To authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

Mr. ROBERTS, from the Select Committee on Intelligence, reported the following original bill; which was read twice and referred to the Committee on Armed Services pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session

JUNE 14, 2006

Referred to the Committee on Armed Services for an additional 5 days pursuant to S. Res. 445, 108th Congress

JUNE 21, 2006

Reported by Mr. WARNER, without amendment

A BILL

To authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agen-
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the
“Intelligence Authorization Act for Fiscal Year 2007”.

(b) Table of Contents.—The table of contents for
this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Incorporation of classified annex.
Sec. 104. Personnel ceiling adjustments.
Sec. 105. Intelligence Community Management Account.
Sec. 106. Incorporation of reporting requirements.
Sec. 107. Availability to public of certain intelligence funding information.
Sec. 108. Response of intelligence community to requests from Congress for intel-
ligence documents and information.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE
COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the Na-
Sec. 304. Improvement of notification of Congress regarding intelligence activi-
ties of the United States Government.
Sec. 305. Delegation of authority for travel on common carriers for intelligence
collection personnel.
Sec. 306. Modification of availability of funds for different intelligence activi-
ties.
Sec. 307. Additional limitation on availability of funds for intelligence and intel-
ligence-related activities.
Sec. 308. Increase in penalties for disclosure of undercover intelligence officers
and agents.
Sec. 309. Retention and use of amounts paid as debts to elements of the intelligence community.
Sec. 310. Pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities.
Sec. 311. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 312. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 313. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
Sec. 314. Report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 403. Authority of the Director of National Intelligence to manage access to human intelligence information.
Sec. 404. Additional administrative authority of the Director of National Intelligence.
Sec. 405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 407. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 408. Inspector General of the Intelligence Community.
Sec. 409. Leadership and location of certain offices and officials.
Sec. 410. National Space Intelligence Center.
Sec. 411. Operational files in the Office of the Director of National Intelligence.
Sec. 412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.

Sec. 425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training program.
Sec. 432. Codification of authorities of National Security Agency protective personnel.
Sec. 433. Inspector general matters.
Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Foreign language incentive for certain non-special agent employees of the Federal Bureau of Investigation.
Sec. 442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
Sec. 443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.

TITLE V—OTHER MATTERS

Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 507. Technical amendments to the Executive Schedule.
Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.
TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.


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

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.


(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _________ of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this Act under section 103.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. INCORPORATION OF CLASSIFIED ANNEX.

(a) Status of Classified Annex.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. ____
of the One Hundred Ninth Congress and transmitted to
the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF
DIVISION.—Unless otherwise specifically stated, the
amounts specified in the Classified Annex are not in addi-
tion to amounts authorized to be appropriated by other
provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appro-
priated pursuant to an authorization contained in this Act
that are made available for a program, project, or activity
referred to in the Classified Annex may only be expended
for such program, project, or activity in accordance with
such terms, conditions, limitations, restrictions, and re-
quirements as are set out for that program, project, or
activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The
President shall provide for appropriate distribution of the
Classified Annex, or of appropriate portions of the annex,
within the executive branch of the Government.

SEC. 104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
proval of the Director of the Office of Management and
Budget, the Director of National Intelligence may author-
ize employment of civilian personnel in excess of the num-
ber authorized for fiscal year 2007 under section 102
when the Director of National Intelligence determines that
such action is necessary to the performance of important
intelligence functions, except that the number of personnel
employed in excess of the number authorized under such
section may not, for any element of the intelligence com-
munity, exceed 2 percent of the number of civilian per-
sonnel authorized under such section for such element.

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

SEC. 105. INTELLIGENCE COMMUNITY MANAGEMENT AC-
COUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated for the Intelligence Com-
nunity Management Account of the Director of National In-
telligence for fiscal year 2007 the sum of $648,952,000.
Within such amount, funds identified in the classified
Schedule of Authorizations referred to in section 102(a)
for advanced research and development shall remain avail-
able until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The ele-
ments within the Intelligence Community Management
Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(e) CLASSIFIED AUTHORIZATIONS.—

(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) Authorization of Personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.
(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) In General.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _______ of the One Hundred Ninth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) Congressional Intelligence Committees Defined.—In this section, the term “congressional intelligence committees” means—
(1) the Select Committee on Intelligence of the Senate; and

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

SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) Amounts Requested Each Fiscal Year.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) Amounts Authorized and Appropriated Each Fiscal Year.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) Study on Disclosure of Additional Information.—

(1) In General.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President
for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).
SEC. 108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

“SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, esti-
mate, legal opinion, or other information, as the case may
be.

“(b) Requests of Certain Members.—(1) The
Director of National Intelligence, the Director of the Na-
tional Counterterrorism Center, the Director of a national
intelligence center, or the head of any other department,
agency, or element of the Federal Government, or other
organization within the Executive branch, that is an ele-
ment of the intelligence community shall respond, in the
time specified in subsection (a), to a request described in
that subsection from the Chairman or Vice Chairman of
the Select Committee on Intelligence of the Senate or the
Chairman or Ranking Member of the Permanent Select
Committee on Intelligence of the House of Representa-
tives.

“(2) Upon making a request covered by paragraph
(1)—

“(A) the Chairman or Vice Chairman, as the
case may be, of the Select Committee on Intelligence
of the Senate shall notify the other of the Chairman
or Vice Chairman of such request; and

“(B) the Chairman or Ranking Member, as the
case may be, of the Permanent Select Committee on
Intelligence of the House of Representatives shall
notify the other of the Chairman or Ranking Member of such request.

“(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

“Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.”.
TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.
Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.
The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking “other” the second place it appears.

SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) Clarification of Definition of Congressional Intelligence Committees to Include All Members of Committees.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting “, and includes each member of the Select Committee” before the semicolon; and

(2) in subparagraph (B), by inserting “, and includes each member of the Permanent Select Committee” before the period.

(b) Notice on Information Not Disclosed.—

(1) In general.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
(B) by inserting after subsection (a) the following new subsection (b):

“(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

“(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

“(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

“(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the
Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.”.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking “subsection (b)” and inserting “subsections (b) and (c)’’.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting “(1)” after “(b)”; and

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

“(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

“(A) A concise statement of any facts pertinent to such report.
“(B) An explanation of the significance of the covert action covered by such report.”.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph: “(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

“(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

“(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.”.
(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking “significant” the first place it appears.

SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) Delegation of Authority.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting “(1)” before “The Director”;

(2) in paragraph (1), by striking “may only del-egate” and all that follows and inserting “may dele-gate the authority in subsection (a) to the head of any other element of the intelligence community.”;

and

(3) by adding at the end the following new paragraph:

“(2) The head of an element of the intelligence com-munity to whom the authority in subsection (a) is dele-gated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.”.
(b) **Submittal of Guidelines to Congress.**—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) **Congressional Intelligence Committees Defined.**—In this section, the term “congressional intelligence committees” means—

1. the Select Committee on Intelligence of the Senate; and
2. the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.**

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

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

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SEC. 307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting “the congressional intelligence committees have been fully and currently informed of such activity and if” after “only if”;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.”.
SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) Disclosure of Agent After Access to Information Identifying Agent.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(b) Disclosure of Agent After Access to Classified Information.—Subsection (b) of such section is amended by striking “five years” and inserting “ten years”.

SEC. 309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

“RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

“Sec. 1103. (a) Authority To Retain Amounts Paid.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Govern-
ment from personal funds, for repayment of a debt owed to the element of the intelligence community.

“(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

“(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

“(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

“(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.
“(2) The funding of any other activities authorized to be funded by such appropriation or account.

“(d) Debt Owed to an Element of the Intelligence Community Defined.—In this section, the term ‘debt owed to an element of the intelligence community’ means any of the following:

“(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

“(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

“(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a
court of competent jurisdiction or in a lawful administrative proceeding.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

“Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.”.

SEC. 310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking “or” at the end;

(2) in paragraph (12), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

“(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activ-
ity conducted by the receiving element of the in-
telligence community and pertains to an identifi-
fiable individual or, upon the authorization of
the Director of National Intelligence (or a des-
ignee of the Director in a position not lower
than Deputy Director of National Intelligence),
other than an identifiable individual; or

“(B) by any other agency that maintains
the record, if—

“(i) the head of the element of the in-
telligence community makes a written re-
quest to that agency specifying the par-
ticular portion of the record that is rel-
evant to a lawful and authorized activity of
the element of the intelligence community
to protect against international terrorism
or the proliferation of weapons of mass de-
struction; or

“(ii) the head of that agency deter-
mines that—

“(I) the record, or particular por-
tion thereof, constitutes terrorism in-
formation (as that term is defined in
section 1016(a)(4) of the National Se-
curity Intelligence Reform Act of
2004 (title I of Public Law 108–458))
or information concerning the prolifera-
tion of weapons of mass destruction; and

“(II) the disclosure of the record,
or particular portion thereof, will be
to an element of the intelligence com-
munity authorized to collect and ana-
lyze foreign intelligence or counter-
intelligence information related to
international terrorism or the pro-
liberation of weapons of mass destruc-
tion.”.

(b) Exemption From Certain Privacy Act Re-
quirements For Record Access And Accounting
For Disclosures.—Elements of the intelligence com-
nunity set forth in or designated under section 3(4) of the
National Security Act of 1947 (50 U.S.C. 401a(4)) receiv-
ing a disclosure under subsection (b)(13) of section 552a
of title 5, United States Code, shall not be required to
comply with subsection (c)(3), (c)(4), or (d) of such sec-
tion 552a with respect to such disclosure, or the records,
or portions thereof, disclosed under subsection (b)(13) of
such section 552a.
(c) Consultation on Determinations of Information Type.—Such section is further amended by adding at the end the following new subsection:

“(w) Authority To Consult on Determinations of Information Type.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4)) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.”.

(d) Construction.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) Recordkeeping Requirements.—

(1) Retention of requests.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of
section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) Access to retained requests.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying expla-
nation, is consistent with the protection of
intelligence sources and methods;

(ii) such official is appropriately
cleared for access to such request, and any
accompanying explanation; and

(iii) the access of such official to such
request, and any accompanying expla-
nation, is necessary for the performance of
the duties of such official.

(B) The Select Committee on Intelligence
of the Senate or the Permanent Select Com-
mittee on Intelligence of the House of Rep-
resentatives.

(C) The Inspector General of any element
of the intelligence community having jurisdic-
tion over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one
year after the date of the enactment of this Act, and
annually thereafter through the termination of this
section and the amendments made by this section
under subsection (j), the Director of National Intel-
ligence and the Attorney General, in coordination
with the Privacy and Civil Liberties Oversight
Board, shall jointly submit to the appropriate com-
mittees of Congress a report on the administration of this section and the amendments made by this section.

(2) Final report.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) Review and report by privacy and civil liberties oversight board.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–
458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) **Form of Reports.**—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) **Guidelines.**—

(1) **In general.**—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) **Elements.**—The guidelines prescribed under paragraph (1) shall—
(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be
submitted to the Select Committee on Intelligence of
the Senate and the Permanent Select Committee on
Intelligence of the House of Representatives.

(h) Effective Date.—

(1) In General.—Except as provided in para-
graph (2), this section and the amendments made by
this section shall take effect on the date of the
issuance of the guidelines required by subsection (g).

(2) Certain Requirements.—Subsections (f)
and (g) shall take effect on the date of the enact-
ment of this Act.

(i) Appropriate Committees of Congress De-

defined.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Homeland Security and
Governmental Affairs and the Select Committee on
Intelligence of the Senate; and

(2) the Committee on Government Reform and
the Permanent Select Committee on Intelligence of
the House of Representatives.

(j) Termination.—This section and the amend-
ments made by this section shall cease to have effect on
the date that is three years after the date of the issuance
of the guidelines required by subsection (g).
SEC. 311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

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

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

“(C) In this paragraph, the term ‘element of the intelligence community’ means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

SEC. 312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the
Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) **Funds of Central Intelligence Agency.**—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(e) **Travel and Transportation Expenses Defined.**—In this section, the term “travel and transportation expenses” means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.
SEC. 313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) Report Required.—Not later than September 1, 2006, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discon-
continued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and
(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(e) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term “congressional intelligence committees” means—

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

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

(2) The term “intelligence community” means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements
of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.
(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.
TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

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

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

“(G) in carrying out this subsection, have the authority—

“(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and
“(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

“(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).”.

SEC. 402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-
fore the period the following: “, any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community”.

SEC. 403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

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

(1) by inserting “(1)” before “Unless”; and

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

“(2) The Director of National Intelligence shall—

“(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

“(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subpara-
graph (A) throughout the intelligence community;
and

“(C) consistent with subparagraph (B), provide
within the Office of the Director of National Intel-
ligence a mechanism for intelligence community ana-
lysts and other officers with appropriate clearances
and an official need-to-know to gain access to infor-
mation referred to in subparagraph (A) or (B) when
relevant to their official responsibilities.”.

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF
THE DIRECTOR OF NATIONAL INTEL-
LIGENCE.

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

“(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—
(1) Notwithstanding section 1532 of title 31, United
States Code, or any other provision of law prohibiting the
interagency financing of activities described in clause (i)
or (ii) of subparagraph (A), in the performance of the re-
sponsibilities, authorities, and duties of the Director of
National Intelligence or the Office of the Director of Na-
tional Intelligence—

“(A) the Director may authorize the use of
interagency financing for—
“(i) national intelligence centers established by the Director under section 119B; and
“(ii) boards, commissions, councils, committees, and similar groups established by the Director; and
“(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.
“(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.”.

SEC. 405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

(1) by striking “WITH” and inserting “OF HEADQUARTERS WITH HEADQUARTERS OF”;

(2) by inserting “the headquarters of” before “the Office”; and
(3) by striking “any other element” and inserting “the headquarters of any other element”.

SEC. 406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting “and prioritize” after “coordinate”; and

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

“(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.”.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking “and” at the end;
(B) by redesignating paragraph (5) as paragraph (8); and

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

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

“(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

“(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and”; and

(2) by adding at the end the following new subsection:

“(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

“(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;
“(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

“(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

“(A) are consistent with current or future national intelligence requirements;

“(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

“(C) take into account funding constraints in program development and acquisition; and

“(D) address system requirements from collection to final dissemination (also known as ‘end-to-end architecture’).”.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—
(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking “the Presi-
dent, by and with the advice and consent of the Senate” and inserting “the Director of National Intelligence”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(2) in subsection (b), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(3) in subsection (c), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (d), by inserting “of the Intelligence Community” after “Chief Information Officer” the first place it appears.
SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"Sec. 103H. (a) Office of Inspector General of Intelligence Community.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) Purpose.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;
“(2) recommend policies designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and imple-
mentation of such programs and operations, and in such relationships; and

“(B) to prevent and detect fraud and abuse in such programs, operations, and rela-
tionships;

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

“(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relation-
ships; and

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

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

“(A) significant problems and deficiencies relating to the administration and implementa-
tion of such programs and operations, and to such relationships; and
“(B) the necessity for, and the progress of, corrective actions.

“(c) Inspector General of Intelligence Community.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

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

“(A) without regard to political affiliation;

“(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intel-
ligence committees the reasons for the removal of any indi-
individual from the position of Inspector General.

“(d) Duties and Responsibilities.—Subject to
subsections (g) and (h), it shall be the duty and responsi-
bility of the Inspector General of the Intelligence Commu-
nity—

“(1) to provide policy direction for, and to plan, con-
duct, supervise, and coordinate independently, the inves-
tigations, inspections, and audits relating to the pro-
grams and operations of the intelligence com-
munity, the elements of the intelligence community
within the National Intelligence Program, and the rela-
tionships between the elements of the intelligence com-
munity within the National Intelligence Program and the
other elements of the intelligence community to ensure
they are conducted efficiently and in ac-
cordance with applicable law and regulations;

“(2) to keep the Director of National Intel-
ligence fully and currently informed concerning vi-
lations of law and regulations, violations of civil lib-
erties and privacy, and fraud and other serious prob-
lems, abuses, and deficiencies that may occur in
such programs and operations, and in such relation-
ships, and to report the progress made in imple-
menting corrective action;
“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

“(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intel-
ligence sources and methods, provide the Inspector Gen-
eral with a copy of such report.

“(4) The Inspector General may submit to the con-
gressional intelligence committees any comments on a re-
port of which the Inspector General has notice under para-
graph (3) that the Inspector General considers appro-
priate.

“(f) AUTHORITIES.—(1) The Inspector General of
the Intelligence Community shall have direct and prompt
access to the Director of National Intelligence when nec-
essary for any purpose pertaining to the performance of
the duties of the Inspector General.

“(2)(A) The Inspector General shall have access to
any employee, or any employee of a contractor, of any ele-
ment of the intelligence community whose testimony is
needed for the performance of the duties of the Inspector
General.

“(B) The Inspector General shall have direct access
to all records, reports, audits, reviews, documents, papers,
recommendations, or other material which relate to the
programs and operations with respect to which the Inspect-
tor General has responsibilities under this section.

“(C) The level of classification or compartmentation
of information shall not, in and of itself, provide a suffi-
cient rationale for denying the Inspector General access
to any materials under subparagraph (B).

“(D) Failure on the part of any employee, or any em-
ployee of a contractor, of any element of the intelligence
community to cooperate with the Inspector General shall
be grounds for appropriate administrative actions by the
Director or, on the recommendation of the Director, other
appropriate officials of the intelligence community, includ-
ing loss of employment or the termination of an existing
contractual relationship.

“(3) The Inspector General is authorized to receive
and investigate complaints or information from any person
concerning the existence of an activity constituting a viola-
tion of laws, rules, or regulations, or mismanagement,
gross waste of funds, abuse of authority, or a substantial
and specific danger to the public health and safety. Once
such complaint or information has been received from an
employee of the Federal Government—

“(A) the Inspector General shall not disclose
the identity of the employee without the consent of
the employee, unless the Inspector General deter-
mines that such disclosure is unavoidable during the
course of the investigation or the disclosure is made
to an official of the Department of Justice respon-
sible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector
General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

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

“(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.
“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

“(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

“(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be pro-
vided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.
“(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appro-
priate, unclassified semiannual report summarizing the ac-
tivities of the Office of the Inspector General of the Intel-
ligence Community during the immediately preceding 6-
month periods ending December 31 (of the preceding 
year) and June 30, respectively.

“(B) Each report under this paragraph shall include, 
at a minimum, the following:

“(i) A list of the title or subject of each inves-
tigation, inspection, or audit conducted during the 
period covered by such report, including a summary 
of the progress of each particular investigation, in-
spection, or audit since the preceding report of the 
Inspector General under this paragraph.

“(ii) A description of significant problems, 
abuses, and deficiencies relating to the administra-
tion and implementation of programs and operations 
of the intelligence community, and in the relation-
ships between elements of the intelligence commu-
nity, identified by the Inspector General during the 
period covered by such report.

“(iii) A description of the recommendations for 
corrective or disciplinary action made by the Inspec-
tor General during the period covered by such report 
with respect to significant problems, abuses, or defi-
ciencies identified in clause (ii).
“(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semi-annual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

“(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director
shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

“(3) In the event that—

“(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—
“(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant
documentary information in the course of an investigation, inspection, or audit,
the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

“(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to
the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact the congressional intelligence committees directly; and
“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee’s official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information,
but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee’s reporting an urgent concern in accordance with this paragraph.

“(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may
be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

“(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.”.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”.
(b) **Repeal of Superseded Authority To Establish Position.**—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(e) **Executive Schedule Level IV.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Inspector General of the Intelligence Community.”

SEC. 409. **Leadership and location of certain offices and officials.**

(a) **National Counter Proliferation Center.**—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking “(a) Establishment.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting the following:

“(a) In General.—

“(1) Establishment.—The”; and

(2) by adding at the end the following new paragraphs:

“(2) Director.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall
be appointed by the Director of National Intelligence.

“(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.”.

SEC. 410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:
"NATIONAL SPACE INTELLIGENCE CENTER

"Sec. 119C. (a) Establishment.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) Director of National Space Intelligence Center.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) Missions.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.
“(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

“(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

“(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.”.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

“Sec. 119C. National Space Intelligence Center.”.

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee
on Intelligence of the House of Representatives a re-
port on the organizational structure of the National
Space Intelligence Center established by section
119C of the National Security Act of 1947 (as
added by subsection (a)).

(2) ELEMENTS.—The report required by para-
graph (1) shall include the following:

(A) The proposed organizational structure
of the National Space Intelligence Center.

(B) An identification of key participants in
the Center.

(C) A strategic plan for the Center during
the five-year period beginning on the date of
the report.

SEC. 411. OPERATIONAL FILES IN THE OFFICE OF THE DI-
RECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security
Act of 1947 (50 U.S.C. 431 et seq.) is amended by insert-
ing before section 701 the following new section:

“OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE

“Sec. 700. (a) EXEMPTION OF CERTAIN FILES
FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOS-
URE.—(1) Information and records described in para-
graph (2) shall be exempt from the provisions of section
552 of title 5, United States Code, that require search,
review, publication, or disclosure in connection therewith when—

“(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

“(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

“(2) Information and records described in this paragraph are the following:

“(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

“(B) Any information or records created by the Office that incorporate information described in sub-paragraph (A).
“(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

“(b) Search and Review of Certain Files.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

“(c) Search and Review for Certain Purposes.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:
“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

“(A) The Select Committee on Intelligence of the Senate.

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

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of the Director of National Intelligence.

“(F) The Office of the Inspector General of the Intelligence Community.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting
before the item relating to section 701 the following new item:

“Sec. 700. Operational files in the Office of the Director of National Intelligence.”.

SEC. 412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) In General.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

“(a) Authority for Payment of Awards.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

“(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.”.
(b) **REPEAL OF OBSOLETE AUTHORITY.**—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) **EXPEDITIOUS PAYMENT.**—That section is further amended by adding at the end the following new subsection (d):

“(d) **EXPEDITIOUS PAYMENT.**—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.”.

(d) **CONFORMING AMENDMENTS.**—That section is further amended—

(1) in subsection (b), by striking “to the Central Intelligence Agency or to the Intelligence Community Staff” and inserting “to the Office of the Director of National Intelligence or to the Central Intelligence Agency”; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking “Director of Central Intelligence” and inserting “Director of National Intelligence or Director of the Central Intelligence Agency”.

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(c) **TECHNICAL AND STYLISTIC AMENDMENTS.—**

That section is further amended—

(1) in subsection (b)—

(A) by inserting “PERSONNEL ELIGIBLE FOR AWARDS.—” after “(b)”;

(B) by striking “subsection (a) of this section” and inserting “subsection (a)”;

(C) by striking “a date five years before the date of enactment of this section” and inserting “December 9, 1978”; and

(2) in subsection (c), as so redesignated, by inserting “PAYMENT AND ACCEPTANCE OF AWARDS.—” after “(c)”.

**SEC. 413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.**

(a) **REPEAL OF CERTAIN AUTHORITIES.—** Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

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

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.
(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or”; (2) in paragraph (2), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:
“(3) the Office of the Director of National Intelligence.”.

SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director’s designee.”.

SEC. 416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Authority To Exempt.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) Promulgation Requirements.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.
Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Appointment of Director of Central Intelligence Agency.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting “from civilian life” after “who shall be appointed”.

(b) Establishment of Position of Deputy Director of Central Intelligence Agency.—Such section is further amended—

(1) by redesignating subsections (b), (e), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) Deputy Director of Central Intelligence Agency.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence
Agency in carrying out the duties and responsibilities of
the Director.

“(3) The Deputy Director of the Central Intelligence
Agency shall act for, and exercise the powers of, the Direc-
tor of the Central Intelligence Agency during the absence
or disability of the Director of the Central Intelligence
Agency or during a vacancy in the position of Director
of the Central Intelligence Agency.”.

(e) CONFORMING AMENDMENT.—Paragraph (2) of
subsection (d) of such section, as redesignated by sub-
section (b)(1) of this section, is further amended by strik-
ing “subsection (d)” and inserting “subsection (e)”.

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

“Deputy Director of the Central Intelligence
Agency.”.

(e) ROLE OF DNI IN APPOINTMENT.—Section
106(a)(2) of the National Security Act of 1947 (50 U.S.C.
403–6) is amended by adding at the end the following new
subsection:

“(C) The Deputy Director of the Central Intel-
ligence Agency.”.

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS
DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR AD-
MINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer’s status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.
(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with
the advice and consent of the Senate, assumes
the duties of such position.

(2) **Deputy Director of Central Intelligence Agency.**—The amendments made by sub-
sections (b) through (e) shall take effect on the date
of the enactment of this Act and shall apply upon
the earlier of—

(A) the date of the nomination by the
President of an individual to serve as Deputy
Director of the Central Intelligence Agency, ex-
cept that the individual administratively per-
forming the duties of the Deputy Director of
the Central Intelligence Agency as of the date
of the enactment of this Act may continue to
perform such duties after such date of nomina-
tion and until the individual appointed to the
position of Deputy Director of the Central In-
telligence Agency, by and with the advice and
consent of the Senate, assumes the duties of
such position; or

(B) the date of the cessation of the per-
formance of the duties of Deputy Director of
the Central Intelligence Agency by the indi-
vidual administratively performing such duties
as of the date of the enactment of this Act.
SEC. 422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) Responsibility of Director of Central Intelligence Agency Under National Security Act of 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and”.

(b) Protection Under Central Intelligence Agency Act of 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking “section 102A(i)” and all that follows through “unauthorized disclosure” and inserting “sections 102A(i)
and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))”.

(c) **Construction with Exemption from Requirement for Disclosure of Information to Public.**—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) **Technical Amendments to Central Intelligence Agency Retirement Act.**—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking “of DCI”;  
(2) by striking “section 102A(i)” and inserting “sections 102A(i) and 104A(e)(4)”;
(3) by striking “of National Intelligence”; and  
(4) by inserting “of the Central Intelligence Agency” after “methods”.

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SEC. 423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(2) in paragraph (2), by striking “position or category of positions” each place it appears and inserting “individual, individuals, position, or category of positions”; and

(3) by adding at the end the following new paragraph:

“(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.”.
(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: “The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.”;

and

(2) in the second sentence—

(A) by striking “section 104A(g)(2), as so added” and inserting “subsection (h)(2) of section 104A, as so added and redesignated”; and

(B) by striking “position or category of positions” and inserting “individual, individuals, position, or category of positions”.
SEC. 424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR

PROTECTIVE PERSONNEL OF THE CENTRAL

INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency

Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting “(A)” after “(4)”;

(2) in subparagraph (A), as so designated—

(A) by striking “and the protection” and

inserting “the protection”; and

(B) by striking the semicolon and inserting

“, and the protection of the Director of Na-

tional Intelligence and such personnel of the Of-

fice of the Director of National Intelligence as

the Director of National Intelligence may des-

ignate; and”; and

(3) by adding at the end the following new sub-

paragraph:

“(B) Authorize personnel engaged in the per-

formance of protective functions authorized pursuant

to subparagraph (A), when engaged in the perform-

ance of such functions, to make arrests without war-

rant for any offense against the United States com-

mitted in the presence of such personnel, or for any

felony cognizable under the laws of the United

States, if such personnel have reasonable grounds to

believe that the person to be arrested has committed
or is committing such felony, except that any au-

thority pursuant to this subparagraph may be exer-
cised only in accordance with guidelines approved by
the Director and the Attorney General and such per-
sonnel may not exercise any authority for the service
of civil process or for the investigation of criminal
offenses;”.

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT

ON RETIREMENT BENEFITS FOR FORMER EM-

PLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the
date of the enactment of this Act, the Director of National
Intelligence shall submit to Congress a report on the ad-
visability of providing Federal retirement benefits to
United States citizens for the service of such individuals
before 1977 as employees of Air America or an associated
company while such company was owned or controlled by
the United States Government and operated or managed
by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by
subsection (a) shall include the following:

(A) The history of Air America and associated
companies before 1977, including a description of—

(i) the relationship between such compa-

nies and the Central Intelligence Agency and
other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future
receive if such employees had been, or would
now be, treated as employees of the United
States whose services while in the employ of
such companies had been or would now be cred-
ited as Federal service for the purpose of Fed-
eral retirement benefits.

(D) The recommendations of the Director re-
warding the advisability of legislative action to treat
employment at such companies as Federal service
for the purpose of Federal retirement benefits in
light of the relationship between such companies and
the United States Government and the services and
sacrifices of such employees to and for the United
States, and if legislative action is considered advis-
able, a proposal for such action and an assessment
of its costs.

(2) The Director of National Intelligence shall in-
clude in the report any views of the Director of the Central
Intelligence Agency on the matters covered by the report
that the Director of the Central Intelligence Agency con-
siders appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The
Comptroller General of the United States shall, upon the
request of the Director of National Intelligence and in a
manner consistent with the protection of classified infor-
1. mation, assist the Director in the preparation of the report required by subsection (a).

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

3. (e) DEFINITIONS.—In this section:

4. (1) The term “Air America” means Air America, Incorporated.

5. (2) The term “associated company” means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

6. Subtitle C—Defense Intelligence Components

7. SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

8. (a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “terminated either by” and all that follows and inserting “terminated—

9. “(i) by the Agency due to misconduct by the employee;

10. “(ii) by the employee voluntarily; or
“(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and”.

(b) Authority To Withhold Disclosure of Affiliation With NSA.—Subsection (e) of such section is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

“Sec. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

“(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a)
are authorized, when engaged in the performance of such
functions, to make arrests without a warrant for—

“(A) any offense against the United States
committed in the presence of such personnel; or

“(B) any felony cognizable under the laws of
the United States if such personnel have reasonable
grounds to believe that the person to be arrested has
committed or is committing such felony.

“(2) The authority in paragraph (1) may be exercised
only in accordance with guidelines approved by the Direc-
tor and the Attorney General.

“(3) Personnel of the Agency designated to perform
protective functions pursuant to subsection (a) shall not
exercise any authority for the service of civil process or
the investigation of criminal offenses.

“(c) Nothing in this section shall be construed to im-
pair or otherwise affect any authority under any other pro-
vision of law relating to the performance of protective
functions.”.

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF
1978.—Subsection (a)(2) of section 8G of the Inspector
General Act of 1978 (5 U.S.C. App. 8G) is amended—
(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting,”;

(2) by inserting “the National Geospatial-Intelligence Agency,” after “the National Endowment for the Arts,”; and

(3) by inserting “the National Reconnaissance Office, the National Security Agency,” after “the National Labor Relations Board,”.

(b) Certain Designations Under Inspector General Act of 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

“(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.”.

(c) Power of Heads of Elements Over Investigations.—Subsection (d) of section 8G of that Act—

(1) by inserting “(1)” after “(d)”;

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by
striking “The head” and inserting “Except as pro-
vided in paragraph (2), the head”; and

(3) by adding at the end the following new
paragraph:

“(2)(A) The Director of National Intelligence or the
Secretary of Defense may prohibit the Inspector General
of an element of the intelligence community specified in
paragraph (D) from initiating, carrying out, or com-
pleting any audit or investigation if the Director or the
Secretary, as the case may be, determines that the prohibi-
tion is necessary to protect vital national security interests
of the United States.

“(B) If the Director or the Secretary exercises the
authority under subparagraph (A), the Director or the
Secretary, as the case may be, shall submit to the commit-
tees of Congress specified in subparagraph (E) an appro-
priately classified statement of the reasons for the exercise
of the authority not later than seven days after the exer-
cise of the authority.

“(C) At the same time the Director or the Secretary
submits under subparagraph (B) a statement on the exer-
cise of the authority in subparagraph (A) to the commit-
tees of Congress specified in subparagraph (E), the Direc-
tor or the Secretary, as the case may be, shall notify the
Inspector General of such element of the submittal of such
statement and, to the extent consistent with the protection
of intelligence sources and methods, provide the Inspector
General with a copy of such statement. The Inspector
General may submit to such committees of Congress any
comments on a notice or statement received by the Inspect-	or General under this subparagraph that the Inspector
General considers appropriate.

“(D) The elements of the intelligence community
specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agen-
cy.

“(iii) The National Reconnaissance Office.


“(E) The committees of Congress specified in this
subparagraph are—

“(i) the Committee on Armed Services and the
Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the
Permanent Select Committee on Intelligence of the
House of Representatives.”.
SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

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

“Sec. 2. (a) There is a Director of the National Security Agency.

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

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

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.”.
(c) **DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.**—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—

(1) **DESIGNATION OF POSITIONS.**—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) **COVERED POSITIONS.**—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) **EFFECTIVE DATE AND APPLICABILITY.**—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned,
except that the individual serving in such position as
of the date of the enactment of this Act may con-
tinue to perform such duties after such date of nom-
ination and until the individual appointed to such
position, by and with the advice and consent of the
Senate, assumes the duties of such position; or

(B) the date of the cessation of the perform-
ance of the duties of such position by the individual
performing such duties as of the date of the enact-
ment of this Act.

(2) Subsection (d) shall take effect on the date of
the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MIS-
SIONS OF NATIONAL GEOSPATIAL-INTEL-
LIGENCE AGENCY FOR ANALYSIS AND DIS-
SEMINATION OF CERTAIN INTELLIGENCE IN-
FORMATION.

Section 442(a) of title 10, United States Code, is
amended—

(1) by redesignating paragraph (2) as para-
graph (3);

(2) by inserting after paragraph (1) the fol-
lowing new paragraph (2):

“(2)(A) As directed by the Director of National Intel-
ligence, the National Geospatial-Intelligence Agency shall
also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

“(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.”; and

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”.

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications).
tions for security clearances) that is identical to the person

nel security authority of the Director of the National Secu-

Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this sub-

section is any employee of the Federal Bureau of Invest-

tigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and
(2) whom the Director of the Federal Bureau
of Investigation, subject to the joint guidance of the
Attorney General and the Director of National Intel-
ligence, may designate for purposes of this section.

SEC. 442. AUTHORITY TO SECURE SERVICES BY CONTRACT
FOR THE BUREAU OF INTELLIGENCE AND RE-
SEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act
of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting
after section 23 the following new section:

“SERVICES BY CONTRACT FOR BUREAU OF
INTELLIGENCE AND RESEARCH

“Sec. 23A. (a) Authority To Enter Into Con-
tracts.—The Secretary may enter into contracts with in-
dividuals or organizations for the provision of services in
support of the mission of the Bureau of Intelligence and
Research of the Department of State if the Secretary de-
termines that—

“(1) the services to be procured are urgent or
unique; and

“(2) it would not be practicable for the Depart-
ment to obtain such services by other means.

“(b) Treatment As Employees of the United
States Government.—(1) Individuals employed under
a contract pursuant to the authority in subsection (a) shall
not, by virtue of the performance of services under such
contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

“(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

“(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.”.

SEC. 443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

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

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps,”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation,”; and

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) by inserting “or in section 313 of such title,” after “subsection (a)),”.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking “section” and inserting “subsection”; 

(B) in subsection (d)—

(i) in paragraph (3), by striking “sub-

paragraph (A)” in the matter preceding
subparagraph (A) and inserting “paragraph (1)(A)”;  

(ii) in paragraph (5)(A), by striking “or personnel” in the matter preceding clause (i); and 

(iii) in paragraph (5)(B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;

(C) in subsection (l)(2)(B), by striking “section” and inserting “paragraph”; and 

(D) in subsection (n), by inserting “AND OTHER” after ACQUISITION.  

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”.  

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432e(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”.
SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

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

(1) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”; and

(2) in subsection (d)(1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”.


(a) Amendments to National Security Intelligence Reform Act of 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking “Attorney General” the
second place it appears and inserting “Department of Justice”.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking “National Intelligence Director” and inserting “Director of National Intelligence”; and

(B) in subsection (h), by striking “National Intelligence Director” and inserting “Director of National Intelligence”.

(3) In section 1071(e), by striking “(1)”.

(4) In section 1072(b), by inserting “AGENCY” after “INTELLIGENCE”.

(b) Other Amendments to Intelligence Reform and Terrorism Prevention Act of 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (e)(1), by inserting “of” before “an institutional culture”; 

(B) in subsection (e)(2), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and
(C) in subsection (f), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”; and

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking “Director of Central Intelligence” each place it appears in a provision as follows and inserting “Director of National Intelligence”:

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking “DIRECTOR OF CENTRAL INTELLIGENCE” each place it appears in a provision as follows and inserting “DIRECTOR OF NATIONAL INTELLIGENCE”:

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of the Central Intelligence Agency”.

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and inserting “authorized under subsections (d), (e), (f), and (g) of
section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).”.

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking “FOREIGN”; and

(2) by striking “foreign” each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:
“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.”.

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(e) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking “National Im-
agery and Mapping Agency” each place it appears in a
provision as follows and inserting “National Geospatial-
Intelligence Agency”:

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII)).

(2) Section 6339(a)(2)(E) of such title is amended
by striking “National Imagery and Mapping Agency, the
Director of the National Imagery and Mapping Agency”
and inserting “National Geospatial-Intelligence Agency,
the Director of the National Geospatial-Intelligence Agen-
cy”.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Sec-
tion 1336 of title 44, United States Code, is amended by
striking “National Imagery and Mapping Agency” both
places it appears and inserting “National Geospatial-Inte-
ligence Agency”.

(B) The heading of such section is amended to read
as follows:

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications."


(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.
To authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, the Intelligence Community Intelligence, Research, Development, Acquisition, and Disbursing System, and for other purposes.

A BILL

JUNE 21, 2006

Reported without amendment