *ysis, and collection of public and open-*
17 *source information;*

18 (II) *in issues related to the na-*
19 *tional security and foreign policy of*
20 *the United States gained by serving as*
21 *a senior official of the Department of*
22 *State, a member of the Foreign Service,*
23 *an employee or officer of an appro-*
24 *priate department or agency of the*
25 *United States, or an independent orga-*

1 nization with expertise in the field of
2 international affairs; or

3 (III) with foreign policy decision-
4 making.

5 (B) *DIVERSITY OF EXPERIENCE.*—The indi-
6 viduals appointed to the Commission should be
7 selected with a view to establishing diversity of
8 experience with regard to various geographic re-
9 gions, functions, and issues.

10 (3) *CONSULTATION.*—The Speaker and the mi-
11 nority leader of the House of Representatives, the ma-
12 jority leader and the minority leader of the Senate,
13 the Director of National Intelligence, and the Sec-
14 retary of State shall consult among themselves prior
15 to the appointment of the members of the Commission
16 in order to achieve, to the maximum extent possible,
17 fair and equitable representation of various points of
18 view with respect to the matters to be considered by
19 the Commission in accordance with this title.

20 (4) *TIME OF APPOINTMENT.*—The appointments
21 under subsection (a) shall be made—

22 (A) after the date on which funds are first
23 appropriated for the Commission pursuant to
24 section 609; and

25 (B) not later than 60 days after such date.

1 (5) *TERM OF APPOINTMENT.*—Members shall be
2 appointed for the life of the Commission.

3 (6) *VACANCIES.*—Any vacancy of the Commis-
4 sion shall not affect the powers of the Commission
5 and shall be filled in the manner in which the origi-
6 nal appointment was made.

7 (7) *CHAIR.*—The voting members of the Commis-
8 sion shall designate one of the voting members to serve
9 as the chair of the Commission.

10 (8) *QUORUM.*—Five voting members of the Com-
11 mission shall constitute a quorum for purposes of
12 transacting the business of the Commission.

13 (9) *MEETINGS.*—The Commission shall meet at
14 the call of the chair and shall meet regularly, not less
15 than once every 3 months, during the life of the Com-
16 mission.

17 (b) *STAFF.*—

18 (1) *IN GENERAL.*—The chair of the Commission
19 may, without regard to the provisions of title 5,
20 United States Code, governing appointments in the
21 competitive service and chapter 51 and subchapter III
22 of chapter 53 of that title relating to classification of
23 positions and General Schedule pay rates, appoint
24 and terminate an executive director and, in consulta-
25 tion with the executive director, appoint and termi-

1 *nate such other additional personnel as may be nec-*
2 *essary to enable the Commission to perform its duties.*
3 *In addition to the executive director and one full-time*
4 *support staff for the executive director, there shall be*
5 *additional staff with relevant intelligence and foreign*
6 *policy experience to support the work of the Commis-*
7 *sion.*

8 (2) *SELECTION OF THE EXECUTIVE DIRECTOR.—*

9 *The executive director shall be selected with the ap-*
10 *proval of a majority of the voting members of the*
11 *Commission.*

12 (3) *COMPENSATION.—*

13 (A) *EXECUTIVE DIRECTOR.—The executive*
14 *director shall be compensated at the maximum*
15 *annual rate payable for an employee of a stand-*
16 *ing committee of the Senate under section 105(e)*
17 *of the Legislative Branch Appropriations Act,*
18 *1968 (2 U.S.C. 61–1(e)), as adjusted by any*
19 *order of the President pro tempore of the Senate.*

20 (B) *STAFF.—The chair of the Commission*
21 *may fix the compensation of other personnel of*
22 *the Commission without regard to chapter 51*
23 *and subchapter III of chapter 53 of title 5,*
24 *United States Code, relating to classification of*
25 *positions and General Schedule pay rates, except*

1 *that the rate of pay for such personnel may not*
2 *exceed the maximum annual rate payable for an*
3 *employee of a standing committee of the Senate*
4 *under section 105(e) of the Legislative Branch*
5 *Appropriations Act, 1968 (2 U.S.C. 61-1(e)), as*
6 *adjusted by any order of the President pro tem-*
7 *pore of the Senate.*

8 *(c) EXPERTS AND CONSULTANTS.—The Commission is*
9 *authorized to procure temporary or intermittent services of*
10 *experts and consultants as necessary to the extent author-*
11 *ized by section 3109 of title 5, United States Code, at rates*
12 *for individuals not to exceed the daily equivalent of the*
13 *maximum annual rate of basic pay payable under section*
14 *5376 of such title.*

15 *(d) STAFF AND SERVICES OF OTHER AGENCIES OR*
16 *DEPARTMENTS OF THE UNITED STATES.—Upon the request*
17 *of the Commission, the head of a department or agency of*
18 *the United States may detail, on a reimbursable or nonre-*
19 *imbursable basis, any of the personnel of that department*
20 *or agency to the Commission to assist the Commission in*
21 *carrying out this title. The detail of any such personnel*
22 *shall be without interruption or loss of civil service or For-*
23 *ign Service status or privilege.*

24 *(e) SECURITY CLEARANCE.—The appropriate depart-*
25 *ments or agencies of the United States shall cooperate with*

1 *the Commission in expeditiously providing to the members*
2 *and staff of the Commission appropriate security clearances*
3 *to the extent possible pursuant to existing procedures and*
4 *requirements.*

5 *(f) REPORTS UNDER ETHICS IN GOVERNMENT ACT OF*
6 *1978.—Notwithstanding any other provision of law, for*
7 *purposes of title I of the Ethics in Government Act of 1978*
8 *(5 U.S.C. App.), each member and staff of the Commis-*
9 *sion—*

10 *(1) shall be deemed to be an officer or employee*
11 *of the Congress (as defined in section 109(13) of such*
12 *title); and*

13 *(2) shall file any report required to be filed by*
14 *such member or such staff (including by virtue of the*
15 *application of paragraph (1)) under title I of the*
16 *Ethics in Government Act of 1978 (5 U.S.C. App.)*
17 *with the Secretary of the Senate.*

18 **SEC. 605. POWERS AND DUTIES OF THE COMMISSION.**

19 *(a) HEARINGS AND EVIDENCE.—The Commission may*
20 *hold such hearings, sit and act at such times and places,*
21 *take such testimony, and receive such evidence as the Com-*
22 *mission considers advisable to carry out this title.*

23 *(b) INFORMATION FROM FEDERAL AGENCIES.—The*
24 *Commission may secure directly from any department or*
25 *agency of the United States such information as the Com-*

1 mission considers necessary to carry out this title. Upon
2 request of the chair of the Commission, the head of such
3 department or agency shall furnish such information to the
4 Commission, subject to applicable law.

5 (c) *POSTAL SERVICES.*—The Commission may use the
6 United States mails in the same manner and under the
7 same conditions as a department or agency of the United
8 States.

9 (d) *ADMINISTRATIVE SUPPORT.*—The Administrator
10 of the General Services Administration shall provide to the
11 Commission on a reimbursable basis (or, in the discretion
12 of the Administrator, on a nonreimbursable basis) such ad-
13 ministrative support services as the Commission may re-
14 quest to carry out this title.

15 (e) *ADMINISTRATIVE PROCEDURES.*—The Commission
16 may adopt such rules and regulations, relating to adminis-
17 trative procedure, as may be reasonably necessary to enable
18 the Commission to carry out this title.

19 (f) *TRAVEL.*—

20 (1) *IN GENERAL.*—The members and staff of the
21 Commission may, with the approval of the Commis-
22 sion, conduct such travel as is necessary to carry out
23 this title.

24 (2) *EXPENSES.*—Members of the Commission
25 shall serve without pay but shall be allowed travel ex-

1 *penses, including per diem in lieu of subsistence, at*
2 *rates authorized for employees of agencies under sub-*
3 *chapter I of chapter 57 of title 5, United States Code,*
4 *while away from their homes or regular places of*
5 *business in the performance of services for the Com-*
6 *mission.*

7 *(g) GIFTS.—No member or staff of the Commission*
8 *may receive a gift or benefit by reason of the service of such*
9 *member or staff to the Commission.*

10 **SEC. 606. REPORT OF THE COMMISSION.**

11 *(a) IN GENERAL.—*

12 *(1) INTERIM REPORT.—Not later than 300 days*
13 *after the date on which all members of the Commis-*
14 *sion are appointed under section 604(a), the Commis-*
15 *sion shall submit to the congressional intelligence*
16 *committees an interim report setting forth the pre-*
17 *liminary evaluations and recommendations of the*
18 *Commission described in section 603(c).*

19 *(2) FINAL REPORT.—Not later than 60 days*
20 *after the date of the submission of the report required*
21 *by paragraph (1), the Commission shall submit a*
22 *final report setting forth the final evaluations and*
23 *recommendations of the Commission described in sec-*
24 *tion 603(c) to each of the following:*

25 *(A) The President.*

1 (B) *The Director of National Intelligence.*

2 (C) *The Secretary of State.*

3 (D) *The congressional intelligence commit-*
4 *tees.*

5 (E) *The Committee on Foreign Relations of*
6 *the Senate.*

7 (F) *The Committee on Foreign Affairs of*
8 *the House of Representatives.*

9 (b) *INDIVIDUAL OR DISSENTING VIEWS.*—*Each mem-*
10 *ber of the Commission may include that member's indi-*
11 *vidual or dissenting views in a report required by para-*
12 *graph (1) or (2) of subsection (a).*

13 (c) *FORM OF REPORT.*—*The reports required by para-*
14 *graphs (1) and (2) of subsection (a), including any finding*
15 *or recommendation of such report, shall be submitted in un-*
16 *classified form, but may include a classified annex.*

17 **SEC. 607. TERMINATION.**

18 (a) *IN GENERAL.*—*The Commission shall terminate on*
19 *the date that is 60 days after the date of the submission*
20 *of the report required by section 606(a)(2).*

21 (b) *TRANSFER OF RECORDS.*—*Upon the termination*
22 *of the Commission under subsection (a), all records, files,*
23 *documents, and other materials in the possession, custody,*
24 *or control of the Commission shall be transferred to the Se-*

1 lect Committee on Intelligence of the Senate and deemed
2 to be records of such Committee.

3 **SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
4 **MITTEE ACT.**

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

7 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) *IN GENERAL.*—*There is authorized to be appro-*
9 *priated such sums as may be necessary to carry out this*
10 *title.*

11 (b) *AVAILABILITY.*—*Amounts made available to the*
12 *Commission pursuant to subsection (a) shall remain avail-*
13 *able until expended.*

14 **TITLE VII—OTHER MATTERS**

15 **SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE**
16 **REVIEW OF THE RESEARCH AND DEVELOP-**
17 **MENT PROGRAMS OF THE UNITED STATES IN-**
18 **TELLIGENCE COMMUNITY.**

19 (a) *EXTENSION.*—

20 (1) *IN GENERAL.*—*Effective on the date on which*
21 *funds are first appropriated pursuant to subsection*
22 *(b)(1) and subject to paragraph (3), subsection (a) of*
23 *section 1007 of the Intelligence Authorization Act for*
24 *Fiscal Year 2003 (Public Law 107–306; 50 U.S.C.*
25 *401 note) is amended by striking “September 1,*

1 2004,” and inserting “one year after the date on
2 which all members of the Commission are appointed
3 pursuant to section 701(a)(3) of the Intelligence Au-
4 thorization Act for Fiscal Year 2010,”.

5 (2) *APPLICABILITY OF AMENDMENT.*—The
6 amendment made by paragraph (1) shall take effect
7 as if included in the enactment of such section 1007.

8 (3) *COMMISSION MEMBERSHIP.*—The member-
9 ship of the National Commission for the Review of the
10 Research and Development Programs of the United
11 States Intelligence Community established under sub-
12 section (a) of section 1002 of such Act (Public Law
13 107–306; 50 U.S.C. 401 note) (referred to in this sec-
14 tion as the “Commission”) shall be considered vacant
15 and new members shall be appointed in accordance
16 with such section 1002, as amended by this section.

17 (4) *CLARIFICATION OF DUTIES.*—Section 1002(i)
18 of such Act is amended in the matter preceding para-
19 graph (1) by striking “including—” and inserting
20 “including advanced research and development pro-
21 grams and activities. Such review shall include—”.

22 (b) *FUNDING.*—

23 (1) *IN GENERAL.*—There is authorized to be ap-
24 propriated such sums as may be necessary to carry
25 out this section.

1 (2) *AVAILABILITY.*—Amounts made available to
2 the Commission pursuant to paragraph (1) shall re-
3 main available until expended.

4 (3) *REPEAL OF EXISTING FUNDING AUTHOR-*
5 *ITY.*—Section 1010 of the Intelligence Authorization
6 Act for Fiscal Year 2003 (Public Law 107–306; 50
7 U.S.C. 401 note) is repealed.

8 (c) *TECHNICAL AMENDMENTS.*—

9 (1) *DIRECTOR OF CENTRAL INTELLIGENCE.*—The
10 Intelligence Authorization Act for Fiscal Year 2003
11 (Public Law 107–306) is amended by striking “Direc-
12 tor of Central Intelligence” each place it appears and
13 inserting “Director of National Intelligence” in the
14 following provisions:

15 (A) Section 1002(h)(2).

16 (B) Section 1003(d)(1).

17 (C) Section 1006(a)(1).

18 (D) Section 1006(b).

19 (E) Section 1007(a).

20 (F) Section 1008.

21 (2) *DEPUTY DIRECTOR OF CENTRAL INTEL-*
22 *LIGENCE FOR COMMUNITY MANAGEMENT.*—Paragraph
23 (1) of section 1002(b) of such Act is amended by strik-
24 ing “The Deputy Director of Central Intelligence for

1 *Community Management.” and inserting “The Prin-*
 2 *cipal Deputy Director of National Intelligence.”.*

3 **SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH**
 4 **MATERIALS IN THE POSSESSION OF THE CON-**
 5 **GRESSIONAL INTELLIGENCE COMMITTEES.**

6 *The Director of National Intelligence is authorized to*
 7 *conduct, at the request of one of the congressional intel-*
 8 *ligence committees and in accordance with procedures es-*
 9 *tablished by that committee, a classification review of mate-*
 10 *rials in the possession of that committee that—*

- 11 *(1) are not less than 25 years old; and*
 12 *(2) were created, or provided to that committee,*
 13 *by an entity in the executive branch.*

14 **TITLE VIII—TECHNICAL**
 15 **AMENDMENTS**

16 **SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN IN-**
 17 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

18 *The Foreign Intelligence Surveillance Act of 1978 (50*
 19 *U.S.C. 1801 et seq.) is amended—*

- 20 *(1) in section 101—*
 21 *(A) in subsection (a), by moving paragraph*
 22 *(7) two ems to the right; and*
 23 *(B) by moving subsections (b) through (p)*
 24 *two ems to the right;*

1 (2) in section 103, by redesignating subsection
2 (i) as subsection (h);

3 (3) in section 109(a)—

4 (A) in paragraph (1), by striking “section
5 112.,” and inserting “section 112.,”; and

6 (B) in paragraph (2), by striking the second
7 period;

8 (4) in section 301(1), by striking “‘United
9 States’” and all that follows through “and ‘State’”
10 and inserting “‘United States’, ‘person’, ‘weapon of
11 mass destruction’, and ‘State’”;

12 (5) in section 304(b), by striking “subsection
13 (a)(3)” and inserting “subsection (a)(2)”;

14 (6) in section 502(a), by striking “a annual”
15 and inserting “an annual”.

16 **SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL IN-**
17 **TELLIGENCE AGENCY ACT OF 1949.**

18 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
19 *403a et seq.) is amended—*

20 (1) in paragraph (1) of section 5(a), by striking
21 “authorized under paragraphs (2) and (3) of section
22 102(a), subsections (c)(7) and (d) of section 103, sub-
23 sections (a) and (g) of section 104, and section 303
24 of the National Security Act of 1947 (50 U.S.C.
25 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and

1 405)” and inserting “authorized under section 104A
2 of the National Security Act of 1947 (50 U.S.C. 403–
3 4a).”; and

4 (2) in section 17(d)(3)(B)—

5 (A) in clause (i), by striking “advise” and
6 inserting “advice”; and

7 (B) by amending clause (ii) to read as fol-
8 lows:

9 “(i) holds or held the position in the Agen-
10 cy, including such a position held on an acting
11 basis, of—

12 “(I) Deputy Director;

13 “(II) Associate Deputy Director;

14 “(III) Director of the National Clan-
15 destine Service;

16 “(IV) Director of Intelligence;

17 “(V) Director of Support; or

18 “(VI) Director of Science and Tech-
19 nology.”.

20 **SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
21 **STATES CODE.**

22 Section 528(c) of title 10, United States Code, is
23 amended—

24 (1) in the heading, by striking “ASSOCIATE DI-
25 RECTOR OF CIA FOR MILITARY AFFAIRS” and insert-

1 *ing “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS,*
2 *CIA”;* and

3 *(2) by striking “Associate Director of the Central*
4 *Intelligence Agency for Military Affairs” and insert-*
5 *ing “Associate Director of Military Affairs, Central*
6 *Intelligence Agency, or any successor position”.*

7 **SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
8 **CURITY ACT OF 1947.**

9 *The National Security Act of 1947 (50 U.S.C. 401 et*
10 *seq.) is amended—*

11 *(1) in section 3(4)(L), by striking “other” the*
12 *second place it appears;*

13 *(2) in section 102A—*

14 *(A) in subsection (c)(3)(A), by striking “an-*
15 *annual budgets for the Joint Military Intelligence*
16 *Program and for Tactical Intelligence and Re-*
17 *lated Activities” and inserting “annual budget*
18 *for the Military Intelligence Program or any*
19 *successor program or programs”;*

20 *(B) in subsection (d)—*

21 *(i) in paragraph (1)(B), by striking*
22 *“Joint Military Intelligence Program” and*
23 *inserting “Military Intelligence Program or*
24 *any successor program or programs”;*

1 (ii) in paragraph (3) in the matter
2 preceding subparagraph (A), by striking
3 “subparagraph (A)” and inserting “para-
4 graph (1)(A)”; and

5 (iii) in paragraph (5)—

6 (I) in subparagraph (A), by strik-
7 ing “or personnel” in the matter pre-
8 ceding clause (i); and

9 (II) in subparagraph (B), by
10 striking “or agency involved” in the
11 second sentence and inserting “in-
12 volved or the Director of the Central
13 Intelligence Agency (in the case of the
14 Central Intelligence Agency)”; and

15 (C) in subsection (l)(2)(B), by striking “sec-
16 tion” and inserting “paragraph”; and

17 (D) in subsection (n), by inserting “AND
18 OTHER” after “ACQUISITION”;

19 (3) in section 103(b), by striking “, the National
20 Security Act of 1947 (50 U.S.C. 401 et seq.)”;

21 (4) in section 104A(g)(1) in the matter preceding
22 subparagraph (A), by striking “Directorate of Oper-
23 ations” and inserting “National Clandestine Service”;

1 (1) *in subsections (a) and (c), by striking “Di-*
2 *rector of Central Intelligence” and inserting “Director*
3 *of National Intelligence”;* and

4 (2) *in subsection (b), by inserting “of National*
5 *Intelligence” after “Director”.*

6 (c) *FUTURE-YEARS DEFENSE PROGRAM.—Subsection*
7 *(c) of such section 1403, as amended by subsection (b), is*
8 *further amended by striking “multiyear defense program*
9 *submitted pursuant to section 114a of title 10, United*
10 *States Code” and inserting “future-years defense program*
11 *submitted pursuant to section 221 of title 10, United States*
12 *Code”.*

13 (d) *CONFORMING AMENDMENTS.—*

14 (1) *IN GENERAL.—The heading of such section*
15 *1403 is amended to read as follows:*

16 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
17 **GRAM.”.**

18 (2) *TABLE OF CONTENTS AMENDMENT.—The*
19 *table of contents in section 2 of the National Defense*
20 *Authorization Act for Fiscal Year 1991 (Public Law*
21 *101–510; 104 Stat. 1485) is amended by striking the*
22 *item relating to section 1403 and inserting the fol-*
23 *lowing new item:*

“Sec. 1403. Multiyear National Intelligence Program.”.

1 **SEC. 806. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
2 **REFORM AND TERRORISM PREVENTION ACT**
3 **OF 2004.**

4 (a) *AMENDMENTS TO THE NATIONAL SECURITY INTEL-*
5 *LIGENCE REFORM ACT OF 2004.*—*The National Security*
6 *Intelligence Reform Act of 2004 (title I of Public Law 108-*
7 *458; 118 Stat. 3643) is amended—*

8 (1) *in subparagraph (B) of section 1016(e)(10)*
9 *(6 U.S.C. 485(e)(10)), by striking “Attorney General”*
10 *the second place it appears and inserting “Depart-*
11 *ment of Justice”;*

12 (2) *in subsection (e) of section 1071, by striking*
13 *“(1)”;* and

14 (3) *in subsection (b) of section 1072, in the sub-*
15 *section heading by inserting “AGENCY” after “INTEL-*
16 *LIGENCE”.*

17 (b) *OTHER AMENDMENTS TO THE INTELLIGENCE RE-*
18 *FORM AND TERRORISM PREVENTION ACT OF 2004.*—*The*
19 *Intelligence Reform and Terrorism Prevention Act of 2004*
20 *(Public Law 108-458; 118 Stat. 3638) is amended—*

21 (1) *in section 2001 (28 U.S.C. 532 note)—*

22 (A) *in paragraph (1) of subsection (c)—*

23 (i) *by striking “shall,” and inserting*
24 *“shall”;* and

25 (ii) *by inserting “of” before “an insti-*
26 *tutional culture”;*

1 (B) in paragraph (2) of subsection (e), by
2 striking “the National Intelligence Director in a
3 manner consistent with section 112(e)” and in-
4 serting “the Director of National Intelligence in
5 a manner consistent with applicable law”; and

6 (C) in subsection (f), by striking “shall,” in
7 the matter preceding paragraph (1) and insert-
8 ing “shall”; and
9 (2) in section 2006 (28 U.S.C. 509 note)—

10 (A) in paragraph (2), by striking “the Fed-
11 eral” and inserting “Federal”; and

12 (B) in paragraph (3), by striking “the spe-
13 cific” and inserting “specific”.

14 **SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
15 **SCHEDULE.**

16 (a) *EXECUTIVE SCHEDULE LEVEL II.*—Section 5313
17 of title 5, United States Code, is amended by striking the
18 item relating to the Director of Central Intelligence and in-
19 serting the following new item:

20 “Director of the Central Intelligence Agency.”.

21 (b) *EXECUTIVE SCHEDULE LEVEL IV.*—Section 5315
22 of title 5, United States Code, is amended by striking the
23 item relating to the General Counsel of the Office of the
24 National Intelligence Director and inserting the following
25 new item:

1 *“General Counsel of the Office of the Director of Na-*
2 *tional Intelligence.”*

3 **SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF**
4 **THE INTELLIGENCE AUTHORIZATION ACT**
5 **FOR FISCAL YEAR 2004.**

6 *Section 105(b) of the Intelligence Authorization Act for*
7 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;*
8 *31 U.S.C. 311 note) is amended—*

9 (1) *by striking “Director of Central Intelligence”*
10 *and inserting “Director of National Intelligence”; and*

11 (2) *by inserting “or in section 313 of such title,”*
12 *after “subsection (a),”.*

13 **SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF**
14 **THE INTELLIGENCE AUTHORIZATION ACT**
15 **FOR FISCAL YEAR 1995.**

16 *Section 602 of the Intelligence Authorization Act for*
17 *Fiscal Year 1995 (50 U.S.C. 403–2b) is amended—*

18 (1) *in subsection (a), in paragraph (2), by strik-*
19 *ing “Director of Central Intelligence” and inserting*
20 *“Director of National Intelligence”; and*

21 (2) *in subsection (b)—*

22 (A) *in paragraph (1), by striking “Director*
23 *of Central Intelligence” and inserting “Director*
24 *of National Intelligence”;*

25 (B) *in paragraph (2)—*

1 (i) in subparagraph (A), by striking
2 “Director of Central Intelligence” and in-
3 serting “Director of National Intelligence”;
4 and

5 (ii) in subparagraph (B), by striking
6 “Director of Central Intelligence” and in-
7 serting “Director of National Intelligence”;
8 and

9 (C) in paragraph (3), by striking “Director
10 of Central Intelligence” and inserting “Director
11 of the Central Intelligence Agency”.

12 **SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF**
13 **THE INTELLIGENCE AUTHORIZATION ACT,**
14 **FISCAL YEAR 1992.**

15 (a) *ROLE OF THE DIRECTOR OF NATIONAL INTEL-*
16 *LIGENCE.*—Section 403 of the Intelligence Authorization
17 Act, Fiscal Year 1992 (50 U.S.C. 403–2) is amended by
18 striking “The Director of Central Intelligence” and insert-
19 ing the following:

20 “(a) *IN GENERAL.*—The Director of National Intel-
21 ligence”.

22 (b) *DEFINITION OF INTELLIGENCE COMMUNITY.*—Sec-
23 tion 403 of the Intelligence Authorization Act, Fiscal Year
24 1992, as amended by subsection (a), is further amended—

1 (1) *by striking “Intelligence Community” and*
2 *inserting “intelligence community”; and*

3 (2) *by striking the second sentence and inserting*
4 *the following:*

5 “(b) *INTELLIGENCE COMMUNITY DEFINED.—In this*
6 *section, the term ‘intelligence community’ has the meaning*
7 *given that term in section 3(4) of the National Security*
8 *Act of 1947 (50 U.S.C. 401a(4)).”.*

Attest:

Secretary.

11TH CONGRESS
2^D SESSION

H.R. 2701

AMENDMENT