

Union Calendar No. 99

111TH CONGRESS
1ST SESSION

H. R. 2701

[Report No. 111-186]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

Mr. REYES introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

JUNE 26, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 4, 2009]

A BILL

To authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Prohibition on earmarks.

Sec. 106. Restriction on conduct of intelligence activities.

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

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

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

*Sec. 302. Temporary appointment to fill vacancies in Presidentially appointed
 and Senate confirmed positions in the Office of the Director of
 National Intelligence.*

*Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the intel-
 ligence community.*

*Sec. 304. Provisions relating to the Defense Civilian Intelligence Personnel Sys-
 tem.*

Subtitle B—Education

*Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Pro-
 gram.*

Sec. 312. Intelligence officer training program.

Sec. 313. Modifications to the Stokes educational scholarship program.

Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Congressional Oversight of Covert Actions

Sec. 321. Reporting on covert actions.

Subtitle D—Reports and Other Congressional Oversight

- Sec. 331. Report on financial intelligence on terrorist assets.*
- Sec. 332. Annual personnel level assessments for the intelligence community.*
- Sec. 333. Semiannual reports on nuclear weapons programs of Iran, Syria, and North Korea.*
- Sec. 334. Annual report on foreign language proficiency in the intelligence community.*
- Sec. 335. Government Accountability Office audits and investigations.*
- Sec. 336. Certification of compliance with oversight requirements.*
- Sec. 337. Reports on foreign industrial espionage.*
- Sec. 338. Report on intelligence community contractors.*
- Sec. 339. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.*
- Sec. 340. Report on intelligence resources dedicated to Iraq and Afghanistan.*
- Sec. 341. Report on international traffic in arms regulations.*
- Sec. 342. Report on nuclear trafficking.*
- Sec. 343. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.*
- Sec. 344. Study on electronic waste destruction practices of the intelligence community.*
- Sec. 345. Report on retirement benefits for former employees of Air America.*
- Sec. 346. Study on college tuition programs for employees of the intelligence community.*
- Sec. 347. National Intelligence Estimate on global supply chain vulnerabilities.*
- Sec. 348. Review of records relating to potential health risks among Desert Storm veterans.*
- Sec. 349. Review of pensions of employees affected by “five and out” program of the Federal Bureau of Investigation.*
- Sec. 350. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 351. Summary of intelligence on Uighur detainees held at United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 352. Report on interrogation research and training.*
- Sec. 353. Report on plans to increase diversity within the intelligence community.*
- Sec. 354. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.*
- Sec. 355. Repeal of certain reporting requirements.*
- Sec. 356. Incorporation of reporting requirements.*
- Sec. 357. Conforming amendments.*

Subtitle E—Other Matters

- Sec. 361. Modification of availability of funds for different intelligence activities.*
- Sec. 362. Protection of certain national security information.*
- Sec. 363. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.*
- Sec. 364. Exemption of dissemination of terrorist identity information from Freedom of Information Act.*
- Sec. 365. Misuse of the intelligence community and Office of the Director of National Intelligence name, initials, or seal.*
- Sec. 366. Security clearances: reports; ombudsman; reciprocity.*
- Sec. 367. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 368. 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. Clarification of limitation on colocation of the Office of the Director of National Intelligence.*
- Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.*
- Sec. 403. Additional duties of the Director of Science and Technology.*
- Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.*
- Sec. 405. Title of Chief Information Officer of the Intelligence Community.*
- Sec. 406. Inspector General of the Intelligence Community.*

Subtitle B—Central Intelligence Agency

- Sec. 411. Review of covert action programs by Inspector General of the Central Intelligence Agency.*
- Sec. 412. Prohibition on the use of private contractors for interrogations involving persons in the custody of the Central Intelligence Agency.*
- Sec. 413. Appeals from decisions of Central Intelligence Agency contracting officers.*
- Sec. 414. Deputy Director of the Central Intelligence Agency.*
- Sec. 415. Protection against reprisals.*
- Sec. 416. Requirement for video recording of interrogations of persons in the custody of the Central Intelligence Agency.*

Subtitle C—Other Elements

- Sec. 421. Homeland Security intelligence elements.*
- Sec. 422. Clarification of inclusion of Drug Enforcement Administration as an element of the intelligence community.*
- Sec. 423. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.*
- Sec. 424. Confirmation of appointment of heads of certain components of the intelligence community.*
- Sec. 425. Associate Director of the National Security Agency for Compliance and Training.*
- Sec. 426. General Counsel of the National Security Agency.*
- Sec. 427. Inspector General of the National Security Agency.*
- Sec. 428. Charter for the National Reconnaissance Office.*

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

- Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.*
- Sec. 502. Expansion and clarification of the duties of the program manager for the information sharing environment.*
- Sec. 503. Classification review of executive branch materials in the possession of the congressional intelligence committees.*
- Sec. 504. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.*

Subtitle B—Technical Amendments

Sec. 511. Technical amendments to the Central Intelligence Agency Act of 1949.

Sec. 512. Technical amendment to mandatory retirement provision of Central Intelligence Agency Retirement Act.

Sec. 513. Technical amendments to the Executive Schedule.

Sec. 514. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.

Sec. 515. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 517. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 518. Technical amendments to the National Security Act of 1947.

Sec. 519. Technical amendments to title 10, United States Code.

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 Permanent Select Committee on In-*
7 *telligence of the House of Representatives; and*

8 (B) *the Select Committee on Intelligence of*
9 *the Senate.*

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 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2010 for the conduct of the intelligence and intel-*
6 *ligence-related activities of the following elements of the*
7 *United States Government:*

8 (1) *The Office of the Director of National Intel-*
9 *ligence.*

10 (2) *The Central Intelligence Agency.*

11 (3) *The Department of Defense.*

12 (4) *The Defense Intelligence Agency.*

13 (5) *The National Security Agency.*

14 (6) *The Department of the Army, the Depart-*
15 *ment of the Navy, and the Department of the Air*
16 *Force.*

17 (7) *The Coast Guard.*

18 (8) *The Department of State.*

19 (9) *The Department of the Treasury.*

20 (10) *The Department of Energy.*

21 (11) *The Department of Justice.*

22 (12) *The Federal Bureau of Investigation.*

23 (13) *The Drug Enforcement Administration.*

24 (14) *The National Reconnaissance Office.*

1 (15) *The National Geospatial-Intelligence Agen-*
2 *cy.*

3 (16) *The Department of Homeland Security.*

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

5 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
6 *LEVELS.—The amounts authorized to be appropriated*
7 *under section 101 and, subject to section 103, the authorized*
8 *personnel ceilings as of September 30, 2010, for the conduct*
9 *of the intelligence activities of the elements listed in para-*
10 *graphs (1) through (16) of section 101, are those specified*
11 *in the classified Schedule of Authorizations prepared to ac-*
12 *company the bill H.R. 2701 of the One Hundred Eleventh*
13 *Congress.*

14 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
15 *THORIZATIONS.—The classified Schedule of Authorizations*
16 *referred to in subsection (a) shall be made available to the*
17 *Committee on Appropriations of the Senate, the Committee*
18 *on Appropriations of the House of Representatives, and to*
19 *the President. The President shall provide for suitable dis-*
20 *tribution of the Schedule, or of appropriate portions of the*
21 *Schedule, within the executive branch.*

22 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

23 (a) *AUTHORITY FOR INCREASES.—With the approval*
24 *of the Director of the Office of Management and Budget,*
25 *the Director of National Intelligence may authorize employ-*

1 *ment of civilian personnel in excess of the number author-*
2 *ized for fiscal year 2010 by the classified Schedule of Au-*
3 *thorizations referred to in section 102(a) if the Director of*
4 *National Intelligence determines that such action is nec-*
5 *essary to the performance of important intelligence func-*
6 *tions, except that the number of personnel employed in ex-*
7 *cess of the number authorized under such section may not,*
8 *for any element of the intelligence community, exceed 3 per-*
9 *cent of the number of civilian personnel authorized under*
10 *such Schedule for such element.*

11 *(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COM-*
12 *MITTEES.—The Director of National Intelligence shall no-*
13 *tify the congressional intelligence committees in writing at*
14 *least 15 days prior to each exercise of an authority de-*
15 *scribed in subsection (a).*

16 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
17 **COUNT.**

18 *(a) AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated for the Intelligence Commu-*
20 *nity Management Account of the Director of National Intel-*
21 *ligence for fiscal year 2010 the sum of \$672,812,000. Within*
22 *such amount, funds identified in the classified Schedule of*
23 *Authorizations referred to in section 102(a) for advanced*
24 *research and development shall remain available until Sep-*
25 *tember 30, 2011.*

1 **(b) AUTHORIZED PERSONNEL LEVELS.**—*The elements*
2 *within the Intelligence Community Management Account of*
3 *the Director of National Intelligence are authorized 853*
4 *full-time or full-time equivalent personnel as of September*
5 *30, 2010. Personnel serving in such elements may be perma-*
6 *nent employees of the Office of the Director of National In-*
7 *telligence or personnel detailed from other elements of the*
8 *United States Government.*

9 **(c) CONSTRUCTION OF AUTHORITIES.**—*The authorities*
10 *available to the Director of National Intelligence under sec-*
11 *tion 103 are also available to the Director for the adjust-*
12 *ment of personnel levels within the Intelligence Community*
13 *Management Account.*

14 **(d) CLASSIFIED AUTHORIZATIONS.**—

15 **(1) AUTHORIZATION OF APPROPRIATIONS.**—*In*
16 *addition to amounts authorized to be appropriated*
17 *for the Intelligence Community Management Account*
18 *by subsection (a), there are authorized to be appro-*
19 *priated for the Community Management Account for*
20 *fiscal year 2010 such additional amounts as are spec-*
21 *ified in the classified Schedule of Authorizations re-*
22 *ferred to in section 102(a). Such additional amounts*
23 *for advanced research and development shall remain*
24 *available until September 30, 2011.*

1 (2) *AUTHORIZATION OF PERSONNEL.*—*In addi-*
2 *tion to the personnel authorized by subsection (b) for*
3 *elements of the Intelligence Community Management*
4 *Account as of September 30, 2010, there are author-*
5 *ized such additional personnel for the Community*
6 *Management Account as of that date as are specified*
7 *in the classified Schedule of Authorizations referred to*
8 *in section 102(a).*

9 **SEC. 105. PROHIBITION ON EARMARKS.**

10 (a) *IN GENERAL.*—*Nothing in the classified Schedule*
11 *of Authorizations, a report of the Permanent Select Com-*
12 *mittee on Intelligence of the House of Representatives or*
13 *the Select Committee on Intelligence of the Senate to accom-*
14 *pany the bill H.R. 2701 of the One Hundred Eleventh Con-*
15 *gress, a joint statement of the managers accompanying a*
16 *conference report on such bill, or the classified annex to this*
17 *Act, shall be construed to authorize or require the expendi-*
18 *ture of funds for a congressional earmark.*

19 (b) *CONGRESSIONAL EARMARK DEFINED.*—*In this sec-*
20 *tion, the term “congressional earmark” means a provision*
21 *or report language included primarily at the request of a*
22 *Member, Delegate, or Resident Commissioner of the House*
23 *of Representatives or a Senator providing, authorizing, or*
24 *recommending a specific amount of discretionary budget*
25 *authority, credit authority, or other spending authority for*

1 *a contract, loan, loan guarantee, grant, loan authority, or*
2 *other expenditure with or to an entity, or targeted to a spe-*
3 *cific State, locality, or congressional district, other than*
4 *through a statutory or administrative formula-driven or*
5 *competitive award process.*

6 **SEC. 106. RESTRICTION ON CONDUCT OF INTELLIGENCE**
7 **ACTIVITIES.**

8 *The authorization of appropriations by this Act shall*
9 *not be deemed to constitute authority for the conduct of any*
10 *intelligence activity which is not otherwise authorized by*
11 *the Constitution or the laws of the United States.*

12 **TITLE II—CENTRAL INTEL-**
13 **LIGENCE AGENCY RETIRE-**
14 **MENT AND DISABILITY SYS-**
15 **TEM**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 *There is authorized to be appropriated for the Central*
18 *Intelligence Agency Retirement and Disability Fund for fis-*
19 *cal year 2010 the sum of \$290,900,000.*

1 **TITLE III—GENERAL INTEL-**
2 **LIGENCE COMMUNITY MAT-**
3 **TERS**

4 **Subtitle A—Personnel Matters**

5 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
6 **BENEFITS AUTHORIZED BY LAW.**

7 *Appropriations authorized by this Act for salary, pay,*
8 *retirement, and other benefits for Federal employees may*
9 *be increased by such additional or supplemental amounts*
10 *as may be necessary for increases in such compensation or*
11 *benefits authorized by law.*

12 **SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES**
13 **IN PRESIDENTIALLY APPOINTED AND SEN-**
14 **ATE CONFIRMED POSITIONS IN THE OFFICE**
15 **OF THE DIRECTOR OF NATIONAL INTEL-**
16 **LIGENCE.**

17 *Section 103 of the National Security Act of 1947 (50*
18 *U.S.C. 403-3) is amended by—*

19 *(1) redesignating subsection (e) as subsection (f);*

20 *and*

21 *(2) inserting after subsection (d) the following*
22 *new subsection:*

23 *“(e) TEMPORARY APPOINTMENT TO FILL VACAN-*
24 *CIES.—Notwithstanding section 3345 of title 5, United*
25 *States Code, if an officer of the Office of the Director of*

1 *National Intelligence, other than the Director of National*
2 *Intelligence, whose appointment to office is required to be*
3 *made by the President, by and with the advice and consent*
4 *of the Senate, dies, resigns, or is unable to perform the func-*
5 *tions and duties of the office—*

6 “(1) *if during the 365-day period immediately*
7 *preceding the date of death, resignation, or beginning*
8 *of inability to serve of the applicable officer, the per-*
9 *son serving as the first assistant to the office of such*
10 *officer served as such first assistant for not less than*
11 *90 days, such first assistant shall perform the func-*
12 *tions and duties of the office temporarily in an acting*
13 *capacity subject to the time limitations of section*
14 *3346 of title 5, United States Code;*

15 “(2) *notwithstanding paragraph (1), the Presi-*
16 *dent may direct a person who serves in an office for*
17 *which appointment is required to be made by the*
18 *President, by and with the advice and consent of the*
19 *Senate, to perform the functions and duties of the va-*
20 *cant office temporarily in an acting capacity subject*
21 *to the time limitations of such section 3346; or*

22 “(3) *notwithstanding paragraph (1), the Direc-*
23 *tor of National Intelligence shall recommend to the*
24 *President, and the President may direct, a person to*
25 *perform the functions and duties of the vacant office*

1 *temporarily in an acting capacity subject to the time*
2 *limitations of such section 3346, if—*

3 “(A) *during the 365-day period preceding*
4 *the date of death, resignation, or beginning of in-*
5 *ability to serve of the applicable officer, such per-*
6 *son served in a position in an element of the in-*
7 *telligence community for not less than 90 days;*

8 “(B) *the rate of pay for the position de-*
9 *scribed under subparagraph (A) is equal to or*
10 *greater than the minimum rate of pay payable*
11 *for a position at GS–15 of the General Schedule;*
12 *and*

13 “(C) *in the case of a person who is em-*
14 *ployed by an element of the intelligence commu-*
15 *nity—*

16 “(i) *the Director of National Intel-*
17 *ligence shall consult with the head of such*
18 *element; and*

19 “(ii) *if the head of such element objects*
20 *to the recommendation, the Director of Na-*
21 *tional Intelligence may make the rec-*
22 *ommendation to the President over the ob-*
23 *jection of the head of such element after in-*
24 *forming the President of such objection.”.*

1 **SEC. 303. 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 an element of the intelligence community*
 14 *funded through the Community Management Account from*
 15 *another element of the United States Government on a re-*
 16 *imbursable or nonreimbursable basis, as jointly agreed to*
 17 *by the Director of National Intelligence and the head of the*
 18 *detailing element, for a period not to exceed two years.”.*

19 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 20 *in the first section of such Act (50 U.S.C. 401 note) is*
 21 *amended by inserting after the item relating to section 113*
 22 *the following new item:*

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

23 **SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVIL-**
 24 **IAN INTELLIGENCE PERSONNEL SYSTEM.**

25 (a) *DEFINITIONS.*—*For purposes of this section—*

1 (1) *the term “covered position” means a defense*
2 *intelligence position in the Department of Defense es-*
3 *tablished under chapter 83 of title 10, United States*
4 *Code, excluding an Intelligence Senior Level position*
5 *designated under section 1607 of such title and any*
6 *position in the Defense Intelligence Senior Executive*
7 *Service;*

8 (2) *the term “DCIPS pay system”, as used with*
9 *respect to a covered position, means the provisions of*
10 *the Defense Civilian Intelligence Personnel System*
11 *under which the rate of salary or basic pay for such*
12 *position is determined, excluding any provisions re-*
13 *lating to bonuses, awards, or any other amounts not*
14 *in the nature of salary or basic pay;*

15 (3) *the term “Defense Civilian Intelligence Per-*
16 *sonnel System” means the personnel system estab-*
17 *lished under chapter 83 of title 10, United States*
18 *Code; and*

19 (4) *the term “appropriate pay system”, as used*
20 *with respect to a covered position, means—*

21 (A) *the system under which, as of Sep-*
22 *tember 30, 2007, the rate of salary or basic pay*
23 *for such position was determined; or*

24 (B) *if subparagraph (A) does not apply, the*
25 *system under which, as of September 30, 2007,*

1 *the rate of salary or basic pay was determined*
2 *for the positions within the Department of De-*
3 *fense most similar to the position involved,*
4 *excluding any provisions relating to bonuses, awards,*
5 *or any other amounts which are not in the nature of*
6 *salary or basic pay.*

7 ***(b) REQUIREMENT THAT APPOINTMENTS TO COVERED***
8 ***POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE***
9 ***APPROPRIATE PAY SYSTEM.—Notwithstanding any other***
10 ***provision of law—***

11 ***(1) the DCIPS pay system—***

12 ***(A) shall not apply to any individual hold-***
13 ***ing a covered position who is not subject to such***
14 ***system as of June 16, 2009; and***

15 ***(B) shall not apply to any covered position***
16 ***which is not subject to such system as of June***
17 ***16, 2009; and***

18 ***(2) any individual who, after June 16, 2009, is***
19 ***appointed to a covered position shall accordingly be***
20 ***subject to the appropriate pay system.***

21 ***(c) TERMINATION OF DCIPS PAY SYSTEM FOR COV-***
22 ***ERED POSITIONS AND CONVERSION OF EMPLOYEES HOLD-***
23 ***ING COVERED POSITIONS TO THE APPROPRIATE PAY SYS-***
24 ***TEM.—***

1 (1) *IN GENERAL.*—*The Secretary of Defense shall*
2 *take all actions which may be necessary to provide,*
3 *within 12 months after the date of enactment of this*
4 *Act, for the termination of the DCIPS pay system*
5 *with respect to covered positions and for the conver-*
6 *sion of any employees holding any covered positions*
7 *which, as of such date of enactment, remain subject*
8 *to the DCIPS pay system, to the appropriate pay sys-*
9 *tem. No employee shall suffer any loss of or decrease*
10 *in pay because of the preceding sentence.*

11 (2) *REPORT.*—*If the Secretary of Defense is of*
12 *the view that the DCIPS pay system should not be*
13 *terminated with respect to covered positions, as re-*
14 *quired by paragraph (1), the Secretary shall submit*
15 *to the President and both Houses of Congress as soon*
16 *as practicable, but in no event later than 6 months*
17 *after the date of the enactment of this Act, a written*
18 *report setting forth a statement of the Secretary's*
19 *views and the reasons therefor. Such report shall spe-*
20 *cifically include—*

21 (A) *the Secretary's opinion as to whether*
22 *the DCIPS pay system should be continued, with*
23 *or without changes, with respect to covered posi-*
24 *tions; and*

1 (B) if, in the opinion of the Secretary, the
2 DCIPS pay system should be continued with re-
3 spect to covered positions, with changes—

4 (i) a detailed description of the pro-
5 posed changes; and

6 (ii) a description of any administra-
7 tive action or legislation which may be nec-
8 essary.

9 The requirements of this paragraph shall be carried
10 out by the Secretary of Defense in conjunction with
11 the Director of the Office of Personnel Management.

12 (d) *RULE OF CONSTRUCTION.*—Nothing in this section
13 shall be considered to affect—

14 (1) the provisions of the Defense Civilian Intel-
15 ligence Personnel System governing aspects of com-
16 pensation apart from salary or basic pay; or

17 (2) the application of such provisions with re-
18 spect to a covered position or any individual holding
19 a covered position, including after June 16, 2009.

20 **Subtitle B—Education**

21 **SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROB-** 22 **ERTS INTELLIGENCE SCHOLARS PROGRAM.**

23 (a) *PERMANENT AUTHORIZATION.*—Subtitle C of title
24 X of the National Security Act of 1947 (50 U.S.C. 441m

1 *et seq.) is amended by adding at the end the following new*
2 *section:*

3 “PROGRAM ON RECRUITMENT AND TRAINING OF
4 INTELLIGENCE ANALYSTS

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

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

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

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

24 “(1) *establish such requirements relating to the*
25 *academic training of participants as the Director*
26 *considers appropriate to ensure that participants are*

1 *prepared for employment as intelligence professionals;*
2 *and*

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

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

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

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

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

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

19 “(5) *for such other purposes the Director con-*
20 *siders appropriate to carry out such program.”.*

21 “(b) *CONFORMING AMENDMENTS.—*

22 “(1) *TABLE OF CONTENTS.—The table of contents*
23 *in the first section of such Act (50 U.S.C. 401 note),*
24 *as amended by section 303 of this Act, is further*

1 *amended by inserting after the item relating to sec-*
 2 *tion 1021 the following new item:*

 “*Sec. 1022. Program on recruitment and training of intelligence analysts.*”.

3 (2) *REPEAL OF PILOT PROGRAM.*—*Section 318 of*
 4 *the Intelligence Authorization Act for Fiscal Year*
 5 *2004 (Public Law 108–177; 50 U.S.C. 441g note) is*
 6 *repealed.*

7 **SEC. 312. INTELLIGENCE OFFICER TRAINING PROGRAM.**

8 (a) *PROGRAM.*—*Subtitle C of title X of the National*
 9 *Security Act of 1947 (50 U.S.C. 441m et seq.), as amended*
 10 *by section 311 of this Act, is further amended by adding*
 11 *at the end the following new section:*

12 “*INTELLIGENCE OFFICER TRAINING PROGRAM*

13 “*SEC. 1023. (a) PROGRAMS.*—*(1) The Director of Na-*
 14 *tional Intelligence may carry out a grant program in ac-*
 15 *cordance with subsection (b) to enhance the recruitment and*
 16 *retention of an ethnically and culturally diverse intelligence*
 17 *community workforce with capabilities critical to the na-*
 18 *tional security interests of the United States.*

19 “*(2) In carrying out paragraph (1), the Director of*
 20 *National Intelligence shall identify the skills necessary to*
 21 *meet current or emergent needs of the intelligence commu-*
 22 *nity and the educational disciplines that will provide indi-*
 23 *viduals with such skills.*

24 “*(b) INSTITUTIONAL GRANT PROGRAM.*—*(1) The Di-*
 25 *rector of National Intelligence may provide grants to insti-*

1 *tutions of higher education to support the establishment or*
2 *continued development of programs of study in educational*
3 *disciplines identified under subsection (a)(2).*

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

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

8 “(B) *Faculty development.*

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

10 “(D) *Faculty research.*

11 “(3) *An institution of higher education seeking a grant*
12 *under this section shall submit an application describing*
13 *the proposed use of the grant at such time and in such man-*
14 *ner as the Director may require.*

15 “(4) *An institution of higher education that receives*
16 *a grant under this section shall submit to the Director reg-*
17 *ular reports regarding the use of such grant, including—*

18 “(A) *a description of the benefits to students who*
19 *participate in the course of study funded by such*
20 *grant;*

21 “(B) *a description of the results and accomplish-*
22 *ments related to such course of study; and*

23 “(C) *any other information that the Director*
24 *may require.*

1 “(c) *REGULATIONS.*—*The Director of National Intel-*
2 *ligence shall prescribe such regulations as may be necessary*
3 *to carry out this section.*

4 “(d) *DEFINITIONS.*—*In this section:*

5 “(1) *INSTITUTION OF HIGHER EDUCATION.*—*The*
6 *term ‘institution of higher education’ has the meaning*
7 *given the term in section 101 of the Higher Education*
8 *Act of 1965 (20 U.S.C. 1001).*

9 “(2) *DIRECTOR.*—*The term ‘Director’ means the*
10 *Director of National Intelligence.”.*

11 “(b) *REPEAL OF DUPLICATIVE PROVISIONS.*—

12 “(1) *IN GENERAL.*—*The following provisions of*
13 *law are repealed:*

14 (A) *Section 319 of the Intelligence Author-*
15 *ization Act for Fiscal Year 2004 (Public Law*
16 *108–177; 50 U.S.C. 403 note).*

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

19 (C) *Section 922 of the Ronald W. Reagan*
20 *National Defense Authorization Act for Fiscal*
21 *Year 2005 (Public Law 108–375; 50 U.S.C. 402*
22 *note).*

23 “(2) *EXISTING AGREEMENTS.*—*Notwithstanding*
24 *the repeals made by paragraph (1), nothing in this*
25 *subsection shall be construed to amend, modify, or ab-*

1 *rogate any agreement, contract, or employment rela-*
 2 *tionship that was in effect in relation to the provi-*
 3 *sions repealed under paragraph (1) on the day prior*
 4 *to the date of the enactment of this Act.*

5 *(c) CONFORMING AMENDMENTS.—The table of contents*
 6 *in the first section of the National Security Act of 1947*
 7 *(50 U.S.C. 401 note), as amended by section 311 of this*
 8 *Act, is further amended by—*

9 *(1) striking the item relating to section 1003;*

10 *and*

11 *(2) inserting after the item relating to section*
 12 *1022 the following new item:*

“Sec. 1023. Intelligence officer training program.”.

13 **SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL**
 14 **SCHOLARSHIP PROGRAM.**

15 *(a) EXPANSION OF PROGRAM TO GRADUATE STU-*
 16 *DENTS.—Section 16 of the National Security Agency Act*
 17 *of 1959 (50 U.S.C. 402 note) is amended—*

18 *(1) in subsection (a)—*

19 *(A) by striking “undergraduate” and insert-*
 20 *ing “undergraduate and graduate”; and*

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

23 *(2) in subsection (e)(2), by striking “under-*
 24 *graduate” and inserting “undergraduate and grad-*
 25 *uate”.*

1 (b) *TERMINATION.*—Section 16(d)(1)(C) of such Act is
2 amended by striking “terminated either by” and all that
3 follows and inserting the following: “terminated by—

4 “(i) the Agency due to misconduct by the
5 person;

6 “(ii) the person voluntarily; or

7 “(iii) by the Agency for the failure of the
8 person to maintain such level of academic stand-
9 ing in the educational course of training as the
10 Director of the National Security Agency speci-
11 fies in the agreement under this paragraph;
12 and”.

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

18 (d) *OTHER ELEMENTS OF THE INTELLIGENCE COM-*
19 *MUNITY.*—

20 (1) *AUTHORIZATION.*—Subtitle C of title X of the
21 *National Security Act of 1947* (50 U.S.C. 441g et
22 seq.), as amended by section 312 of this Act, is further
23 amended by adding at the end the following new sec-
24 tion:

1 “*STOKES SCHOLARSHIP PROGRAM*

2 “*SEC. 1024. The head of an element of the intelligence*
3 *community may establish an undergraduate and graduate*
4 *training program with respect to civilian employees of such*
5 *element in the same manner and under the same conditions*
6 *as the Secretary of Defense is authorized to establish such*
7 *a program under section 16 of the National Security Agen-*
8 *cy Act of 1959 (50 U.S.C. 402 note).”*

9 (2) *CONFORMING AMENDMENT.—The table of*
10 *contents in the first section of such Act (50 U.S.C.*
11 *401 note), as amended by section 312 of this Act, is*
12 *further amended by inserting after the item relating*
13 *to section 1023 the following new item:*

“Sec. 1024. Stokes scholarship program.”

14 ***SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE IN-***
15 ***STRUCTION IN AFRICAN LANGUAGES.***

16 (a) *ESTABLISHMENT.—The Director of National Intel-*
17 *ligence, in consultation with the National Security Edu-*
18 *cation Board established under section 803(a) of the David*
19 *L. Boren National Security Education Act of 1991 (50*
20 *U.S.C. 1903(a)), may establish a pilot program for inten-*
21 *sive language instruction in African languages.*

22 (b) *PROGRAM.—A pilot program established under*
23 *subsection (a) shall provide scholarships for programs that*
24 *provide intensive language instruction—*

1 (1) *in any of the five highest priority African*
2 *languages for which scholarships are not offered under*
3 *such Act, as determined by the Director of National*
4 *Intelligence; and*

5 (2) *both in the United States and in a country*
6 *in which the language is the native language of a sig-*
7 *nificant portion of the population, as determined by*
8 *the Director of National Intelligence.*

9 (c) *TERMINATION.*—*A pilot program established in ac-*
10 *cordance with subsection (a) shall terminate on the date*
11 *that is 5 years after the date on which such pilot program*
12 *is established.*

13 (d) *AUTHORIZATION OF APPROPRIATIONS.*—

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

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

20 ***Subtitle C—Congressional***
21 ***Oversight of Covert Actions***

22 ***SEC. 321. REPORTING ON COVERT ACTIONS.***

23 (a) *GENERAL CONGRESSIONAL OVERSIGHT.*—*Section*
24 *501(a) of the National Security Act of 1947 (50 U.S.C.*

1 413(a)) is amended by adding at the end the following new
2 paragraph:

3 “(3) In carrying out paragraph (1), the President shall
4 provide to the congressional intelligence committees all in-
5 formation necessary to assess the lawfulness, effectiveness,
6 cost, benefit, intelligence gain, budgetary authority, and
7 risk of an intelligence activity, including—

8 “(A) the legal authority under which the intel-
9 ligence activity is being or was conducted;

10 “(B) any legal issues upon which guidance was
11 sought in carrying out or planning the intelligence
12 activity, including dissenting legal views;

13 “(C) any specific operational concerns arising
14 from the intelligence activity, including the risk of
15 disclosing intelligence sources or methods;

16 “(D) the likelihood that the intelligence activity
17 will exceed the planned or authorized expenditure of
18 funds or other resources; and

19 “(E) the likelihood that the intelligence activity
20 will fail.”.

21 (b) PROCEDURES.—Section 501(c) of such Act (50
22 U.S.C. 413(c)) is amended by striking “such procedures”
23 and inserting “such written procedures”.

24 (c) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of
25 such Act (50 U.S.C. 413a(a)(2)) is amended by inserting

1 “(including any information or material relating to the
2 legal authority under which an intelligence activity is being
3 or was conducted, and any information or material relating
4 to legal issues upon which guidance was sought in carrying
5 out or planning the intelligence activity, including dis-
6 senting legal views)” after “concerning intelligence activi-
7 ties”.

8 (d) *COVERT ACTIONS*.—Section 503 of such Act (50
9 U.S.C. 413b) is amended—

10 (1) in subsection (b)(2), by inserting “(including
11 any information or material relating to the legal au-
12 thority under which a covert action is being or was
13 conducted, and any information or material relating
14 to legal issues upon which guidance was sought in
15 carrying out or planning the covert action, including
16 dissenting legal views)” after “concerning covert ac-
17 tions”;

18 (2) in subsection (c)—

19 (A) by striking paragraph (2) and inserting
20 the following new paragraph:

21 “(2) If, pursuant to the procedures established by each
22 of the congressional intelligence committees under section
23 501(c), one of the congressional intelligence committees de-
24 termines that not all members of that committee are re-
25 quired to have access to a finding under this subsection,

1 *the President may limit access to such finding or such no-*
2 *tice as provided in such procedures.”; and*

3 *(B) in paragraph (4), by striking “is lim-*
4 *ited to the Members of Congress specified in*
5 *paragraph (2)” and inserting “is not provided to*
6 *all members of one of the congressional intel-*
7 *ligence committees in accordance with paragraph*
8 *(2)”;*

9 *(3) in subsection (d)—*

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

12 *(B) in paragraph (1), as designated by sub-*
13 *paragraph (A) of this paragraph, by striking*
14 *“specified in” and inserting “informed in ac-*
15 *cordance with”; and*

16 *(C) by adding at the end the following new*
17 *paragraph:*

18 *“(2) For purposes of this subsection, an activity shall*
19 *constitute a ‘significant undertaking’ if the activity—*

20 *“(A) involves the potential for loss of life;*

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

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

1 “(D) requires notification under section 504;

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

4 “(F) could cause serious damage to the diplo-
5 matic relations of the United States if such activity
6 were disclosed without authorization.”; and

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

9 “(g)(1) A Member of Congress to which a finding is
10 reported under subsection (c) or notice is provided under
11 subsection (d)(1) may submit to the Director of National
12 Intelligence an objection to any part of such finding or such
13 notice. Not later than 48 hours after such an objection is
14 submitted to the Director of National Intelligence, the Di-
15 rector shall report such objection in writing to the President
16 and such Member of Congress.

17 “(2) In any case where access to a finding reported
18 under subsection (c) or notice provided under subsection
19 (d)(1) is not made available to all members of a congres-
20 sional intelligence committee in accordance with subsection
21 (c)(2), the President shall provide such members with gen-
22 eral information on the content of the finding or notice.

23 “(3) The President shall—

24 “(A) maintain a record of the Members of Con-
25 gress to which a finding is reported under subsection

1 (c) or notice is provided under subsection (d)(1) and
2 the date on which each Member of Congress receives
3 such finding or notice; and

4 “(B) not later than 30 days after the date on
5 which such finding is reported or such notice is pro-
6 vided, provide such record to—

7 “(i) in the case of a finding reported or no-
8 tice provided to a Member of the House of Rep-
9 resentatives, the Permanent Select Committee on
10 Intelligence of the House of Representatives; and

11 “(ii) in the case of a finding reported or no-
12 tice provided to a Member of the Senate, the Se-
13 lect Committee on Intelligence of the Senate.

14 “(h) Any requirement under section 501, 502, or this
15 section to provide information to the congressional intel-
16 ligence committees shall be construed to require the submis-
17 sion of such information to all members of such committees,
18 unless such information is specifically authorized not to be
19 submitted to all members of one of such committees in ac-
20 cordance with subsection (e)(2).”.

1 ***Subtitle D—Reports and Other***
2 ***Congressional Oversight***

3 ***SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON TER-***
4 ***RORIST ASSETS.***

5 *Section 118 of the National Security Act of 1947 (50*
6 *U.S.C. 404m) is amended—*

7 (1) *in the heading, by striking “SEMIANNUAL”*
8 *and inserting “ANNUAL”;*

9 (2) *in subsection (a)—*

10 (A) *in the heading, by striking “SEMI-*
11 *ANNUAL” and inserting “ANNUAL”;*

12 (B) *in the matter preceding paragraph*

13 (1)—

14 (i) *by striking “semiannual basis” and*
15 *inserting “annual basis”;* and

16 (ii) *by striking “preceding six-month*
17 *period” and inserting “preceding one-year*
18 *period”;*

19 (C) *by striking paragraph (2); and*

20 (D) *by redesignating paragraphs (3) and*
21 (4) *as paragraphs (2) and (3), respectively; and*
22 (3) *in subsection (d)—*

23 (A) *in paragraph (1), by inserting “the*
24 *Committee on Armed Services,” after “the Com-*
25 *mittee on Appropriations,”; and*

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

4 **SEC. 332. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
5 **THE INTELLIGENCE COMMUNITY.**

6 Title V of the National Security Act of 1947 (50 U.S.C.
7 413 et seq.) is amended by inserting after section 507 the
8 following new section:

9 “ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE
10 INTELLIGENCE COMMUNITY

11 “SEC. 508. (a) ASSESSMENT.—The Director of Na-
12 tional Intelligence shall, in consultation with the head of
13 each element of the intelligence community, prepare an an-
14 nual personnel level assessment for such element that as-
15 sesses the personnel levels of such element for the fiscal year
16 following the fiscal year in which the assessment is sub-
17 mitted.

18 “(b) SCHEDULE.—Each assessment required by sub-
19 section (a) shall be submitted to the congressional intel-
20 ligence committees each year along with the budget sub-
21 mitted by the President in accordance with section 1105
22 of title 31, United States Code.

23 “(c) CONTENTS.—Each assessment required by sub-
24 section (a) shall include, for the element of the intelligence
25 community concerned, the following information:

1 “(1) *The budget submission for personnel costs of*
2 *such element 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 preceding five fiscal years.*

9 “(4) *The number of personnel positions requested*
10 *for such element for the upcoming fiscal year.*

11 “(5) *The numerical and percentage increase or*
12 *decrease of such number as compared to the number*
13 *of personnel positions of such element of the current*
14 *fiscal year.*

15 “(6) *The numerical and percentage increase or*
16 *decrease of such number as compared to the number*
17 *of personnel positions of such element during the pre-*
18 *ceding five fiscal years.*

19 “(7) *The best estimate of the number and costs*
20 *of contractors to be funded by such element for the up-*
21 *coming fiscal year.*

22 “(8) *The numerical and percentage increase or*
23 *decrease of such costs of contractors as compared to*
24 *the best estimate of the costs of contractors to be fund-*
25 *ed by such element during the current fiscal year.*

1 “(9) *The numerical and percentage increase or*
2 *decrease of such costs of contractors as compared to*
3 *the cost of contractors, and the number of contractors,*
4 *of such element during the preceding five fiscal years.*

5 “(10) *A written justification for the requested*
6 *personnel and contractor levels.*

7 “(11) *The number of intelligence collectors and*
8 *analysts employed or contracted by such element.*

9 “(12) *A list of all contractors that have been the*
10 *subject of an investigation completed by the inspector*
11 *general of such element during the preceding fiscal*
12 *year, or are or have been the subject of an investiga-*
13 *tion by such inspector general during the current fis-*
14 *cal year.*

15 “(13) *A statement by the Director of National*
16 *Intelligence of whether, based on current and pro-*
17 *jected funding, such element will have sufficient—*

18 “(A) *internal infrastructure to support the*
19 *requested personnel and contractor levels;*

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

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

1 **SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS**
2 **PROGRAMS OF IRAN, SYRIA, AND NORTH**
3 **KOREA.**

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 *332, is further amended by adding at the end the following*
7 *new section:*

8 “*SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS*
9 *PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA*

10 “*SEC. 509. (a) REQUIREMENT FOR REPORTS.*—*Not*
11 *less frequently than every 180 days, the Director of National*
12 *Intelligence shall submit to the appropriate congressional*
13 *committees a report on the intentions and capabilities of*
14 *the Islamic Republic of Iran, the Syrian Arab Republic,*
15 *and the Democratic People’s Republic of Korea, with regard*
16 *to the nuclear weapons programs of each such country.*

17 “(b) *CONTENT.*—*Each report submitted under sub-*
18 *section (a) shall include, with respect to the Islamic Repub-*
19 *lic of Iran, the Syrian Arab Republic, and the Democratic*
20 *People’s Republic of Korea—*

21 “(1) *an assessment of nuclear weapons programs*
22 *of each country;*

23 “(2) *an evaluation of the sources upon which the*
24 *intelligence used to prepare the assessment referred to*
25 *in paragraph (1) is based, including the number of*

1 *such sources and an assessment of the reliability of*
2 *each source;*

3 “(3) *a summary of any intelligence related to*
4 *any program gathered or developed since the previous*
5 *report was submitted under subsection (a), including*
6 *intelligence collected from both open and clandestine*
7 *sources for each country; and*

8 “(4) *a discussion of any dissents, caveats, gaps*
9 *in knowledge, or other information that would reduce*
10 *confidence in the assessment referred to in paragraph*
11 *(1).*

12 “(c) *NATIONAL INTELLIGENCE ESTIMATE.—The Direc-*
13 *tor of National Intelligence may submit a National Intel-*
14 *ligence Estimate on the intentions and capabilities of the*
15 *Islamic Republic of Iran, the Syrian Arab Republic, or the*
16 *Democratic People’s Republic of Korea in lieu of a report*
17 *required by subsection (a) for that country.*

18 “(d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
19 *FINED.—In this section, the term ‘appropriate congres-*
20 *sional committees’ means—*

21 “(1) *the congressional intelligence committees;*

22 “(2) *the Committee on Armed Services and the*
23 *Committee on Foreign Affairs of the House of Rep-*
24 *resentatives; and*

1 “(3) *the Committee on Armed Services and the*
2 *Committee on Foreign Relations of the Senate.*”.

3 (b) *APPLICABILITY DATE.*—*The first report required*
4 *to be submitted under section 509 of the National Security*
5 *Act of 1947, as added by subsection (a), shall be submitted*
6 *not later than 120 days after the date of the enactment of*
7 *this Act.*

8 **SEC. 334. ANNUAL REPORT ON FOREIGN LANGUAGE PRO-**
9 **FICIENCY IN THE INTELLIGENCE COMMU-**
10 **NITY.**

11 *Title V of the National Security Act of 1947 (50 U.S.C.*
12 *413 et seq.), as amended by section 333 of this Act, is fur-*
13 *ther amended by adding at the end the following new sec-*
14 *tion:*

15 “*REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE*
16 *INTELLIGENCE COMMUNITY*”

17 “*SEC. 510. Each year on the date provided in section*
18 *507, the Director of National Intelligence shall submit to*
19 *the congressional intelligence committees and the Commit-*
20 *tees on Armed Services of the House of Representatives and*
21 *the Senate a report on the proficiency in foreign languages*
22 *and, as appropriate, in foreign dialects, of each element of*
23 *the intelligence community, including—*

24 “(1) *the number of positions authorized for such*
25 *element that require foreign language proficiency and*
26 *the level of proficiency required;*

1 “(2) an estimate of the number of such positions
2 that each element will require during the five-year pe-
3 riod beginning on the date of the submission of the re-
4 port;

5 “(3) the number of positions authorized for such
6 element that require foreign language proficiency that
7 are filled by—

8 “(A) military personnel; and

9 “(B) civilian personnel;

10 “(4) the number of applicants for positions in
11 such element in the previous fiscal year that indicated
12 foreign language proficiency, including the foreign
13 language indicated and the proficiency level;

14 “(5) the number of persons hired by such element
15 with foreign language proficiency, including the for-
16 eign language and proficiency level;

17 “(6) the number of personnel of such element
18 currently attending foreign language training, includ-
19 ing the provider of such training;

20 “(7) a description of the efforts of such element
21 to recruit, hire, train, and retain personnel that are
22 proficient in a foreign language;

23 “(8) an assessment of methods and models for
24 basic, advanced, and intensive foreign language train-
25 ing;

1 “(9) for each foreign language and, as appro-
2 pate, dialect of a foreign language—

3 “(A) the number of positions of such ele-
4 ment that require proficiency in the foreign lan-
5 guage or dialect;

6 “(B) the number of personnel of such ele-
7 ment that are serving in a position that requires
8 proficiency in the foreign language or dialect to
9 perform the primary duty of the position;

10 “(C) the number of personnel of such ele-
11 ment that are serving in a position that does not
12 require proficiency in the foreign language or
13 dialect to perform the primary duty of the posi-
14 tion;

15 “(D) the number of personnel of such ele-
16 ment rated at each level of proficiency of the
17 Interagency Language Roundtable;

18 “(E) whether the number of personnel at
19 each level of proficiency of the Interagency Lan-
20 guage Roundtable meets the requirements of such
21 element;

22 “(F) the number of personnel serving or
23 hired to serve as linguists for such element that
24 are not qualified as linguists under the stand-
25 ards of the Interagency Language Roundtable;

1 “(G) the number of personnel hired to serve
2 as linguists for such element during the pre-
3 ceding calendar year;

4 “(H) the number of personnel serving as
5 linguists that discontinued serving such element
6 during the preceding calendar year;

7 “(I) the percentage of work requiring lin-
8 guistic skills that is fulfilled by an ally of the
9 United States; and

10 “(J) the percentage of work requiring lin-
11 guistic skills that is fulfilled by contractors;

12 “(10) an assessment of the foreign language ca-
13 pacity and capabilities of the intelligence community
14 as a whole;

15 “(11) recommendations for eliminating required
16 reports relating to foreign-language proficiency that
17 the Director of National Intelligence considers out-
18 dated or no longer relevant; and

19 “(12) an assessment of the feasibility of employ-
20 ing foreign nationals lawfully present in the United
21 States who have previously worked as translators or
22 interpreters for the Armed Forces or another depart-
23 ment or agency of the Federal Government in Iraq or
24 Afghanistan to meet the critical language needs of
25 such element.”.

1 **SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS**
2 **AND INVESTIGATIONS.**

3 *Title V of the National Security Act of 1947 (50 U.S.C.*
4 *413 et seq.), as amended by section 334 of this Act, is fur-*
5 *ther amended by adding at the end the following new sec-*
6 *tion:*

7 “GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES,
8 EVALUATIONS, AND INVESTIGATIONS

9 “SEC. 511. (a) *IN GENERAL.—Except as provided in*
10 *subsection (b), the Director of National Intelligence shall*
11 *ensure that personnel of the Government Accountability Of-*
12 *fice designated by the Comptroller General are provided*
13 *with access to all information in the possession of an ele-*
14 *ment of the intelligence community that the Comptroller*
15 *General determines is necessary for such personnel to con-*
16 *duct an analysis, evaluation, or investigation of a program*
17 *or activity of an element of the intelligence community that*
18 *is requested by one of the congressional intelligence commit-*
19 *tees.*

20 “(b) *EXCEPTION.—(1)(A) Subject to subparagraph*
21 *(B), the Director of National Intelligence may restrict ac-*
22 *cess to information referred to in subsection (a) by per-*
23 *sonnel designated in such subsection if the Director deter-*
24 *mines that the restriction is necessary to protect vital na-*
25 *tional security interests of the United States.*

1 “(B) *The Director of National Intelligence may not re-*
2 *strict access under subparagraph (A) solely on the basis of*
3 *the level of classification or compartmentation of informa-*
4 *tion that the personnel designated in subsection (a) may*
5 *seek access to while conducting an analysis, evaluation, or*
6 *investigation.*

7 “(2) *If the Director exercises the authority under para-*
8 *graph (1), the Director shall submit to the congressional in-*
9 *telligence committees an appropriately classified statement*
10 *of the reasons for the exercise of such authority within 7*
11 *days.*

12 “(3) *The Director shall notify the Comptroller General*
13 *at the time a report under paragraph (2) is submitted, and,*
14 *to the extent consistent with the protection of intelligence*
15 *sources and methods, provide the Comptroller General with*
16 *a copy of such report.*

17 “(4) *The Comptroller General shall submit to the con-*
18 *gressional intelligence committees any comments on a re-*
19 *port of which the Comptroller General has notice under*
20 *paragraph (3) that the Comptroller General considers ap-*
21 *propriate.”.*

22 **SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVER-**
23 **SIGHT REQUIREMENTS.**

24 (a) *IN GENERAL.*—*Title V of the National Security*
25 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by section*

1 335 of this Act, is further amended by adding at the end
2 the following new section:

3 “CERTIFICATION OF COMPLIANCE WITH OVERSIGHT
4 REQUIREMENTS

5 “SEC. 512. The head of each element of the intelligence
6 community shall semiannually submit to the congressional
7 intelligence committees—

8 “(1) a certification that, to the best of the knowl-
9 edge of the head of such element—

10 “(A) the head of such element of the intel-
11 ligence community is in full compliance with the
12 requirements of this title; and

13 “(B) any information required to be sub-
14 mitted by such head of such element under this
15 Act before the date of the submission of such cer-
16 tification has been properly submitted; or

17 “(2) if such head of such element is unable to
18 submit a certification under paragraph (1), a state-
19 ment—

20 “(A) of the reasons such head of such ele-
21 ment is not able to submit such a certification;

22 “(B) describing any information required to
23 be submitted by such head of such element under
24 this Act before the date of the submission of such
25 statement that has not been properly submitted;
26 and

1 “(C) that the head of such element will sub-
2 mit such information as soon as possible after
3 the submission of such statement.”.

4 (b) *APPLICABILITY DATE*.—The first certification or
5 statement required to be submitted by the head of each ele-
6 ment of the intelligence community under section 512 of
7 the National Security Act of 1947, as added by subsection
8 (a) of this section, shall be submitted not later than 90 days
9 after the date of the enactment of this Act.

10 **SEC. 337. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.**

11 (a) *IN GENERAL*.—Section 809(b) of the Intelligence
12 Authorization Act for Fiscal Year 1995 (50 U.S.C. app.
13 2170b(b)) is amended—

14 (1) in the heading, by striking “ANNUAL” and
15 inserting “BIANNUAL”;

16 (2) by striking paragraph (1) and inserting the
17 following new paragraph:

18 “(1) *SUBMISSION TO CONGRESS*.—The President
19 shall biannually submit to the congressional intel-
20 ligence committees, the Committees on Armed Services
21 of the House of Representatives and the Senate, and
22 congressional leadership a report updating the infor-
23 mation referred to in subsection (a)(1)(D).”;

24 (3) by striking paragraph (2); and

1 (4) *by redesignating paragraph (3) as para-*
2 *graph (2).*

3 (b) *INITIAL REPORT.*—*The first report required under*
4 *section 809(b)(1) of such Act, as amended by subsection*
5 *(a)(2) of this section, shall be submitted not later than Feb-*
6 *ruary 1, 2010.*

7 **SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CON-**
8 **TRACTORS.**

9 (a) *REQUIREMENT FOR REPORT.*—*Not later than No-*
10 *vember 1, 2010, the Director of National Intelligence shall*
11 *submit to the congressional intelligence committees and the*
12 *Committees on Armed Services of the House of Representa-*
13 *tives and the Senate a report describing the use of personal*
14 *services contracts across the intelligence community, the im-*
15 *pect of the use of such contracts on the intelligence commu-*
16 *nity workforce, plans for conversion of contractor employ-*
17 *ment into Federal Government employment, and the ac-*
18 *countability mechanisms that govern the performance of*
19 *such personal services contracts.*

20 (b) *CONTENT.*—

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

23 (A) *a description of any relevant regula-*
24 *tions or guidance issued by the Director of Na-*
25 *tional Intelligence or the head of an element of*

1 *the intelligence community relating to minimum*
2 *standards required regarding the hiring, train-*
3 *ing, security clearance, and assignment of con-*
4 *tract personnel and how those standards may*
5 *differ from those for Federal Government em-*
6 *ployees performing substantially similar func-*
7 *tions;*

8 *(B) an identification of contracts where the*
9 *contractor is performing substantially similar*
10 *functions to a Federal Government employee;*

11 *(C) an assessment of costs incurred or sav-*
12 *ings achieved by awarding contracts for the per-*
13 *formance of such functions referred to in sub-*
14 *paragraph (B) instead of using full-time employ-*
15 *ees of the elements of the intelligence community*
16 *to perform such functions;*

17 *(D) an assessment of the appropriateness of*
18 *using contractors to perform the activities de-*
19 *scribed in paragraph (2);*

20 *(E) an estimate of the number of contracts,*
21 *and the number of personnel working under such*
22 *contracts, related to the performance of activities*
23 *described in paragraph (2);*

24 *(F) a comparison of the compensation of*
25 *contract employees and Federal Government em-*

1 *ployees performing substantially similar func-*
2 *tions;*

3 *(G) an analysis of the attrition of Federal*
4 *Government personnel for contractor positions*
5 *that provide substantially similar functions;*

6 *(H) a description of positions that will be*
7 *converted from contractor employment to Federal*
8 *Government employment;*

9 *(I) an analysis of the oversight and ac-*
10 *countability mechanisms applicable to personal*
11 *services contracts awarded for intelligence activi-*
12 *ties by each element of the intelligence commu-*
13 *nity during fiscal years 2008 and 2009;*

14 *(J) an analysis of procedures in use in the*
15 *intelligence community for conducting oversight*
16 *of contractors to ensure identification and pros-*
17 *ecution of criminal violations, financial waste,*
18 *fraud, or other abuses committed by contractors*
19 *or contract personnel; and*

20 *(K) an identification of best practices for*
21 *oversight and accountability mechanisms appli-*
22 *cable to personal services contracts.*

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

25 *(A) Intelligence collection.*

1 (B) *Intelligence analysis.*

2 (C) *Covert actions, including rendition, de-*
3 *tention, and interrogation activities.*

4 **SEC. 339. REPORT ON TRANSFORMATION OF THE INTEL-**
5 **LIGENCE CAPABILITIES OF THE FEDERAL BU-**
6 **REAU OF INVESTIGATION.**

7 *Not later than 120 days after the date of the enactment*
8 *of this Act, the Director of the Federal Bureau of Investiga-*
9 *tion shall submit to the congressional intelligence commit-*
10 *tees and the Committees on the Judiciary of the House of*
11 *Representatives and the Senate a report describing the Di-*
12 *rector's long-term vision for transforming the intelligence*
13 *capabilities of the Bureau and the progress of the internal*
14 *reforms of the Bureau intended to achieve that vision. Such*
15 *report shall include—*

16 (1) *the direction, strategy, and goals for trans-*
17 *forming the intelligence capabilities of the Bureau;*

18 (2) *a description of what the fully functional in-*
19 *telligence and national security functions of the Bu-*
20 *reau should entail;*

21 (3) *a candid assessment of the effect of internal*
22 *reforms at the Bureau and whether such reforms have*
23 *moved the Bureau towards achieving the goals of the*
24 *Director for the intelligence and national security*
25 *functions of the Bureau; and*

1 (4) *an assessment of how well the Bureau per-*
2 *forms tasks that are critical to the effective func-*
3 *tioning of the Bureau as an intelligence agency, in-*
4 *cluding—*

5 (A) *identifying new intelligence targets*
6 *within the scope of the national security func-*
7 *tions of the Bureau, outside the parameters of an*
8 *existing case file or ongoing investigation;*

9 (B) *collecting intelligence domestically, in-*
10 *cluding collection through human and technical*
11 *sources;*

12 (C) *recruiting human sources;*

13 (D) *training Special Agents to spot, assess,*
14 *recruit, and handle human sources;*

15 (E) *working collaboratively with other Fed-*
16 *eral departments and agencies to jointly collect*
17 *intelligence on domestic counterterrorism and*
18 *counterintelligence targets;*

19 (F) *producing a common intelligence pic-*
20 *ture of domestic threats to the national security*
21 *of the United States;*

22 (G) *producing high quality and timely in-*
23 *telligence analysis;*

24 (H) *integrating intelligence analysts into*
25 *its intelligence collection operations; and*

1 (I) sharing intelligence information with
2 intelligence community partners.

3 **SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDI-**
4 **CATED TO IRAQ AND AFGHANISTAN.**

5 Not later than 120 days after the date of the enactment
6 of this Act, the Director of National Intelligence and the
7 Secretary of Defense shall jointly submit to the congress-
8 sional intelligence committees and the Committees on
9 Armed Services of the House of Representatives and the
10 Senate a report on intelligence collection and analysis re-
11 sources (1) dedicated to Iraq and Afghanistan during fiscal
12 years 2008 and 2009, and (2) planned to be dedicated dur-
13 ing fiscal year 2010. Such report shall include detailed in-
14 formation on fiscal, human, technical, and other intel-
15 ligence collection and analysis resources.

16 **SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS**
17 **REGULATIONS.**

18 (a) *REPORT.*—Not later than February 1, 2011, the
19 Director of National Intelligence shall submit to the con-
20 gressional intelligence committees, the Committee on For-
21 eign Affairs of the House of Representatives, and the Com-
22 mittee on Foreign Relations of the Senate a report assessing
23 the threat to national security presented by the efforts of
24 foreign countries to acquire, through espionage, diversion,
25 or other means, sensitive equipment and technology, and

1 *the degree to which United States export controls (including*
2 *the International Traffic in Arms Regulations) are ade-*
3 *quate to defeat such efforts.*

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

7 (c) *INTERNATIONAL TRAFFIC IN ARMS REGULATIONS*
8 *DEFINED.*—*The term “International Traffic in Arms Regu-*
9 *lations” means those regulations contained in parts 120*
10 *through 130 of title 22, Code of Federal Regulations (or suc-*
11 *cessor regulations).*

12 **SEC. 342. REPORT ON NUCLEAR TRAFFICKING.**

13 (a) *REPORT.*—*Not later than February 1, 2010, the*
14 *Director of National Intelligence shall submit to the con-*
15 *gressional intelligence committees, the Committee on Armed*
16 *Services and the Committee on Foreign Affairs of the House*
17 *of Representatives, and the Committee on Armed Services*
18 *and the Committee on Foreign Relations of the Senate a*
19 *report on the illicit trade of nuclear and radiological mate-*
20 *rial and equipment.*

21 (b) *CONTENTS.*—*The report submitted under sub-*
22 *section (a) shall include, for a period of time including at*
23 *least the preceding three years—*

24 (1) *details of all known or suspected cases of the*
25 *illicit sale, transfer, brokering, or transport of—*

1 (A) nuclear or radiological material;

2 (B) equipment useful for the production of
3 nuclear or radiological material; or

4 (C) nuclear explosive devices;

5 (2) an assessment of the countries that represent
6 the greatest risk of nuclear trafficking activities; and

7 (3) a discussion of any dissents, caveats, gaps in
8 knowledge, or other information that would reduce
9 confidence in the assessment referred to in paragraph
10 (2).

11 (c) *FORM.*—The report under subsection (a) may be
12 submitted in classified form, but shall include an unclassi-
13 fied summary.

14 **SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS**
15 **WHO COMMIT UNAUTHORIZED DISCLOSURES**
16 **OF CLASSIFIED INFORMATION.**

17 (a) *STUDY.*—The Director of National Intelligence
18 shall conduct a study on the feasibility of revoking the pen-
19 sions of personnel of the intelligence community who com-
20 mit unauthorized disclosures of classified information, in-
21 cluding whether revoking such pensions is feasible under ex-
22 isting law or under the administrative authority of the Di-
23 rector of National Intelligence or any other head of an ele-
24 ment of the intelligence community.

1 (b) *REPORT.*—Not later than 90 days after the date
2 of the enactment of this Act, the Director of National Intel-
3 ligence shall submit to the congressional intelligence com-
4 mittees a report containing the results of the study con-
5 ducted under subsection (a).

6 **SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION**
7 **PRACTICES OF THE INTELLIGENCE COMMU-**
8 **NITY.**

9 (a) *STUDY.*—The Inspector General of the Intelligence
10 Community shall conduct a study on the electronic waste
11 destruction practices of the intelligence community. Such
12 study shall assess—

13 (1) the security of the electronic waste disposal
14 practices of the intelligence community, including the
15 potential for counterintelligence exploitation of de-
16 stroyed, discarded, or recycled materials;

17 (2) the environmental impact of such disposal
18 practices; and

19 (3) methods to improve the security and environ-
20 mental impact of such disposal practices, including
21 steps to prevent the forensic exploitation of electronic
22 waste.

23 (b) *REPORT.*—Not later than one year after the date
24 of the enactment of this Act, the Inspector General of the
25 Intelligence Community shall submit to the congressional

1 *intelligence committees a report containing the results of*
2 *the study conducted under subsection (a).*

3 **SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER**
4 **EMPLOYEES OF AIR AMERICA.**

5 (a) *IN GENERAL.*—*Not later than 180 days after the*
6 *date of the enactment of this Act, the Director of National*
7 *Intelligence shall submit to Congress a report on the advis-*
8 *ability of providing Federal retirement benefits to United*
9 *States citizens for the service of such citizens prior to 1977*
10 *as employees of Air America or an associated company dur-*
11 *ing a period when Air America or the associated company*
12 *was owned or controlled by the United States Government*
13 *and operated or managed by the Central Intelligence Agen-*
14 *cy.*

15 (b) *REPORT ELEMENTS.*—*The report required by sub-*
16 *section (a) shall include the following:*

17 (1) *The history of Air America and the associ-*
18 *ated companies prior to 1977, including a description*
19 *of—*

20 (A) *the relationship between Air America*
21 *and the associated companies and the Central*
22 *Intelligence Agency or any other element of the*
23 *United States Government;*

24 (B) *the workforce of Air America and the*
25 *associated companies;*

1 (C) the missions performed by Air America,
2 the associated companies, and their employees
3 for the United States; and

4 (D) the casualties suffered by employees of
5 Air America and the associated companies in the
6 course of their employment.

7 (2) A description of—

8 (A) the retirement benefits contracted for or
9 promised to the employees of Air America and
10 the associated companies prior to 1977;

11 (B) the contributions made by such employ-
12 ees for such benefits;

13 (C) the retirement benefits actually paid
14 such employees;

15 (D) the entitlement of such employees to the
16 payment of future retirement benefits; and

17 (E) the likelihood that such employees will
18 receive any future retirement benefits.

19 (3) An assessment of the difference between—

20 (A) the retirement benefits that former em-
21 ployees of Air America and the associated com-
22 panies have received or will receive by virtue of
23 their employment with Air America and the as-
24 sociated companies; and

1 (B) *the retirement benefits that such em-*
2 *ployees would have received or be eligible to re-*
3 *ceive if such employment was deemed to be em-*
4 *ployment by the United States Government and*
5 *their service during such employment was cred-*
6 *ited as Federal service for the purpose of Federal*
7 *retirement benefits.*

8 (4) *Any recommendations regarding the advis-*
9 *ability of legislative action to treat such employment*
10 *as Federal service for the purpose of Federal retire-*
11 *ment benefits in light of the relationship between Air*
12 *America and the associated companies and the United*
13 *States Government and the services and sacrifices of*
14 *such employees to and for the United States.*

15 (5) *If legislative action is considered advisable*
16 *under paragraph (4), a proposal for such action and*
17 *an assessment of its costs.*

18 (6) *The opinions of the Director of the Central*
19 *Intelligence Agency, if any, on any matters covered*
20 *by the report that the Director of the Central Intel-*
21 *ligence Agency considers appropriate.*

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

25 (d) *DEFINITIONS.*—*In this section:*

1 (1) *AIR AMERICA*.—*The term “Air America”*
2 *means Air America, Incorporated.*

3 (2) *ASSOCIATED COMPANY*.—*The term “associ-*
4 *ated company” means any entity associated with,*
5 *predecessor to, or subsidiary to Air America, includ-*
6 *ing Air Asia Company Limited, CAT Incorporated,*
7 *Civil Air Transport Company Limited, and the Pa-*
8 *cific Division of Southern Air Transport, during the*
9 *period when such an entity was owned and controlled*
10 *by the United States Government.*

11 **SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR EM-**
12 **PLOYEES OF THE INTELLIGENCE COMMU-**
13 **NITY.**

14 (a) *STUDY*.—*The Director of National Intelligence*
15 *shall conduct a study on the feasibility of—*

16 (1) *providing matching funds for contributions*
17 *to college savings programs made by employees of ele-*
18 *ments of the intelligence community; and*

19 (2) *establishing a program to pay the college tui-*
20 *tion of each child of an employee of an element of the*
21 *intelligence community that has died in the perform-*
22 *ance of the official duties of such employee.*

23 (b) *REPORT*.—*Not later than 180 days after the date*
24 *of the enactment of this Act, the Director of National Intel-*

1 *ligence shall submit to Congress a report containing the re-*
2 *sults of the study conducted under subsection (a).*

3 (c) *COLLEGE SAVINGS PROGRAM DEFINED.*—*In this*
4 *section, the term “college savings program” means—*

5 (1) *a qualified tuition program, as defined in*
6 *section 529 of the Internal Revenue Code of 1986;*

7 (2) *a Coverdell education savings account, as de-*
8 *finied in section 530 of the Internal Revenue Code of*
9 *1986; and*

10 (3) *any other appropriate program providing*
11 *tax incentives for saving funds to pay for college tui-*
12 *tion, as determined by the Director of National Intel-*
13 *ligence.*

14 **SEC. 347. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL**
15 **SUPPLY CHAIN VULNERABILITIES.**

16 (a) *REPORT.*—*Not later than one year after the date*
17 *of the enactment of this Act, the Director of National Intel-*
18 *ligence shall submit to Congress a National Intelligence Es-*
19 *timate or National Intelligence Assessment on the global*
20 *supply chain to determine whether such supply chain poses*
21 *a risk to defense and intelligence systems due to counterfeit*
22 *components that may be defective or deliberately manipu-*
23 *lated by a foreign government or a criminal organization.*

24 (b) *REVIEW OF MITIGATION.*—

1 (1) *NCIX REVIEW.*—*The National Counterintel-*
2 *ligence Executive shall conduct a review of the ade-*
3 *quacy of the mechanisms to identify and mitigate*
4 *vulnerabilities in the global supply chain that pose a*
5 *risk to defense and intelligence systems due to coun-*
6 *terfeit components that may be defective or delib-*
7 *erately manipulated by a foreign government or a*
8 *criminal organization.*

9 (2) *SUBMISSION.*—*Not later than one year after*
10 *the date of the enactment of this Act, the National*
11 *Counterintelligence Executive shall submit to Con-*
12 *gress a report containing the results of the review con-*
13 *ducted under paragraph (1).*

14 **SEC. 348. 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. 349. REVIEW OF PENSIONS OF EMPLOYEES AFFECTED**
9 **BY “FIVE AND OUT” PROGRAM OF THE FED-**
10 **ERAL BUREAU OF INVESTIGATION.**

11 *None of the funds authorized to be appropriated by this*
12 *Act may be used to implement the program of the Federal*
13 *Bureau of Investigation requiring the mandatory reassign-*
14 *ment of a supervisor of the Bureau after such supervisor*
15 *serves in a management position for seven years (commonly*
16 *known as the “seven and out” program) until the Director*
17 *of the Federal Bureau of Investigation submits to the con-*
18 *gressional intelligence committees a certification that the*
19 *Director has completed a review of issues related to the pen-*
20 *sions of former employees of the Bureau affected by a pre-*
21 *vious program of mandatory reassignment after serving in*
22 *a management position for five years (commonly known as*
23 *the “five and out” program) and the effect of such program*
24 *on the Bureau and the results of such review.*

1 **SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TER-**
2 **RORIST RECIDIVISM OF DETAINEES HELD AT**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 *Not later than 30 days after the date of the enactment*
6 *of this Act, the Director of National Intelligence, in con-*
7 *sultation with the Director of the Central Intelligence Agen-*
8 *cy and the Director of the Defense Intelligence Agency, shall*
9 *make publicly available an unclassified summary of—*

10 *(1) intelligence relating to recidivism of detain-*
11 *ees currently or formerly held at United States Naval*
12 *Station, Guantanamo Bay, Cuba, by the Department*
13 *of Defense; and*

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

17 **SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DETAIN-**
18 **EES HELD AT UNITED STATES NAVAL STA-**
19 **TION, GUANTANAMO BAY, CUBA.**

20 *Not later than 30 days after the date of the enactment*
21 *of this Act, the Director of National Intelligence, in con-*
22 *sultation with the Director of the Central Intelligence Agen-*
23 *cy and the Director of the Defense Intelligence Agency, shall*
24 *make publicly available an unclassified summary of—*

25 *(1) intelligence relating to threats posed by*
26 *Uighur detainees currently or formerly held at United*

1 *States Naval Station, Guantanamo Bay, Cuba, by the*
2 *Department 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. 352. REPORT ON INTERROGATION RESEARCH AND**
7 **TRAINING.**

8 *(a) REQUIREMENT FOR REPORT.—Not later than De-*
9 *cember 31, 2009, the Director of National Intelligence, in*
10 *coordination with the heads of the relevant elements of the*
11 *intelligence community, shall submit to the congressional*
12 *intelligence committees and the Committees on Appropria-*
13 *tions of the House of Representatives and the Senate a re-*
14 *port on the state of research, analysis, and training in in-*
15 *terrogation and debriefing practices.*

16 *(b) CONTENT.—The report required under subsection*
17 *(a) shall include—*

18 *(1) an assessment of—*

19 *(A) the quality and value of scientific and*
20 *technical research in interrogation and debrief-*
21 *ing practices that has been conducted independ-*
22 *ently or in affiliation with the Federal Govern-*
23 *ment and the identification of areas in which*
24 *additional research could potentially improve in-*
25 *terrogation practices;*

1 (B) the state of interrogation and debriefing
2 training in the intelligence community, includ-
3 ing the character and adequacy of the ethical
4 component of such training, and the identifica-
5 tion of any gaps in training;

6 (C) the adequacy of efforts to enhance career
7 path options for intelligence community per-
8 sonnel that serve as interrogators and debriefers,
9 including efforts to recruit and retain career per-
10 sonnel; and

11 (D) the effectiveness of existing processes for
12 studying and implementing lessons learned and
13 best practices of interrogation and debriefing;
14 and

15 (2) any recommendations that the Director con-
16 siders appropriate for improving the performance of
17 the intelligence community with respect to the issues
18 described in subparagraphs (A) through (D) of para-
19 graph (1).

20 **SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY**
21 **WITHIN THE INTELLIGENCE COMMUNITY.**

22 (a) *REQUIREMENT FOR REPORT.*—Not later than No-
23 vember 1, 2010, the Director of National Intelligence, in
24 coordination with the heads of the elements of the intel-
25 ligence community, shall submit to the congressional intel-

1 *ligence committees a report on the plans of each element*
2 *to increase diversity within the intelligence community.*

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

7 (1) *specific implementation plans for each such*
8 *element designed to achieve the goals articulated in*
9 *the strategic plan of the Director of National Intel-*
10 *ligence on equal employment opportunity and diver-*
11 *sity;*

12 (2) *specific plans and initiatives for each such*
13 *element to increase recruiting and hiring of diverse*
14 *candidates;*

15 (3) *specific plans and initiatives for each such*
16 *element to improve retention of diverse Federal em-*
17 *ployees at the junior, midgrade, senior, and manage-*
18 *ment levels;*

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

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

1 **SEC. 354. REVIEW OF FEDERAL BUREAU OF INVESTIGATION**
2 **EXERCISE OF ENFORCEMENT JURISDICTION**
3 **IN FOREIGN NATIONS.**

4 *Not later than 60 days after the date of the enactment*
5 *of this Act, the Director of the Federal Bureau of Investiga-*
6 *tion shall submit to the appropriate committees of Congress*
7 *a review of constraints under international law and the*
8 *laws of foreign nations to the assertion of enforcement juris-*
9 *diction with respect to criminal investigations of terrorism*
10 *offenses under the laws of the United States conducted by*
11 *agents of the Federal Bureau of Investigation in foreign na-*
12 *tions and using funds made available for the National In-*
13 *telligence Program, including constraints identified in sec-*
14 *tion 432 of the Restatement (Third) of the Foreign Rela-*
15 *tions Law of the United States.*

16 **SEC. 355. REPEAL OF CERTAIN REPORTING REQUIRE-**
17 **MENTS.**

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

21 *(b) ANNUAL CERTIFICATION ON COUNTERINTEL-*
22 *LIGENCE INITIATIVES.—Section 1102(b) of the National Se-*
23 *curity Act of 1947 (50 U.S.C. 442a(b)) is amended—*

24 *(1) by striking “(1) The Director” and inserting*
25 *“The Director” ; and*

26 *(2) by striking paragraph (2).*

1 (c) *REPORT AND CERTIFICATION UNDER TERRORIST*
2 *IDENTIFICATION CLASSIFICATION SYSTEM.*—Section 343 of
3 *the Intelligence Authorization Act for Fiscal Year 2003* (50
4 *U.S.C. 404n–2*) is amended—

5 (1) *by striking subsection (d); and*

6 (2) *by redesignating subsections (e), (f), (g), and*
7 *(h) as subsections (d), (e), (f), and (g), respectively.*

8 (d) *ANNUAL REPORT ON COUNTERDRUG INTEL-*
9 *LIGENCE MATTERS.*—Section 826 of the *Intelligence Au-*
10 *thorization Act for Fiscal Year 2003* (Public Law 107–306;
11 *116 Stat. 2429; 21 U.S.C. 873 note*) is repealed.

12 **SEC. 356. INCORPORATION OF REPORTING REQUIREMENTS.**

13 *Each requirement to submit a report to the congres-*
14 *sional intelligence committees that is included in the classi-*
15 *fied annex to this Act is hereby incorporated into this Act*
16 *and is hereby made a requirement in law.*

17 **SEC. 357. CONFORMING AMENDMENTS.**

18 (a) *REPORT SUBMISSION DATES.*—Section 507 of the
19 *National Security Act of 1947* (50 U.S.C. 415b) is amend-
20 *ed—*

21 (1) *in subsection (a)—*

22 (A) *in paragraph (1)—*

23 (i) *by striking subparagraphs (A) and*
24 *(G);*

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

5 (iii) by adding at the end the following
6 new subparagraphs:

7 “(I) The annual report on financial intelligence
8 on terrorist assets required by section 118.

9 “(J) The annual report on foreign language pro-
10 ficiency in the intelligence community required by
11 section 510.”; and

12 (B) in paragraph (2), by striking subpara-
13 graph (D); and

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

15 (b) TABLE OF CONTENTS.—The table of contents in the
16 first section of such Act (50 U.S.C. 401 note), as amended
17 by section 313 of this Act, is further amended by—

18 (1) striking the item relating to section 109; and

19 (2) inserting after the item relating to section
20 507 the following new items:

“Sec. 508. Annual personnel level assessment for the intelligence community.

“Sec. 509. Semiannual reports on the nuclear weapons programs of Iran, Syria,
and North Korea.

“Sec. 510. Report on foreign language proficiency in the intelligence community.

“Sec. 511. Government Accountability Office analyses, evaluations, and investiga-
tions.

“Sec. 512. Certification of compliance with oversight requirements.”.

1 ***Subtitle E—Other Matters***

2 ***SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR***
3 ***DIFFERENT INTELLIGENCE ACTIVITIES.***

4 *Subparagraph (B) of section 504(a)(3) of the National*
5 *Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to*
6 *read as follows:*

7 *“(B) the use of such funds for such activity*
8 *supports an emergent need, improves program*
9 *effectiveness, or increases efficiency; and”.*

10 ***SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY***
11 ***INFORMATION.***

12 *(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UN-*
13 *DERCOVER INTELLIGENCE OFFICERS AND AGENTS.—*

14 *(1) DISCLOSURE AFTER ACCESS TO INFORMA-*
15 *TION IDENTIFYING AGENT.—Subsection (a) of section*
16 *601 of the National Security Act of 1947 (50 U.S.C.*
17 *421) is amended by striking “ten years” and insert-*
18 *ing “15 years”.*

19 *(2) DISCLOSURE AFTER ACCESS TO CLASSIFIED*
20 *INFORMATION.—Subsection (b) of such section is*
21 *amended by striking “five years” and inserting “10*
22 *years”.*

23 *(b) MODIFICATIONS TO ANNUAL REPORT ON PROTEC-*
24 *TION OF INTELLIGENCE IDENTITIES.—The first sentence of*
25 *section 603(a) of the National Security Act of 1947 (50*

1 *U.S.C. 423(a)* is amended by inserting “including an as-
2 *essment of the need for any modification of this title for*
3 *the purpose of improving legal protections for covert*
4 *agents,”* after “*measures to protect the identities of covert*
5 *agents,”*.

6 **SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMA-**
7 **TION ABOUT RECEIPT AND DISPOSITION OF**
8 **FOREIGN GIFTS AND DECORATIONS.**

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

11 “(4)(A) *In transmitting such listings for an element*
12 *of the intelligence community, the head of such element may*
13 *delete the information described in subparagraph (A) or (C)*
14 *of paragraph (2) or in subparagraph (A) or (C) of para-*
15 *graph (3) if the head of such element certifies in writing*
16 *to the Secretary of State that the publication of such infor-*
17 *mation could adversely affect United States intelligence*
18 *sources or methods.*

19 “(B) *Any information not provided to the Secretary*
20 *of State pursuant to the authority in subparagraph (A)*
21 *shall be transmitted to the Director of National Intelligence*
22 *who shall keep a record of such information.*

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

1 **SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST**
2 **IDENTITY INFORMATION FROM FREEDOM OF**
3 **INFORMATION ACT.**

4 *Section 119 of the National Security Act of 1947 (50*
5 *U.S.C. Section 4040) is amended by adding at the end the*
6 *following new subsection:*

7 *“(k) EXEMPTION OF DISSEMINATION OF TERRORIST*
8 *IDENTITY INFORMATION FROM FREEDOM OF INFORMATION*
9 *ACT.—(1) Terrorist identity information disseminated for*
10 *terrorist screening purposes or other authorized counterter-*
11 *rorism purposes shall be exempt from disclosure under sec-*
12 *tion 552 of title 5, United States Code.*

13 *“(2) In this section:*

14 *“(A) AUTHORIZED COUNTERTERRORISM PUR-*
15 *POSE.—The term ‘authorized counterterrorism pur-*
16 *pose’ includes disclosure to and appropriate use by an*
17 *element of the Federal Government of terrorist identi-*
18 *fiers of persons reasonably suspected to be terrorists or*
19 *supporters of terrorists.*

20 *“(B) TERRORIST IDENTITY INFORMATION.—The*
21 *term ‘terrorist identity information’ means—*

22 *“(i) information from a database main-*
23 *tained by any element of the Federal Govern-*
24 *ment that would reveal whether an individual*
25 *has or has not been determined to be a known*
26 *or suspected terrorist or has or has not been de-*

1 *terminated to be within the networks of contacts*
2 *and support of a known or suspected terrorist;*
3 *and*

4 “(i) *information related to a determination*
5 *as to whether or not an individual is or should*
6 *be included in the Terrorist Screening Database*
7 *or other screening databases based on a deter-*
8 *mination that the individual is a known or sus-*
9 *pected terrorist.*

10 “(C) *TERRORIST IDENTIFIERS.*—*The term ‘ter-*
11 *rorist identifiers’—*

12 “(i) *includes—*

13 “(I) *names and aliases;*

14 “(II) *dates or places of birth;*

15 “(III) *unique identifying numbers or*
16 *information;*

17 “(IV) *physical identifiers or bio-*
18 *metrics; and*

19 “(V) *any other identifying information*
20 *provided for watchlisting purposes; and*

21 “(ii) *does not include derogatory informa-*
22 *tion or information that would reveal or com-*
23 *promise intelligence or law enforcement sources*
24 *or methods.”.*

1 **SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND**
2 **OFFICE OF THE DIRECTOR OF NATIONAL IN-**
3 **TELLIGENCE NAME, INITIALS, OR SEAL.**

4 (a) *INTELLIGENCE COMMUNITY.*—*Title XI of the Na-*
5 *tional Security Act of 1947 (50 U.S.C. 442 et seq.) is*
6 *amended by adding at the end the following new section:*

7 “*MISUSE OF THE INTELLIGENCE COMMUNITY NAME,*
8 *INITIALS, OR SEAL*

9 “*SEC. 1103. (a) PROHIBITED ACTS.*—*No person may,*
10 *except with the written permission of the Director of Na-*
11 *tional Intelligence or a designee of the Director, knowingly*
12 *use the words ‘intelligence community’, the initials ‘IC’, the*
13 *seal of the intelligence community, or any colorable imita-*
14 *tion of such words, initials, or seal in connection with any*
15 *merchandise, impersonation, solicitation, or commercial ac-*
16 *tivity in a manner reasonably calculated to convey the im-*
17 *pression that such use is approved, endorsed, or authorized*
18 *by the Director of National Intelligence, except that employ-*
19 *ees of the intelligence community may use the intelligence*
20 *community name, initials, and seal in accordance with reg-*
21 *ulations promulgated by the Director of National Intel-*
22 *ligence.*

23 “(b) *INJUNCTION.*—*Whenever it appears to the Attor-*
24 *ney General that any person is engaged or is about to en-*
25 *gage in an act or practice which constitutes or will con-*
26 *stitute conduct prohibited by subsection (a), the Attorney*

1 *General may initiate a civil proceeding in a district court*
2 *of the United States to enjoin such act or practice. Such*
3 *court shall proceed as soon as practicable to the hearing*
4 *and determination of such action and may, at any time*
5 *before final determination, enter such restraining orders or*
6 *prohibitions, or take such other action as is warranted, to*
7 *prevent injury to the United States or to any person or*
8 *class of persons for whose protection the action is brought.”.*

9 **(b) OFFICE OF THE DIRECTOR OF NATIONAL INTEL-**
10 *LIGENCE.—Title XI of the National Security Act of 1947*
11 *(50 U.S.C. 442 et seq.), as amended by subsection (a) of*
12 *this section, is further amended by adding at the end the*
13 *following new section:*

14 **“MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL**
15 **INTELLIGENCE NAME, INITIALS, OR SEAL**

16 **“SEC. 1104. (a) PROHIBITED ACTS.—No person may,**
17 *except with the written permission of the Director of Na-*
18 *tional Intelligence or a designee of the Director, knowingly*
19 *use the words ‘Office of the Director of National Intel-*
20 *ligence’, the initials ‘ODNI’, the seal of the Office of the*
21 *Director of National Intelligence, or any colorable imitation*
22 *of such words, initials, or seal in connection with any mer-*
23 *chandise, impersonation, solicitation, or commercial activ-*
24 *ity in a manner reasonably calculated to convey the impres-*
25 *sion that such use is approved, endorsed, or authorized by*
26 *the Director of National Intelligence.*

1 *amended by adding at the end the following new*
2 *section:*

3 “*REPORTS ON SECURITY CLEARANCES*

4 “*SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION RE-*
5 *QUIREMENTS.—(1) The President shall every four years*
6 *conduct an audit of how the executive branch determines*
7 *whether a security clearance is required for a particular*
8 *position in the Federal 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 *urity clearance level—*

17 “*(A) the number of Federal Government employ-*
18 *ees 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 Federal*
24 *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 amount of time it took to process
7 the fastest 80 percent of security clearance deter-
8 minations for such level;

9 “(ii) the amount of time it took to process
10 the fastest 90 percent of security clearance deter-
11 minations for such level;

12 “(iii) the number of open security clearance
13 investigations for such level that have remained
14 open for—

15 “(I) 4 months or less;

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

17 “(III) between 8 months and 12
18 months; and

19 “(IV) more than a year;

20 “(iv) the percentage of reviews during the
21 preceding fiscal year that resulted in a denial or
22 revocation of a security clearance;

23 “(v) the percentage of investigations during
24 the preceding fiscal year that resulted in incom-
25 plete information;

1 “(vi) the percentage of investigations during
2 the preceding fiscal year that did not result in
3 enough information to make a decision on poten-
4 tially adverse information; and

5 “(vii) for security clearance determinations
6 completed or ongoing during the preceding fiscal
7 year that have taken longer than one year to
8 complete—

9 “(I) the number of security clearance
10 determinations for positions as employees of
11 the Federal Government that required more
12 than one year to complete;

13 “(II) the number of security clearance
14 determinations for contractors that required
15 more than one year to complete;

16 “(III) the agencies that investigated
17 and adjudicated such determinations; and

18 “(IV) the cause of significant delays in
19 such determinations.

20 “(2) For purposes of paragraph (1), the Director of
21 National Intelligence may consider—

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

24 “(B) security clearances at the level of top secret
25 or higher as one security clearance level.”.

1 (B) *INITIAL AUDIT.*—*The first audit re-*
2 *quired to be conducted under section 513(a)(1) of*
3 *the National Security Act of 1947 (as added by*
4 *paragraph (1)) shall be completed not later than*
5 *February 1, 2010.*

6 (C) *CLERICAL AMENDMENT.*—*The table of*
7 *contents in the first section of such Act (50*
8 *U.S.C. 401 note), as amended by section 365 of*
9 *this Act, is further amended by inserting after*
10 *the item relating to section 512 the following new*
11 *item:*

“*Sec. 513. Reports on security clearances.*”.

12 (2) *REPORT ON METRICS FOR ADJUDICATION*
13 *QUALITY.*—*Not later than 180 days after the date of*
14 *enactment of this Act, the President shall submit to*
15 *Congress a report on security clearance investigations*
16 *and adjudications. Such report shall include—*

17 (A) *Federal Government wide adjudication*
18 *guidelines and metrics for adjudication quality;*

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

21 (C) *metrics to evaluate the effectiveness of*
22 *interagency clearance reciprocity;*

23 (D) *Federal Government wide investigation*
24 *standards and metrics for investigation quality;*
25 *and*

1 “(c) *REPORT.*—Not later than November 1 of each
2 year, the ombudsman appointed under subsection (a) shall
3 submit to the congressional intelligence committees a report
4 containing—

5 “(1) the number of persons applying for a secu-
6 rity clearance who have contacted the ombudsman
7 during the preceding 12 months; and

8 “(2) a summary of the concerns, complaints, and
9 questions received by the ombudsman from persons
10 applying for security clearances.”.

11 (2) *APPOINTMENT DATE.*—The Director of Na-
12 tional Intelligence shall appoint an ombudsman for
13 intelligence community security clearances under sec-
14 tion 103H(a) of the National Security Act of 1947, as
15 added by paragraph (1), not later than 120 days
16 after the date of the enactment of this Act.

17 (3) *CONFORMING AMENDMENT.*—The table of
18 contents in the first section of such Act (50 U.S.C.
19 401 note), as amended by subsection (a)(1)(C) of this
20 section, is further amended by inserting after the item
21 relating to section 103G the following new item:

“Sec. 103H. Ombudsman for intelligence community security clearances.”.

22 (c) *SECURITY CLEARANCE RECIPROCITY.*—

23 (1) *AUDIT.*—The Inspector General of the Intel-
24 ligence Community shall conduct an audit of the reci-

1 *procuity of security clearances in the intelligence com-*
2 *munity.*

3 (2) *REPORT.*—*Not later than 120 days after the*
4 *date of the enactment of this Act, the Inspector Gen-*
5 *eral of the Intelligence Community shall submit to the*
6 *congressional intelligence committees a report con-*
7 *taining the results of the audit conducted under para-*
8 *graph (1). Such report shall include an assessment of*
9 *the time required to obtain a reciprocal security*
10 *clearance for—*

11 (A) *an employee of an element of the intel-*
12 *ligence community detailed to another element of*
13 *the intelligence community;*

14 (B) *an employee of an element of the intel-*
15 *ligence community seeking permanent employ-*
16 *ment with another element of the intelligence*
17 *community; and*

18 (C) *a contractor seeking permanent employ-*
19 *ment with an element of the intelligence commu-*
20 *nity.*

1 **SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANS-**
2 **FER OR RELEASE OF INDIVIDUALS DETAINED**
3 **AT UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 (a) *IN GENERAL.*—*The Director of National Intel-*
6 *ligence may not use any of the amounts authorized to be*
7 *appropriated in this Act for fiscal year 2010 or any subse-*
8 *quent fiscal year to release or transfer any individual de-*
9 *scribed in subsection (d) to the United States, its territories,*
10 *or possessions, until 120 days after the President has sub-*
11 *mitted to the congressional defense committees the plan de-*
12 *scribed in subsection (b).*

13 (b) *PLAN REQUIRED.*—*The President shall submit to*
14 *Congress a plan on the disposition of each individual de-*
15 *scribed in subsection (d). Such plan shall include—*

16 (1) *an assessment of the risk that the individual*
17 *described in subsection (d) poses to the national secu-*
18 *rity of the United States, its territories, or posses-*
19 *sions;*

20 (2) *a proposal for the disposition for each such*
21 *individual;*

22 (3) *a plan to mitigate any risks described in*
23 *paragraph (1) should the proposed disposition re-*
24 *quired by paragraph (2) include the release or trans-*
25 *fer to the United States, its territories, or possessions*
26 *of any such individual; and*

1 (4) a summary of the consultation required in
2 subsection (c).

3 (c) *CONSULTATION REQUIRED.*—The President shall
4 consult with the chief executive of the State, the District
5 of Columbia, or the territory or possession of the United
6 States to which the disposition in subsection (b) includes
7 a release or transfer to that State, District of Columbia,
8 or territory or possession.

9 (d) *DETAINEES DESCRIBED.*—An individual described
10 in this subsection is any individual who is located at
11 United States Naval Station, Guantanamo Bay, Cuba, as
12 of the date of the enactment of this Act, who—

13 (1) is not a citizen of the United States; and

14 (2) is—

15 (A) in the custody or under the effective
16 control of the Department of Defense, or

17 (B) otherwise under detention at the United
18 States Naval Station, Guantanamo Bay, Cuba.

19 **SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IMPROVE-**
20 **MENT AND AUDIT READINESS.**

21 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
22 that—

23 (1) it is no longer excusable to allow poor busi-
24 ness systems, a deficiency of resources, or a lack of
25 commitment from senior leadership of the intelligence

1 *community to foster waste or nonaccountability to the*
2 *United States taxpayer;*

3 *(2) the Director of National Intelligence has not*
4 *made compliance with financial management and*
5 *audit readiness standards a top priority; and*

6 *(3) the Director of National Intelligence should*
7 *require each element of the intelligence community to*
8 *develop and implement a specific plan to become com-*
9 *pliant with the law.*

10 *(b) REVIEW; PLAN.—Not later than 180 days after the*
11 *date of the enactment of this Act, the Director of National*
12 *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 timeline 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. CLARIFICATION OF LIMITATION ON COLOCATION**
7 **OF THE OFFICE OF THE DIRECTOR OF NA-**
8 **TIONAL INTELLIGENCE.**

9 *Section 103 of the National Security Act of 1947 (50*
10 *U.S.C. 403–3), as amended by section 302(1) of this Act,*
11 *is further amended—*

12 *(1) in subsection (f) (as so redesignated)—*

13 *(A) in the heading, by striking “WITH” and*
14 *inserting “OF HEADQUARTERS WITH HEAD-*
15 *QUARTERS OF”;*

16 *(B) by striking “Commencing as of October*
17 *1, 2008, the” and inserting “(1) Except as pro-*
18 *vided in paragraph (2), the”;*

19 *(C) in paragraph (1), as designated by*
20 *paragraph (2) of this section, by inserting “the*
21 *headquarters of” before “the Office”;*

22 *(D) in paragraph (1) (as so designated), by*
23 *striking “any other element” and inserting “the*
24 *headquarters of any other element”; and*

1 **SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF**
2 **SCIENCE AND TECHNOLOGY.**

3 *Section 103E of the National Security Act of 1947 (50*
4 *U.S.C. 403–3e) is amended—*

5 *(1) in subsection (c)—*

6 *(A) by redesignating paragraph (5) as*
7 *paragraph (7);*

8 *(B) in paragraph (4), by striking “; and”*
9 *and inserting “;”; and*

10 *(C) by inserting after paragraph (4) the fol-*
11 *lowing new paragraphs:*

12 *“(5) assist the Director of National Intelligence*
13 *in establishing goals for basic, applied, and advanced*
14 *research to meet the technology needs of the intel-*
15 *ligence community;*

16 *“(6) submit to the congressional intelligence com-*
17 *mittees an annual report on the science and tech-*
18 *nology strategy of the Director that shows resources*
19 *mapped to the goals of the intelligence community;*
20 *and”;* and

21 *(2) in subsection (d)(3)—*

22 *(A) in subparagraph (A)—*

23 *(i) by inserting “and prioritize” after*
24 *“coordinate”; and*

25 *(ii) by striking “; and” and inserting*
26 *“;”;*

1 (B) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (C) by inserting after subparagraph (A) the
4 following new subparagraph:

5 “(B) identify basic, advanced, and applied
6 research programs to be executed by elements of
7 the intelligence community; and”.

8 **SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
9 **THE DATA CENTER ENERGY EFFICIENCY RE-**
10 **PORTS.**

11 (a) *PLAN*.—The Director of National Intelligence shall
12 develop a plan to implement the recommendations of the
13 report submitted to Congress under section 1 of the Act enti-
14 tled “An Act to study and promote the use of energy effi-
15 cient computer servers in the United States” (Public Law
16 109–431; 120 Stat. 2920) across the intelligence commu-
17 nity.

18 (b) *REPORT*.—

19 (1) *IN GENERAL*.—Not later than 180 days after
20 the date of the enactment of this Act, the Director of
21 National Intelligence shall submit to the congressional
22 intelligence committees a report containing the plan
23 developed under subsection (a).

1 (2) *FORM.*—*The report under paragraph (1)*
2 *shall be submitted in unclassified form, but may con-*
3 *tain a classified annex.*

4 **SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE**
5 **INTELLIGENCE COMMUNITY.**

6 *Section 103G of the National Security Act of 1947 (50*
7 *U.S.C. 403–3g) is amended—*

8 (1) *in subsection (a), by inserting “of the Intel-*
9 *ligence Community” after “Chief Information Offi-*
10 *cer”;*

11 (2) *in subsection (b), by inserting “of the Intel-*
12 *ligence Community” after “Chief Information Offi-*
13 *cer”;*

14 (3) *in subsection (c) in the matter preceding*
15 *paragraph (1), by inserting “of the Intelligence Com-*
16 *munity” after “Chief Information Officer”; and*

17 (4) *in subsection (d), by inserting “of the Intel-*
18 *ligence Community” after “Chief Information Offi-*
19 *cer”.*

20 **SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE**
21 **COMMUNITY.**

22 (a) *ESTABLISHMENT.*—

23 (1) *IN GENERAL.*—*Title I of the National Secu-*
24 *rity Act of 1947 (50 U.S.C. 402 et seq.), as amended*
25 *by section 366 of this Act, is further amended by in-*

1 *serting after section 103H (as added by such section*
2 *366) the following new section:*

3 *“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY*

4 *“SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF*
5 *INTELLIGENCE COMMUNITY.—There is within the Office of*
6 *the Director of National Intelligence an Office of the Inspec-*
7 *tor General of the Intelligence Community.*

8 *“(b) PURPOSE.—The purpose of the Office of the In-*
9 *spector General of the Intelligence Community is to—*

10 *“(1) be an independent and objective office ap-*
11 *propriately accountable to Congress and to initiate*
12 *and conduct investigations, inspections, and audits*
13 *on matters within the responsibility and authority of*
14 *the Director of National Intelligence;*

15 *“(2) recommend policies designed—*

16 *“(A) to promote economy, efficiency, and ef-*
17 *fectiveness in the administration and implemen-*
18 *tation of matters within the responsibility and*
19 *authority of the Director of National Intelligence;*
20 *and*

21 *“(B) to prevent and detect fraud and abuse*
22 *in such matters;*

23 *“(3) provide a means for keeping the Director of*
24 *National Intelligence fully and currently informed*
25 *about—*

1 “(A) problems and deficiencies relating to
2 matters within the responsibility and authority
3 of the Director of National Intelligence; and

4 “(B) the necessity for, and the progress of,
5 corrective actions; and

6 “(4) in the manner prescribed by this section,
7 ensure that the congressional intelligence committees
8 are kept informed of—

9 “(A) significant problems and deficiencies
10 relating to matters within the responsibility and
11 authority of the Director of National Intelligence;
12 and

13 “(B) the necessity for, and the progress of,
14 corrective actions.

15 “(c) INSPECTOR GENERAL OF INTELLIGENCE COMMU-
16 NITY.—(1) There is an Inspector General of the Intelligence
17 Community, who shall be the head of the Office of the In-
18 spector General of the Intelligence Community, who shall
19 be appointed by the President, by and with the advice and
20 consent of the Senate.

21 “(2) The nomination of an individual for appointment
22 as Inspector General shall be made—

23 “(A) without regard to political affiliation;

24 “(B) on the basis of integrity, compliance with
25 the security standards of the intelligence community,

1 *and prior experience in the field of intelligence or na-*
2 *tional security;*

3 *“(C) on the basis of demonstrated ability in ac-*
4 *counting, financial analysis, law, management anal-*
5 *ysis, public administration, or auditing; and*

6 *“(D) on the basis of expertise in investigations.*

7 *“(3) The Inspector General shall report directly to the*
8 *Director of National Intelligence.*

9 *“(4) The Inspector General may be removed from office*
10 *only by the President. The President shall communicate in*
11 *writing to the congressional intelligence committees the rea-*
12 *sons for the removal of any individual from the position*
13 *of Inspector General not later than 30 days before the date*
14 *on which the Inspector General is removed from office.*

15 *“(d) DUTIES AND RESPONSIBILITIES.—Subject to sub-*
16 *sections (g) and (h), the Inspector General of the Intel-*
17 *ligence Community shall—*

18 *“(1) provide policy direction for, and plan, con-*
19 *duct, supervise, and coordinate independently, the in-*
20 *vestigations, inspections, and audits relating to mat-*
21 *ters within the responsibility and authority of the Di-*
22 *rector of National Intelligence to ensure they are con-*
23 *ducted efficiently and in accordance with applicable*
24 *law and regulations;*

1 “(2) *keep the Director of National Intelligence*
2 *and Congress fully and currently informed concerning*
3 *violations of law and regulations, violations of civil*
4 *liberties and privacy, fraud and other serious prob-*
5 *lems, abuses, and deficiencies that may occur in mat-*
6 *ters within the responsibility and authority of the Di-*
7 *rector, and report the progress made in implementing*
8 *corrective action;*

9 “(3) *take due regard for the protection of intel-*
10 *ligence sources and methods in the preparation of all*
11 *reports issued by the Inspector General, and, to the*
12 *extent consistent with the purpose and objective of*
13 *such reports, take such measures as may be appro-*
14 *priate to minimize the disclosure of intelligence*
15 *sources and methods described in such reports; and*

16 “(4) *in the execution of the duties and respon-*
17 *sibilities under this section, comply with generally ac-*
18 *cepted Federal Government auditing standards.*

19 “(e) *LIMITATIONS ON ACTIVITIES.—(1)(A) Subject to*
20 *subparagraph (B), the Director of National Intelligence*
21 *may prohibit the Inspector General of the Intelligence Com-*
22 *munity from initiating, carrying out, or completing any*
23 *investigation, inspection, or audit if the Director deter-*
24 *mines that such prohibition is necessary to protect vital na-*
25 *tional security interests of the United States.*

1 “(B) *The Director of National Intelligence may not*
2 *prohibit an investigation, inspection, or audit under sub-*
3 *paragraph (A) solely on the basis of the level of classifica-*
4 *tion or compartmentation of information that the Inspector*
5 *General may seek access to while conducting such investiga-*
6 *tion, inspection, or audit.*

7 “(2) *If the Director exercises the authority under para-*
8 *graph (1), the Director shall submit to the congressional in-*
9 *telligence committees an appropriately classified statement*
10 *of the reasons for the exercise of such authority within 7*
11 *days.*

12 “(3) *The Director shall notify the Inspector General*
13 *at the time a report under paragraph (2) is submitted, and,*
14 *to the extent consistent with the protection of intelligence*
15 *sources and methods, provide the Inspector General with a*
16 *copy of such report.*

17 “(4) *The Inspector General shall submit to the congres-*
18 *sional intelligence committees any comments on a report*
19 *of which the Inspector General has notice under paragraph*
20 *(3) that the Inspector General considers appropriate.*

21 “(f) *AUTHORITIES.—(1) The Inspector General of the*
22 *Intelligence Community shall have direct and prompt ac-*
23 *cess to the Director of National Intelligence when necessary*
24 *for any purpose pertaining to the performance of the duties*
25 *of the Inspector General.*

1 “(2)(A) *The Inspector General shall have access to any*
2 *employee, or any employee of a contractor, of any element*
3 *of the intelligence community whose testimony is needed for*
4 *the performance of the duties of the Inspector General.*

5 “(B) *The Inspector General shall have direct access to*
6 *all records, reports, audits, reviews, documents, papers, rec-*
7 *ommendations, or other material which relate to the pro-*
8 *grams and operations with respect to which the Inspector*
9 *General has responsibilities under this section.*

10 “(C) *The Director or, on the recommendation of the*
11 *Director, another appropriate official of the intelligence*
12 *community, shall take appropriate administrative action*
13 *against an employee, or employee of a contractor, of an ele-*
14 *ment of the intelligence community that fails to cooperate*
15 *with the Inspector General. Such administrative action*
16 *may include loss of employment or termination of an exist-*
17 *ing contractual relationship.*

18 “(3) *The Inspector General shall, in accordance with*
19 *subsection (g), receive and investigate 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 *Federal Government—*

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 may be taken*
13 *by any employee, unless the complaint was made or*
14 *the information was disclosed with the knowledge that*
15 *it was false or with willful disregard for its truth or*
16 *falsity.*

17 “(4) *The Inspector General shall administer to or take*
18 *from any person an oath, affirmation, or affidavit, when-*
19 *ever necessary in the performance of the duties of the In-*
20 *spector General, which oath, affirmation, or affidavit when*
21 *administered or taken by or before an employee of the Office*
22 *of the Inspector General of the Intelligence Community des-*
23 *ignated by the Inspector General shall have the same force*
24 *and effect as if administered or taken by, or before, an offi-*
25 *cer having a seal.*

1 “(5)(A) *Except as provided in subparagraph (B), the*
2 *Inspector General may require by subpoena the production*
3 *of all information, documents, reports, answers, records, ac-*
4 *counts, papers, and other data and documentary evidence*
5 *necessary in the performance of the duties and responsibil-*
6 *ities of the Inspector General.*

7 “(B) *In the case of departments, agencies, and other*
8 *elements of the United States Government, the Inspector*
9 *General shall obtain information, documents, reports, an-*
10 *swers, records, accounts, papers, and other data and evi-*
11 *dence for the purpose specified in subparagraph (A) using*
12 *procedures other than by subpoenas.*

13 “(C) *The Inspector General may not issue a subpoena*
14 *for, or on behalf of, any element of the intelligence commu-*
15 *nity, including the Office of the Director of National Intel-*
16 *ligence.*

17 “(D) *In the case of contumacy or refusal to obey a*
18 *subpoena issued under this paragraph, the subpoena shall*
19 *be enforceable by order of any appropriate district court*
20 *of the United States.*

21 “(6) *The Inspector General may obtain services as au-*
22 *thorized under section 3109 of title 5, United States Code,*
23 *at rates for individuals not to exceed the daily equivalent*
24 *of the maximum annual rate of basic pay payable for grade*

1 *GS-15 of the General Schedule under section 5332 of title*
2 *5, United States Code.*

3 “(7) *The Inspector may, to the extent and in such*
4 *amounts as may be provided in advance by appropriations*
5 *Acts, enter into contracts and other arrangements for au-*
6 *dits, studies, analyses, and other services with public agen-*
7 *cies and with private persons, and to make such payments*
8 *as may be necessary to carry out the provisions of this sec-*
9 *tion.*

10 “(g) *COORDINATION AMONG THE INSPECTORS GEN-*
11 *ERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a*
12 *matter within the jurisdiction of the Inspector General of*
13 *the Intelligence Community that may be subject to an inves-*
14 *tigation, inspection, review, or audit by both the Inspector*
15 *General of the Intelligence Community and an inspector*
16 *general with oversight responsibility for an element of the*
17 *intelligence community, the Inspector General of the Intel-*
18 *ligence Community and such other inspector general shall*
19 *expeditiously resolve the question of which inspector general*
20 *shall conduct such investigation, inspection, review, or*
21 *audit to avoid unnecessary duplication of the activities of*
22 *the inspectors general.*

23 “(B) *In attempting to resolve a question under sub-*
24 *paragraph (A), the inspectors general concerned may re-*
25 *quest the assistance of the Intelligence Community Inspec-*

1 *tors General Forum established under subparagraph (C). If*
2 *a dispute between an inspector general within an agency*
3 *or department of the United States Government and the In-*
4 *pector General of the Intelligence Community has not been*
5 *resolved with the assistance of the Forum, the inspectors*
6 *general shall submit the question to the Director of National*
7 *Intelligence and the head of the affected agency or depart-*
8 *ment for resolution.*

9 “(C) *There is established the Intelligence Community*
10 *Inspectors General Forum which shall consist of all statu-*
11 *tory or administrative inspectors general with oversight re-*
12 *sponsibility for an element of the intelligence community.*
13 *The Inspector General of the Intelligence Community shall*
14 *serve as the chair of the Forum. The Forum shall have no*
15 *administrative authority over any inspector general, but*
16 *shall serve as a mechanism for informing its members of*
17 *the work of individual members of the Forum that may be*
18 *of common interest and discussing questions about jurisdic-*
19 *tion or access to employees, employees of a contractor,*
20 *records, audits, reviews, documents, recommendations, or*
21 *other materials that may involve or be of assistance to more*
22 *than one of its members.*

23 “(2) *The inspector general conducting an investiga-*
24 *tion, inspection, review, or audit referred to in paragraph*
25 *(1) shall submit the results of such investigation, inspection,*

1 review, or audit to any other inspector general, including
2 the Inspector General of the Intelligence Community, with
3 jurisdiction to conduct such investigation, inspection, re-
4 view, or audit who did not conduct such investigation, in-
5 spection, review, or audit.

6 “(h) *STAFF AND OTHER SUPPORT.*—(1) *The Director*
7 *of National Intelligence shall provide the Inspector General*
8 *of the Intelligence Community with appropriate and ade-*
9 *quate office space at central and field office locations and*
10 *with such equipment, office supplies, maintenance services,*
11 *and communications facilities and services as may be nec-*
12 *essary for the operation of such offices.*

13 “(2)(A) *The Inspector General shall select, appoint,*
14 *and employ such officers and employees as may be nec-*
15 *essary to carry out the functions, powers, and duties of the*
16 *Inspector General. The Inspector General shall ensure that*
17 *any officer or employee selected, appointed, or employed has*
18 *a security clearance appropriate for the assigned duties of*
19 *such officer or employee.*

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

1 “(C) *In meeting the requirements of this paragraph,*
2 *the Inspector General shall recommend policies to the Direc-*
3 *tor of National Intelligence to create within the intelligence*
4 *community a career cadre of sufficient size to provide ap-*
5 *propriate continuity and objectivity needed for the effective*
6 *performance of the duties of the Inspector General.*

7 “(3)(A) *The Inspector General may, in consultation*
8 *with the Director, request such information or assistance*
9 *as may be necessary for carrying out the duties and respon-*
10 *sibilities of the Inspector General from any department,*
11 *agency, or other element of the United States Government.*

12 “(B) *Upon request of the Inspector General for infor-*
13 *mation or assistance under subparagraph (A), the head of*
14 *the department, agency, or element concerned shall furnish*
15 *to the Inspector General, or to an authorized designee, such*
16 *information or assistance.*

17 “(C) *The Inspector General of the Intelligence Commu-*
18 *nity may, upon reasonable notice to the head of any element*
19 *of the intelligence community and in coordination with the*
20 *inspector general of that element pursuant to subsection (g),*
21 *conduct an inspection, review, or audit of such element and*
22 *may enter into any place occupied by such element for pur-*
23 *poses of the performance of the duties of the Inspector Gen-*
24 *eral.*

1 “(i) *REPORTS.—(1)(A) Not later than January 31 and*
2 *July 31 of each year, the Inspector General of the Intel-*
3 *ligence Community shall prepare and submit to the Direc-*
4 *tor of National Intelligence a report summarizing the ac-*
5 *tivities of the Office of the Inspector General of the Intel-*
6 *ligence Community during the preceding six-month period.*
7 *The Inspector General of the Intelligence Community shall*
8 *provide any portion of the report involving a component*
9 *of a department of the United States Government to the*
10 *head of that department simultaneously with submission of*
11 *the report to the Director of National Intelligence.*

12 “(B) *Each report under this paragraph shall include*
13 *the following:*

14 “(i) *A list of the titles or subjects of each inves-*
15 *tigation, inspection, review, or audit conducted dur-*
16 *ing the period covered by such report, including a*
17 *summary of the progress of each particular investiga-*
18 *tion, inspection, or audit since the preceding report*
19 *of the Inspector General under this paragraph.*

20 “(ii) *A description of significant problems,*
21 *abuses, and deficiencies relating to the administration*
22 *and implementation of programs and operations of*
23 *the intelligence community, and in the relationships*
24 *between elements of the intelligence community, iden-*

1 *tified by the Inspector General during the period cov-*
2 *ered by such report.*

3 “(iii) *A description of the recommendations for*
4 *disciplinary action made by the Inspector General*
5 *during the period covered by such report with respect*
6 *to significant problems, abuses, or deficiencies de-*
7 *scribed in clause (ii).*

8 “(iv) *A statement of whether or not corrective or*
9 *disciplinary action has been completed on each sig-*
10 *nificant recommendation described in previous semi-*
11 *annual reports, and, in a case where corrective action*
12 *has been completed, a description of such corrective*
13 *action.*

14 “(v) *A certification of whether or not the Inspec-*
15 *tor General has had full and direct access to all infor-*
16 *mation relevant to the performance of the functions of*
17 *the Inspector General.*

18 “(vi) *A description of the exercise of the sub-*
19 *poena authority under subsection (f)(5) by the Inspec-*
20 *tor General during the period covered by such report.*

21 “(vii) *Any recommendations that the Inspector*
22 *General considers appropriate for legislation to pro-*
23 *mote economy, efficiency, and effectiveness in the ad-*
24 *ministration and implementation of matters within*
25 *the responsibility and authority of the Director of Na-*

1 *tional Intelligence, and to detect and eliminate fraud*
2 *and abuse in such matters.*

3 *“(C) Not later than 30 days after the date of receipt*
4 *of a report under subparagraph (A), the Director shall sub-*
5 *mit the report to the congressional intelligence committees*
6 *together with any comments the Director considers appro-*
7 *priate.*

8 *“(D) Each report submitted under subparagraphs (A)*
9 *and (C) shall be submitted in unclassified form, but may*
10 *include a classified annex.*

11 *“(2)(A) The Inspector General shall report imme-*
12 *diately to the Director whenever the Inspector General be-*
13 *comes aware of particularly serious or flagrant problems,*
14 *abuses, or deficiencies relating to matters within the respon-*
15 *sibility and authority of the Director of National Intel-*
16 *ligence.*

17 *“(B) The Director shall submit to the congressional in-*
18 *telligence committees each report under subparagraph (A)*
19 *within 7 days of the receipt of such report, together with*
20 *such comments as the Director considers appropriate. The*
21 *Director shall submit to the committees of the Senate and*
22 *of the House of Representatives with jurisdiction over a de-*
23 *partment of the United States Government any portion of*
24 *each report under subparagraph (A) that involves a prob-*
25 *lem, abuse, or deficiency related to a component of such de-*

1 *partment simultaneously with transmission of the report to*
2 *the congressional intelligence committees.*

3 “(3) *The Inspector General shall immediately notify*
4 *and submit a report to the congressional intelligence com-*
5 *mittees on an investigation, inspection, review, or audit*
6 *if—*

7 “(A) *the Inspector General is unable to resolve*
8 *any significant differences with the Director affecting*
9 *the execution of the duties or responsibilities of the*
10 *Inspector General;*

11 “(B) *the investigation, inspection, review, or*
12 *audit carried out by the Inspector General focuses on*
13 *any current or former intelligence community official*
14 *who—*

15 “(i) *holds or held a position in an element*
16 *of the intelligence community that is subject to*
17 *appointment by the President, whether or not by*
18 *and with the advice and consent of the Senate,*
19 *including such a position held on an acting*
20 *basis;*

21 “(ii) *holds or held a position in an element*
22 *of the intelligence community, including a posi-*
23 *tion held on an acting basis, that is appointed*
24 *by the Director of National Intelligence; or*

1 “(iii) holds or held a position as head of an
2 element of the intelligence community or a posi-
3 tion covered by subsection (b) or (c) of section
4 106;

5 “(C) a matter requires a report by the Inspector
6 General to the Department of Justice on possible
7 criminal conduct by a current or former official de-
8 scribed in subparagraph (B);

9 “(D) the Inspector General receives notice from
10 the Department of Justice declining or approving
11 prosecution of possible criminal conduct of any cur-
12 rent or former official described in subparagraph (B);
13 or

14 “(E) the Inspector General, after exhausting all
15 possible alternatives, is unable to obtain significant
16 documentary information in the course of such inves-
17 tigation, inspection, review, or audit.

18 “(4)(A) An employee of an element of the intelligence
19 community, an employee assigned or detailed to an element
20 of the intelligence community, or an employee of a con-
21 tractor of the intelligence community who intends to report
22 to Congress a complaint or information with respect to an
23 urgent concern may report such complaint or information
24 to the Inspector General.

1 “(B) Not later than the end of the 14-day period begin-
2 ning on the date of receipt from an employee of a complaint
3 or information under subparagraph (A), the Inspector Gen-
4 eral shall determine whether the complaint or information
5 appears credible. Upon making such a determination, the
6 Inspector General shall submit to the Director a notice of
7 that determination, together with the complaint or informa-
8 tion.

9 “(C) Upon receipt of a submittal from the Inspector
10 General under subparagraph (B), the Director shall, not
11 later than 7 days after such receipt, forward such trans-
12 mittal to the congressional intelligence committees, together
13 with 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 submit 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 intelligence committees in accordance with
9 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 clause (ii) does so in that member or employ-
13 ee’s official capacity as a member or employee of such com-
14 mittee.

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) Nothing in this paragraph shall be construed to
25 limit the protections afforded an employee of or contractor

1 *to the Central Intelligence Agency under section 17(e)(3)*
2 *of the Central Intelligence Agency Act of 1949 (50 U.S.C.*
3 *403q(e)(3)).*

4 “(H) *In this paragraph, the term ‘urgent concern’*
5 *means any of the following:*

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

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

16 “(iii) *An action, including a personnel action*
17 *described in section 2302(a)(2)(A) of title 5, United*
18 *States Code, constituting reprisal or threat of reprisal*
19 *prohibited under subsection (f)(3)(B) of this section.*

20 “(5) *In accordance with section 535 of title 28, United*
21 *States Code, the Inspector General shall report to the Attor-*
22 *ney General any information, allegation, or complaint re-*
23 *ceived by the Inspector General relating to violations of*
24 *Federal criminal law that involves a program or operation*
25 *of an element of the intelligence community, or in the rela-*

1 *tionships between the elements of the intelligence commu-*
2 *nity, consistent with such guidelines as may be issued by*
3 *the Attorney General pursuant to subsection (b)(2) of such*
4 *section. A copy of each such report shall be furnished to*
5 *the Director.*

6 “(j) *SEPARATE BUDGET ACCOUNT.*—*The Director of*
7 *National Intelligence shall, in accordance with procedures*
8 *to be issued by the Director in consultation with the con-*
9 *gressional intelligence committees, include in the National*
10 *Intelligence Program budget a separate account for the Of-*
11 *fice of Inspector General of the Intelligence Community.*

12 “(k) *CONSTRUCTION OF DUTIES REGARDING ELE-*
13 *MENTS OF INTELLIGENCE COMMUNITY.*—*Except as resolved*
14 *pursuant to subsection (g), the performance by the Inspector*
15 *General of the Intelligence Community of any duty, respon-*
16 *sibility, or function regarding an element of the intelligence*
17 *community shall not be construed to modify or affect the*
18 *duties and responsibilities of any other inspector general*
19 *having duties and responsibilities relating to such ele-*
20 *ment.”.*

21 “(2) *CLERICAL AMENDMENT.*—*The table of con-*
22 *tents in the first section of the National Security Act*
23 *of 1947 (50 U.S.C. 401 note), as amended by section*
24 *366 of this Act, is further amended by inserting after*

1 *the item relating to section 103H the following new*
2 *item:*

 “*Sec. 103I. Inspector General of the Intelligence Community.*”

3 **(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTAB-**
4 **LISH POSITION.**—*Section 8K of the Inspector General Act*
5 *of 1978 (5 U.S.C. App.) is repealed.*

6 **(c) EXECUTIVE SCHEDULE LEVEL III.**—*Section 5314*
7 *of title 5, United States Code, is amended by adding at*
8 *the end the following new item:*

9 *“Inspector General of the Intelligence Commu-*
10 *nity.”.*

11 **(d) APPLICABILITY DATE; TRANSITION.**—

12 **(1) APPLICABILITY.**—*The amendment made by*
13 *subsection (b) shall apply on the earlier of—*

14 **(A)** *the date of the appointment by the*
15 *President and confirmation by the Senate of an*
16 *individual to serve as Inspector General of the*
17 *Intelligence Community; or*

18 **(B)** *the date of the cessation of the perform-*
19 *ance of the duties of the Inspector General of the*
20 *Intelligence Community by the individual serv-*
21 *ing as the Inspector General of the Office of the*
22 *Director of National Intelligence as of the date of*
23 *the enactment of this Act.*

24 **(2) TRANSITION.**—*The individual serving as the*
25 *Inspector General of the Office of the Director of Na-*

1 *section (b) of section 17 of the Central Intelligence*
2 *Agency Act of 1949 (50 U.S.C. 403q).*

3 “(2) *TERMINATED, SUSPENDED PROGRAMS.—The*
4 *Inspector General of the Central Intelligence Agency*
5 *is not required to conduct an audit under paragraph*
6 *(1) of a covert action that has been terminated or sus-*
7 *suspended if such covert action was terminated or sus-*
8 *suspended prior to the last audit of such covert action*
9 *conducted by the Inspector General and has not been*
10 *restarted after the date on which such audit was com-*
11 *pleted.*

12 “(3) *REPORT.—Not later than 60 days after the*
13 *completion of an audit conducted pursuant to para-*
14 *graph (1), the Inspector General of the Central Intel-*
15 *ligence Agency shall submit to the congressional intel-*
16 *ligence committees a report containing the results of*
17 *such audit.”.*

18 (b) *CONFORMING AMENDMENTS.—Title V of the Na-*
19 *tional Security Act of 1947 (50 U.S.C. 413 et seq.) is*
20 *amended—*

21 (1) *in section 501(f) (50 U.S.C. 413(f)), by strik-*
22 *ing “503(e)” and inserting “503(i)”;*

23 (2) *in section 502(a)(1) (50 U.S.C. 413b(a)(1)),*
24 *by striking “503(e)” and inserting “503(i)”;* and

1 (3) *in section 504(c) (50 U.S.C. 414(c)), by*
2 *striking “503(e)” and inserting “503(i)”.*

3 **SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRAC-**
4 **TORS FOR INTERROGATIONS INVOLVING PER-**
5 **SONS IN THE CUSTODY OF THE CENTRAL IN-**
6 **TELLIGENCE AGENCY.**

7 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
8 *403a et seq.) is amended by adding at the end the following*
9 *new section:*

10 “*PROHIBITION ON THE USE OF PRIVATE CONTRACTORS*
11 *FOR INTERROGATIONS INVOLVING PERSONS IN THE*
12 *CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY*”

13 “*SEC. 24. (a) PROHIBITION.—Notwithstanding any*
14 *other provision of law, the Director of the Central Intel-*
15 *ligence Agency shall not expend or obligate funds for pay-*
16 *ment to any contractor to conduct the interrogation of a*
17 *detainee or prisoner in the custody of the Central Intel-*
18 *ligence Agency.*”

19 “(b) *EXCEPTION.—*”

20 “(1) *IN GENERAL.—The Director of the Central*
21 *Intelligence Agency may request, and the Director of*
22 *National Intelligence may grant, a written waiver of*
23 *the requirement under subsection (a) if the Director*
24 *of the Central Intelligence Agency determines that—*

25 “(A) *no employee of the Federal Govern-*
26 *ment is—*”

1 “(i) capable of performing such inter-
2 rogation; and

3 “(ii) available to perform such interro-
4 gation; and

5 “(B) such interrogation is in the national
6 interest of the United States and requires the use
7 of a contractor.

8 “(2) CLARIFICATION OF APPLICABILITY OF CER-
9 TAIN LAWS.—Any contractor conducting an interro-
10 gation pursuant to a waiver under paragraph (1)
11 shall be subject to all laws on the conduct of interro-
12 gations that would apply if an employee of the Fed-
13 eral Government were conducting the interrogation.”.

14 **SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTEL-**
15 **LIGENCE AGENCY CONTRACTING OFFICERS.**

16 Section 8(d) of the Contract Disputes Act of 1978 (41
17 U.S.C. 607(d)) is amended by inserting before the sentence
18 beginning with “In exercising” the following new sentence:
19 “Notwithstanding any other provision of law, an appeal
20 from a decision of a contracting officer of the Central Intel-
21 ligence Agency relative to a contract made by that agency
22 may be filed with whichever of the Armed Services Board
23 or the Civilian Board is specified by the contracting officer
24 as the Board to which such an appeal may be made and

1 *the Board so specified shall have jurisdiction to decide that*
2 *appeal.”.*

3 **SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTEL-**
4 **LIGENCE AGENCY.**

5 *(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIREC-*
6 *TOR OF CIA.—Title I of the National Security Act of 1947*
7 *(50 U.S.C. 402 et seq.) is amended by inserting after section*
8 *104A the following new section:*

9 *“DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE*
10 *AGENCY*

11 *“SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL IN-*
12 *TELLIGENCE AGENCY.—There is a Deputy Director of the*
13 *Central Intelligence Agency who shall be appointed by the*
14 *President.*

15 *“(b) DUTIES.—The Deputy Director of the Central In-*
16 *telligence Agency shall—*

17 *“(1) assist the Director of the Central Intel-*
18 *ligence Agency in carrying out the duties and respon-*
19 *sibilities of the Director of the Central Intelligence*
20 *Agency; and*

21 *“(2) during the absence or disability of the Di-*
22 *rector of the Central Intelligence Agency, or during a*
23 *vacancy in the position of Director of the Central In-*
24 *telligence Agency, act for and exercise the powers of*
25 *the Director of the Central Intelligence Agency.”.*

26 *(b) CONFORMING AMENDMENTS.—*

1 (1) *EXECUTIVE SCHEDULE III.*—Section 5314 of
2 title 5, United States Code, is amended by striking
3 “Deputy Directors of Central Intelligence (2)” and
4 inserting “Deputy Director of the Central Intelligence
5 Agency”.

6 (2) *TABLE OF CONTENTS.*—The table of contents
7 in the first section of the National Security Act of
8 1947 (50 U.S.C. 401 note) is amended by inserting
9 after the item relating to section 104A the following
10 new item:

 “Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

11 (c) *APPLICABILITY.*—The amendments made by this
12 section shall apply on the earlier of—

13 (1) the date of the appointment by the President
14 of an individual to serve as Deputy Director of the
15 Central Intelligence Agency, except that the indi-
16 vidual administratively performing the duties of the
17 Deputy Director of the Central Intelligence Agency as
18 of the date of the enactment of this Act may continue
19 to perform such duties until the individual appointed
20 to the position of Deputy Director of the Central In-
21 telligence Agency assumes the duties of such position;
22 or

23 (2) the date of the cessation of the performance
24 of the duties of the Deputy Director of the Central In-
25 telligence Agency by the individual administratively

1 “(2) *until such time as such recording is no*
2 *longer relevant to an ongoing or anticipated legal*
3 *proceeding or investigation or required to be main-*
4 *tained under any other provision of law.*

5 “(b) *EXCEPTION.—The requirement to record an inter-*
6 *rogation in video form under subsection (a) shall not apply*
7 *with respect to an interrogation incident to arrest con-*
8 *ducted by Agency personnel designated by the Director*
9 *under section 15(a) that are assigned to the headquarters*
10 *of the Central Intelligence Agency and acting in the official*
11 *capacity of such personnel.*

12 “(c) *INTERROGATION DEFINED.—In this section, the*
13 *term ‘interrogation’ means the systematic process of at-*
14 *tempting to obtain information from an uncooperative de-*
15 *tainee.’’.*

16 “(b) *SUBMISSION OF GUIDELINES.—Not later than 90*
17 *days after the date of the enactment of this Act, the Director*
18 *of the Central Intelligence Agency shall submit to the con-*
19 *gressional intelligence committees the guidelines developed*
20 *under section 25(a) of the Central Intelligence Agency Act*
21 *of 1949, as added by subsection (a) of this section. Such*
22 *guidelines shall be submitted in unclassified form, but may*
23 *contain a classified annex.*

1 ***Subtitle C—Other Elements***

2 ***SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.***

3 *Section 3(4) of the National Security Act of 1947 (50*
4 *U.S.C. 401a(4)) is amended—*

5 (1) *in subparagraph (H), by inserting “the*
6 *Coast Guard,” after “the Marine Corps,”; and*

7 (2) *in subparagraph (K), by striking “The ele-*
8 *ments” and all that follows through “the Coast*
9 *Guard” and inserting “The Office of Intelligence and*
10 *Analysis of the Department of Homeland Security”.*

11 ***SEC. 422. CLARIFICATION OF INCLUSION OF DRUG EN-***
12 ***FORCEMENT ADMINISTRATION AS AN ELE-***
13 ***MENT OF THE INTELLIGENCE COMMUNITY.***

14 *Section 3(4)(H) of the National Security Act of 1947*
15 *(50 U.S.C. 401a(4)(H)), as amended by section 421 of this*
16 *Act, is further amended by inserting “the Drug Enforce-*
17 *ment Administration,” after “the Federal Bureau of Inves-*
18 *tigation,”.*

19 ***SEC. 423. 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 (title*
24 *IX of Public Law 107–306; 50 U.S.C. 402c) is amended—*

1 (1) *by striking subsections (d), (h), (i), and (j);*
2 *and*

3 (2) *by redesignating subsections (e), (f), (g), (k),*
4 *(l), and (m) as subsections (d), (e), (f), (g), (h), and*
5 *(i), respectively; and*

6 (3) *in subsection (f), as redesignated by para-*
7 *graph (2) of this subsection, by striking paragraphs*
8 *(3) and (4).*

9 (b) *CONFORMING AMENDMENTS.—Such section 904 is*
10 *further amended—*

11 (1) *in subsection (d), as redesignated by sub-*
12 *section (a)(2) of this section—*

13 (A) *in paragraph (1), by striking “sub-*
14 *section (f)” and inserting “subsection (e)”; and*

15 (B) *in paragraph (2), by striking “sub-*
16 *section (f)” and inserting “subsection (e)”; and*
17 *(2) in subsection (e), as so redesignated—*

18 (A) *in paragraph (1), by striking “sub-*
19 *section (e)(1)” and inserting “subsection (d)(1)”;*
20 *and*

21 (B) *in paragraph (2), by striking “sub-*
22 *section (e)(2)” and inserting “subsection (d)(2)”.*

1 **SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF**
2 **CERTAIN COMPONENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 (a) *DIRECTOR OF NATIONAL SECURITY AGENCY.*—*The*
5 *National Security Agency Act of 1959 (50 U.S.C. 402 note)*
6 *is amended by inserting after the first section the following*
7 *new section:*

8 “*SEC. 2. (a) There is a Director of the National Secu-*
9 *riety Agency.*”

10 “*(b) The Director of the National Security Agency*
11 *shall be appointed by the President, by and with the advice*
12 *and consent of the Senate.*”

13 “*(c) The Director of the National Security Agency*
14 *shall be the head of the National Security Agency and shall*
15 *discharge such functions and duties as are provided by this*
16 *Act or otherwise by law.*”

17 (b) *DIRECTOR OF NATIONAL RECONNAISSANCE OF-*
18 *FICE.*—*The Director of the National Reconnaissance Office*
19 *shall be appointed by the President, by and with the advice*
20 *and consent of the Senate.*

21 (c) *CONFORMING AMENDMENT.*—*Section 106(b)(2) of*
22 *the National Security Act of 1947 (50 U.S.C. 403–6(b)(2))*
23 *is amended—*

24 (1) *by striking subparagraphs (A) and (B);*

1 (2) *by redesignating subparagraphs (C) through*
2 *(I) as subparagraphs (A) through (G), respectively;*
3 *and*

4 (3) *by moving subparagraph (G), as redesign-*
5 *ated by paragraph (2) of this subsection, two ems to*
6 *the left.*

7 (d) *EFFECTIVE DATE AND APPLICABILITY.—The*
8 *amendment made by subsection (a) and the provisions of*
9 *subsection (b) shall apply upon the earlier of—*

10 (1) *the date of the nomination by the President*
11 *of an individual to serve in the position concerned,*
12 *except that the individual serving in such position as*
13 *of the date of the enactment of this Act may continue*
14 *to perform such duties after such date of nomination*
15 *and until the individual appointed to such position,*
16 *by and with the advice and consent of the Senate, as-*
17 *sumes the duties of such position; or*

18 (2) *the date of the cessation of the performance*
19 *of the duties of such position by the individual per-*
20 *forming such duties as of the date of the enactment*
21 *of this Act.*

1 **SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECUR-**
2 **RITY AGENCY FOR COMPLIANCE AND TRAIN-**
3 **ING.**

4 *The National Security Agency Act of 1959 (50 U.S.C.*
5 *402 note), as amended by section 424 of this Act, is further*
6 *amended by inserting after section 2 (as added by such sec-*
7 *tion 424) the following new section:*

8 “*SEC. 3. (a) There is an Associate Director of the Na-*
9 *tional Security Agency for Compliance and Training, who*
10 *shall be appointed by the Director of the National Security*
11 *Agency.*”

12 “*(b) The Associate Director of the National Security*
13 *Agency for Compliance and Training shall ensure that—*

14 “*(1) all programs and activities of the National*
15 *Security Agency are conducted in a manner con-*
16 *sistent with all applicable laws, regulations, and poli-*
17 *cies; and*

18 “*(2) the training of relevant personnel is suffi-*
19 *cient to ensure that such programs and activities are*
20 *conducted in such a manner.*”

21 **SEC. 426. GENERAL COUNSEL OF THE NATIONAL SECURITY**
22 **AGENCY.**

23 *(a) GENERAL COUNSEL.—The National Security*
24 *Agency Act of 1959 (50 U.S.C. 402 note), as amended by*
25 *section 425 of this Act, is further amended by inserting after*

1 *section 3 (as added by such section 425), the following new*
2 *section:*

3 “*SEC. 4. (a) There is a General Counsel of the National*
4 *Security Agency, who shall be appointed by the President,*
5 *by and with the advice and consent of the Senate.*”

6 “(b) *The General Counsel of the National Security*
7 *Agency shall serve as the chief legal officer of the National*
8 *Security Agency.*”.

9 “(b) *EFFECTIVE DATE.*—*The amendment made by sub-*
10 *section (a) shall take effect on the date that is 180 days*
11 *after the date on which the Director of the National Secu-*
12 *rity Agency is appointed by the President and confirmed*
13 *by the Senate in accordance with section 2 of the National*
14 *Security Agency Act of 1959, as added by section 424 of*
15 *this Act.*”

16 ***SEC. 427. INSPECTOR GENERAL OF THE NATIONAL SECU-***
17 ***RITY AGENCY.***

18 *Section 12 of the Inspector General Act of 1978 (5*
19 *U.S.C. App.) is amended—*

20 (1) *in paragraph (1), by inserting “the National*
21 *Security Agency;” after “the Federal Emergency*
22 *Management Agency,”; and*

23 (2) *in paragraph (2), by inserting “the National*
24 *Security Agency,” after “the National Aeronautics*
25 *and Space Administration,”.*

1 **SEC. 428. CHARTER FOR THE NATIONAL RECONNAISSANCE**

2 **OFFICE.**

3 *Not later than 90 days after the date of the enactment*
4 *of this Act, the Director of National Intelligence and the*
5 *Secretary of Defense shall jointly submit to the congress-*
6 *sional intelligence committees and the congressional defense*
7 *committees (as defined in section 101(a)(16) of title 10,*
8 *United States Code) a revised charter for the National Re-*
9 *connaissance Office (in this section referred to as the*
10 *“NRO”). The charter shall include the following:*

11 *(1) The organizational and governance structure*
12 *of the NRO.*

13 *(2) NRO participation in the development and*
14 *generation of requirements and acquisition.*

15 *(3) The scope of NRO capabilities.*

16 *(4) The roles and responsibilities of the NRO*
17 *and the relationship of the NRO to other elements of*
18 *the intelligence community and the defense commu-*
19 *nity.*

1 **TITLE V—OTHER MATTERS**
2 **Subtitle A—General Intelligence**
3 **Matters**

4 **SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE**
5 **REVIEW OF THE RESEARCH AND DEVELOP-**
6 **MENT PROGRAMS OF THE UNITED STATES IN-**
7 **TELLIGENCE COMMUNITY.**

8 (a) *EXTENSION.*—

9 (1) *IN GENERAL.*—*Subsection (a) of section 1007*
10 *of the Intelligence Authorization Act for Fiscal Year*
11 *2003 (Public Law 107–306; 116 Stat. 2442) is*
12 *amended by striking “September 1, 2004” and insert-*
13 *ing “February 1, 2011”.*

14 (2) *EFFECTIVE DATE.*—*Subject to paragraph (3),*
15 *the amendment made by paragraph (1) shall take ef-*
16 *fect as if included in the enactment of such section*
17 *1007.*

18 (3) *COMMISSION MEMBERSHIP.*—

19 (A) *IN GENERAL.*—*The membership of the*
20 *National Commission for the Review of the Re-*
21 *search and Development Programs of the United*
22 *States Intelligence Community established under*
23 *subsection (a) of section 1002 of such Act (Public*
24 *Law 107–306; 116 Stat. 2438) (referred to in*
25 *this section as the “Commission”) shall be con-*

1 *sidered vacant and new members shall be ap-*
2 *pointed in accordance with such section 1002, as*
3 *amended by subparagraph (B).*

4 (B) *TECHNICAL AMENDMENT.*—Paragraph
5 (1) of section 1002(b) of such Act is amended by
6 striking “*The Deputy Director of Central Intel-*
7 *ligence for Community Management.*” and in-
8 serting “*The Principal Deputy Director of Na-*
9 *tional Intelligence.*”.

10 (4) *CLARIFICATION OF DUTIES.*—Section 1002(i)
11 of such Act is amended in the matter preceding para-
12 graph (1) by striking “*including—*” and inserting
13 “*including advanced research and development pro-*
14 *grams and activities. Such review shall include—*”.

15 (b) *FUNDING.*—

16 (1) *IN GENERAL.*—Of the amounts authorized to
17 be appropriated by this Act for the Intelligence Com-
18 munity Management Account, the Director of Na-
19 tional Intelligence shall make \$2,000,000 available to
20 the Commission to carry out title X of the Intelligence
21 Authorization Act for Fiscal Year 2003 (Public Law
22 107–306; 116 Stat. 2437).

23 (2) *AVAILABILITY.*—Amounts made available to
24 the Commission pursuant to paragraph (1) shall re-
25 main available until expended.

1 **SEC. 502. EXPANSION AND CLARIFICATION OF THE DUTIES**
2 **OF THE PROGRAM MANAGER FOR THE INFOR-**
3 **MATION SHARING ENVIRONMENT.**

4 *Section 1016 of the Intelligence Reform and Terrorism*
5 *Prevention Act of 2004 (6 U.S.C. 485) is amended—*

6 *(1) in subsection (a)—*

7 *(A) in paragraph (3), by striking “ter-*
8 *rorism and homeland security information” and*
9 *inserting “national security information”;*

10 *(B) by redesignating paragraphs (4), (5),*
11 *and (6) as paragraphs (5), (6), and (7), respec-*
12 *tively; and*

13 *(C) by inserting after paragraph (3) the fol-*
14 *lowing new paragraph:*

15 *“(4) NATIONAL SECURITY INFORMATION.—The*
16 *term ‘national security information’ includes home-*
17 *land security information and terrorism informa-*
18 *tion.”;*

19 *(2) in subsection (b)—*

20 *(A) in paragraph (1)(A), by striking “ter-*
21 *rorism information” and inserting “national se-*
22 *curity information”;* and

23 *(B) in paragraph (2) in the first sentence*
24 *of the matter preceding subparagraph (A), by*
25 *striking “terrorism information” and inserting*
26 *“national security information”;* and

1 (3) *in subsection (f)(1)—*

2 (A) *in the second sentence, by inserting “in*
3 *the Executive Office of the President and shall*
4 *serve” after “The individual designated as the*
5 *program manager shall serve”; and*

6 (B) *in the third sentence, by striking*
7 *“homeland security information, terrorism infor-*
8 *mation, and weapons of mass destruction infor-*
9 *mation” and inserting “national security infor-*
10 *mation”.*

11 **SEC. 503. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH**
12 **MATERIALS IN THE POSSESSION OF THE CON-**
13 **GRESSIONAL INTELLIGENCE COMMITTEES.**

14 *The Director of National Intelligence shall, in accord-*
15 *ance with procedures established by each of the congres-*
16 *sional intelligence committees, conduct a classification re-*
17 *view of materials in the possession of each of those commit-*
18 *tees that—*

19 (1) *are not less than 25 years old; and*

20 (2) *were created, or provided to that committee,*
21 *by the executive branch.*

1 **SEC. 504. PROHIBITION ON USE OF FUNDS TO PROVIDE MI-**
2 **RANDA WARNINGS TO CERTAIN PERSONS**
3 **OUTSIDE OF THE UNITED STATES.**

4 *None of the funds authorized to be appropriated by this*
5 *Act may be used to provide the warnings of constitutional*
6 *rights described in *Miranda v. Arizona*, 384 U.S. 436 (U.S.*
7 *1966), to a person located outside of the United States who*
8 *is not a United States person and is—*

9 *(1) suspected of terrorism, associated with terror-*
10 *ists, or believed to have knowledge of terrorists; or*

11 *(2) a detainee in the custody of the Armed Forces*
12 *of the United States.*

13 ***Subtitle B—Technical Amendments***

14 **SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL IN-**
15 **TELLIGENCE AGENCY ACT OF 1949.**

16 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
17 *403a et seq.) is amended—*

18 *(1) in section 5(a)(1), by striking “authorized*
19 *under paragraphs (2) and (3)” and all that follows*
20 *through “(50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d),*
21 *403–4(a), (g), and 405)” and inserting “authorized*
22 *under section 104A of the National Security Act of*
23 *1947 (50 U.S.C. 403–4a)”;* and

24 *(2) in section 17(d)(3)(B)—*

25 *(A) in clause (i), by striking “advise” and*
26 *inserting “advice”;* and

1 (B) in clause (ii)—

2 (i) in subclause (I), by striking “Exec-
3 utive Director” and inserting “Associate
4 Deputy Director”;

5 (ii) in subclause (II), by striking
6 “Deputy Director for Operations” and in-
7 serting “Director of the National Clandes-
8 tine Service”;

9 (iii) in subclause (III), by striking
10 “Deputy Director for Intelligence” and in-
11 serting “Director of Intelligence”;

12 (iv) in subclause (IV), by striking
13 “Deputy Director for Administration” and
14 inserting “Director of Support”; and

15 (v) in subclause (V), by striking “Dep-
16 uty Director for Science and Technology”
17 and inserting “Director of Science and
18 Technology”.

19 **SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RE-**
20 **TIREMENT PROVISION OF CENTRAL INTEL-**
21 **LIGENCE AGENCY RETIREMENT ACT.**

22 *Section 235(b)(1)(A) of the Central Intelligence Agency*
23 *Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to*
24 *read as follows:*

1 “(A) Upon reaching age 65, in the case of
2 a participant in the system who is at the Senior
3 Intelligence Service rank of level 4 or above;
4 and”.

5 **SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
6 **SCHEDULE.**

7 (a) *EXECUTIVE SCHEDULE LEVEL II.*—Section 5313
8 of title 5, United States Code, is amended by striking the
9 item relating to the Director of Central Intelligence and in-
10 serting the following new item:

11 “Director of the Central Intelligence Agency.”.

12 (b) *EXECUTIVE SCHEDULE LEVEL IV.*—Section 5315
13 of title 5, United States Code is amended by striking the
14 item relating to the General Counsel of the Office of the
15 National Intelligence Director and inserting the following
16 new item:

17 “General Counsel of the Office of the Director of Na-
18 tional Intelligence.”.

19 **SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN IN-**
20 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

21 *The Foreign Intelligence Surveillance Act of 1978 (50*
22 *U.S.C. 1801 et seq.) is amended—*

23 (1) *in section 101—*

24 (A) *in subsection (a), by moving paragraph*

25 (7) *two ems to the right; and*

1 (B) by moving subsections (b) through (p)
2 two ems to the right;

3 (2) in section 103, by redesignating subsection
4 (i) as subsection (h);

5 (3) in section 109(a)—

6 (A) in paragraph (1), by striking “section
7 112.,” and inserting “section 112.”; and

8 (B) in paragraph (2), by striking the second
9 period;

10 (4) in section 301(1), by striking “‘United
11 States’” and all that follows through “and ‘State’”
12 and inserting “‘United States’, ‘person’, ‘weapon of
13 mass destruction’, and ‘State’”;

14 (5) in section 304(b), by striking “subsection
15 (a)(3)” and inserting “subsection (a)(2)”;

16 (6) in section 502(a), by striking “a annual”
17 and inserting “an annual”.

18 **SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF**
19 **THE INTELLIGENCE AUTHORIZATION ACT**
20 **FOR FISCAL YEAR 2004.**

21 Section 105(b) of the Intelligence Authorization Act for
22 Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;
23 31 U.S.C. 311 note) is amended—

24 (1) by striking “Director of Central Intelligence”
25 and inserting “Director of National Intelligence”; and

1 (2) by inserting “or in section 313 of such title,”
2 after “subsection (a)),”.

3 **SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
4 **REFORM AND TERRORISM PREVENTION ACT**
5 **OF 2004.**

6 *The Intelligence Reform and Terrorism Prevention Act*
7 *of 2004 (Public Law 108–458; 118 Stat. 3638) is amend-*
8 *ed—*

9 (1) in section 1016(e)(10)(B) (6 U.S.C.
10 485(e)(10)(B)), by striking “Attorney General” the
11 second place it appears and inserting “Department of
12 Justice”;

13 (2) in section 2001 (28 U.S.C. 532 note)—

14 (A) in subsection (c)(1)—

15 (i) by striking “shall,” and inserting
16 “shall”; and

17 (ii) by inserting “of” before “an insti-
18 tutional culture”;

19 (B) in subsection (e)(2), by striking “the
20 National Intelligence Director in a manner con-
21 sistent with section 112(e)” and inserting “the
22 Director of National Intelligence in a manner
23 consistent with applicable law”; and

1 (C) in subsection (f) in the matter preceding
2 paragraph (1), by striking “shall,” and inserting
3 “shall”; and

4 (3) in section 2006 (28 U.S.C. 509 note)—

5 (A) in paragraph (2), by striking “the Fed-
6 eral” and inserting “Federal”; and

7 (B) in paragraph (3), by striking “the spe-
8 cific” and inserting “specific”.

9 **SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE**
10 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
11 **GRAM.**

12 Section 1403 of the National Defense Authorization
13 Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

14 (1) in the heading, by striking “**FOREIGN**”;

15 (2) in subsection (a)—

16 (A) in the heading, by striking “FOREIGN”;

17 (B) by striking “foreign” each place it ap-
18 pears; and

19 (C) by striking “Director of Central Intel-
20 ligence” and inserting “Director of National In-
21 telligence”;

22 (3) in subsection (b), by striking “The Director”
23 and inserting “The Director of National Intelligence”;
24 and

25 (4) in subsection (c)—

1 (A) by striking “Director of Central Intel-
2 ligence” and inserting “Director of National In-
3 telligence”; and

4 (B) by striking “section 114a” and insert-
5 ing “section 221”.

6 **SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
7 **CURITY ACT OF 1947.**

8 *The National Security Act of 1947 (50 U.S.C. 401 et*
9 *seq.) is further amended—*

10 (1) section 3(4)(L), by striking “other” the sec-
11 ond place it appears;

12 (2) in section 102A—

13 (A) in subsection (c)(3)(A), by striking “an-
14 nual budgets for the Joint Military Intelligence
15 Program and for Tactical Intelligence and Re-
16 lated Activities” and inserting “annual budget
17 for the Military Intelligence Program or any
18 successor program”;

19 (B) in subsection (d)—

20 (i) in paragraph (1)(B), by striking
21 “Joint Military Intelligence Program” and
22 inserting “Military Intelligence Program or
23 any successor program”;

24 (ii) in paragraph (3) in the matter
25 preceding subparagraph (A), by striking

1 “subparagraph (A)” and inserting “para-
2 graph (1)(A)”]; and

3 (iii) in paragraph (5)—

4 (I) in subparagraph (A), by strik-
5 ing “or personnel” in the matter pre-
6 ceding clause (i); and

7 (II) in subparagraph (B), by
8 striking “or agency involved” in the
9 second sentence and inserting “in-
10 involved or the Director of the Central
11 Intelligence Agency (in the case of the
12 Central Intelligence Agency)”];

13 (C) in subsection (l)(2)(B), by striking “sec-
14 tion” and inserting “paragraph”; and

15 (D) in subsection (n), by inserting “AND
16 OTHER” after “ACQUISITION”];

17 (3) in section 103(b), by striking “, the National
18 Security Act of 1947 (50 U.S.C. 401 et seq.)”];

19 (4) in section 104A(g)(1) in the matter preceding
20 subparagraph (A), by striking “Directorate of Oper-
21 ations” and inserting “National Clandestine Service”];

22 (5) in section 119(c)(2)(B) (50 U.S.C.
23 4040(c)(2)(B)), by striking “subsection (h)” and in-
24 serting “subsection (i)”];

1 (6) in section 701(b)(1), by striking “Directorate
2 of Operations” and inserting “National Clandestine
3 Service”;

4 (7) in section 705(e)(2)(D)(i) (50 U.S.C.
5 432c(e)(2)(D)(i)), by striking “responsible” and in-
6 serting “responsive”; and

7 (8) in the table of contents in the first section—

8 (A) by striking the item relating to section
9 1002; and

10 (B) by inserting after the item relating to
11 section 1001 the following new item:

“Sec. 1002. Framework for cross-disciplinary education and training.”.

12 **SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
13 **STATES CODE.**

14 Section 528(c) of title 10, United States Code, is
15 amended—

16 (1) in the heading, by striking “ASSOCIATE DI-
17 RECTOR OF CIA FOR MILITARY AFFAIRS” and insert-
18 ing “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS,
19 CIA”; and

20 (2) by striking “Associate Director of the Central
21 Intelligence Agency for Military Affairs” and insert-
22 ing “Associate Director of Military Affairs, Central
23 Intelligence Agency, or any successor position”.

Union Calendar No. 99

11TH CONGRESS
1ST Session

H. R. 2701

[Report No. 111-186]

A BILL

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.

JUNE 26, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed