

**Calendar No. 476**109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3237****[Report No. 109-259]****[Report No. 109-265]**

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-

cy Retirement and Disability System, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Intelligence Authorization Act for Fiscal Year 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 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 intelligence 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 National Security Act of 1947.  
 Sec. 304. Improvement of notification of Congress regarding intelligence activities 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 activities.  
 Sec. 307. Additional limitation on availability of funds for intelligence and intelligence-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.
- Sec. 444. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for fiscal year 2004.

### TITLE V—OTHER MATTERS

- Sec. 501. Technical amendments to the National Security Act of 1947.
- 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. 504. Technical amendments to title 10, United States Code, arising from enactment of 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.

1                   **TITLE I—INTELLIGENCE**  
2                   **ACTIVITIES**

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

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

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

10                   (2) The Central Intelligence Agency.

11                   (3) The Department of Defense.

12                   (4) The Defense Intelligence Agency.

13                   (5) The National Security Agency.

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

17                   (7) The Department of State.

18                   (8) The Department of the Treasury.

19                   (9) The Department of Energy.

20                   (10) The Department of Justice.

21                   (11) The Federal Bureau of Investigation.

22                   (12) The National Reconnaissance Office.

23                   (13) The National Geospatial-Intelligence Agen-  
24                   cy.

25                   (14) The Coast Guard.

1 (15) The Department of Homeland Security.

2 (16) The Drug Enforcement Administration.

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

4 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
5 CEILINGS.—The amounts authorized to be appropriated  
6 under section 101, and the authorized personnel ceilings  
7 as of September 30, 2007, for the conduct of the intel-  
8 ligence and intelligence-related activities of the elements  
9 listed in such section, are those specified in the classified  
10 Schedule of Authorizations prepared to accompany the  
11 conference report on the bill \_\_\_\_\_ of the One Hun-  
12 dred Ninth Congress and in the Classified Annex to such  
13 report as incorporated in this Act under section 103.

14 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
15 THORIZATIONS.—The Schedule of Authorizations shall be  
16 made available to the Committees on Appropriations of  
17 the Senate and House of Representatives and to the Presi-  
18 dent. The President shall provide for suitable distribution  
19 of the Schedule, or of appropriate portions of the Sched-  
20 ule, within the executive branch.

21 **SEC. 103. INCORPORATION OF CLASSIFIED ANNEX.**

22 (a) STATUS OF CLASSIFIED ANNEX.—The Classified  
23 Annex prepared by the Select Committee on Intelligence  
24 of the Senate to accompany its report on the bill S. \_\_\_\_\_

1 of the One Hundred Ninth Congress and transmitted to  
2 the President is hereby incorporated into this Act.

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

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

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

20 **SEC. 104. PERSONNEL CEILING ADJUSTMENTS.**

21 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-  
22 proval of the Director of the Office of Management and  
23 Budget, the Director of National Intelligence may author-  
24 ize employment of civilian personnel in excess of the num-  
25 ber authorized for fiscal year 2007 under section 102

1 when the Director of National Intelligence determines that  
2 such action is necessary to the performance of important  
3 intelligence functions, except that the number of personnel  
4 employed in excess of the number authorized under such  
5 section may not, for any element of the intelligence com-  
6 munity, exceed 2 percent of the number of civilian per-  
7 sonnel authorized under such section for such element.

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

14 **SEC. 105. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
15 **COUNT.**

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

24 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
25 ments within the Intelligence Community Management



1 Account of the Director of National Intelligence are au-  
2 thorized 1,575 full-time personnel as of September 30,  
3 2007. Personnel serving in such elements may be perma-  
4 nent employees of the Intelligence Community Manage-  
5 ment Account or personnel detailed from other elements  
6 of the United States Government.

7 (c) CLASSIFIED AUTHORIZATIONS.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
9 addition to amounts authorized to be appropriated  
10 for the Intelligence Community Management Ac-  
11 count by subsection (a), there are also authorized to  
12 be appropriated for the Intelligence Community  
13 Management Account for fiscal year 2007 such addi-  
14 tional amounts as are specified in the classified  
15 Schedule of Authorizations referred to in section  
16 102(a). Such additional amounts for research and  
17 development shall remain available until September  
18 30, 2008.

19 (2) AUTHORIZATION OF PERSONNEL.—In addi-  
20 tion to the personnel authorized by subsection (b)  
21 for elements of the Intelligence Community Manage-  
22 ment Account as of September 30, 2007, there are  
23 also authorized such additional personnel for such  
24 elements as of that date as are specified in the clas-  
25 sified Schedule of Authorizations.

1 (d) REIMBURSEMENT.—Except as provided in section  
2 113 of the National Security Act of 1947 (50 U.S.C.  
3 404h), during fiscal year 2007 any officer or employee of  
4 the United States or a member of the Armed Forces who  
5 is detailed to the staff of the Intelligence Community Man-  
6 agement Account from another element of the United  
7 States Government shall be detailed on a reimbursable  
8 basis, except that any such officer, employee, or member  
9 may be detailed on a nonreimbursable basis for a period  
10 of less than one year for the performance of temporary  
11 functions as required by the Director of National Intel-  
12 ligence.

13 **SEC. 106. INCORPORATION OF REPORTING REQUIRE-**  
14 **MENTS.**

15 (a) IN GENERAL.—Each requirement to submit a re-  
16 port to the congressional intelligence committees that is  
17 included in the joint explanatory statement to accompany  
18 the conference report on the bill \_\_\_\_\_ of the One  
19 Hundred Ninth Congress, or in the classified annex to this  
20 Act, is hereby incorporated into this Act, and is hereby  
21 made a requirement in law.

22 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES  
23 DEFINED.—In this section, the term “congressional intel-  
24 ligence committees” means—

1           (1) the Select Committee on Intelligence of the  
2       Senate; and

3           (2) the Permanent Select Committee on Intel-  
4       ligence of the House of Representatives.

5 **SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**  
6 **LIGENCE FUNDING INFORMATION.**

7       (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—  
8       The President shall disclose to the public for each fiscal  
9       year after fiscal year 2007 the aggregate amount of appro-  
10      priations requested in the budget of the President for such  
11      fiscal year for the National Intelligence Program.

12      (b) AMOUNTS AUTHORIZED AND APPROPRIATED  
13      EACH FISCAL YEAR.—Congress shall disclose to the pub-  
14      lic for each fiscal year after fiscal year 2006 the aggregate  
15      amount of funds authorized to be appropriated, and the  
16      aggregate amount of funds appropriated, by Congress for  
17      such fiscal year for the National Intelligence Program.

18      (c) STUDY ON DISCLOSURE OF ADDITIONAL INFOR-  
19      MATION.—

20           (1) IN GENERAL.—The Director of National In-  
21      telligence shall conduct a study to assess the advis-  
22      ability of disclosing to the public amounts as follows:

23           (A) The aggregate amount of appropria-  
24      tions requested in the budget of the President

1 for each fiscal year for each element of the in-  
2 telligence community.

3 (B) The aggregate amount of funds au-  
4 thorized to be appropriated, and the aggregate  
5 amount of funds appropriated, by Congress for  
6 each fiscal year for each element of the intel-  
7 ligence community.

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

10 (A) address whether or not the disclosure  
11 to the public of the information referred to in  
12 that paragraph would harm the national secu-  
13 rity of the United States; and

14 (B) take into specific account concerns re-  
15 lating to the disclosure of such information for  
16 each element of the intelligence community.

17 (3) REPORT.—Not later than 180 days after  
18 the date of the enactment of this Act, the Director  
19 shall submit to Congress a report on the study re-  
20 quired by paragraph (1).

1 **SEC. 108. RESPONSE OF INTELLIGENCE COMMUNITY TO**  
2 **REQUESTS FROM CONGRESS FOR INTEL-**  
3 **LIGENCE DOCUMENTS AND INFORMATION.**

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

7 “RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS  
8 FROM CONGRESS FOR INTELLIGENCE DOCUMENTS  
9 AND INFORMATION

10 “SEC. 508. (a) REQUESTS OF COMMITTEES.—The  
11 Director of National Intelligence, the Director of the Na-  
12 tional Counterterrorism Center, the Director of a national  
13 intelligence center, or the head of any other department,  
14 agency, or element of the Federal Government, or other  
15 organization within the Executive branch, that is an ele-  
16 ment of the intelligence community shall, not later than  
17 15 days after receiving a request for any intelligence as-  
18 sessment, report, estimate, legal opinion, or other intel-  
19 ligence information from the Select Committee on Intel-  
20 ligence of the Senate, the Permanent Select Committee on  
21 Intelligence of the House of Representatives, or any other  
22 committee of Congress with jurisdiction over the subject  
23 matter to which information in such assessment, report,  
24 estimate, legal opinion, or other information relates, make  
25 available to such committee such assessment, report, esti-

1 mate, legal opinion, or other information, as the case may  
2 be.

3 “(b) REQUESTS OF CERTAIN MEMBERS.—(1) The  
4 Director of National Intelligence, the Director of the Na-  
5 tional Counterterrorism Center, the Director of a national  
6 intelligence center, or the head of any other department,  
7 agency, or element of the Federal Government, or other  
8 organization within the Executive branch, that is an ele-  
9 ment of the intelligence community shall respond, in the  
10 time specified in subsection (a), to a request described in  
11 that subsection from the Chairman or Vice Chairman of  
12 the Select Committee on Intelligence of the Senate or the  
13 Chairman or Ranking Member of the Permanent Select  
14 Committee on Intelligence of the House of Representa-  
15 tives.

16 “(2) Upon making a request covered by paragraph  
17 (1)—

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

22 “(B) the Chairman or Ranking Member, as the  
23 case may be, of the Permanent Select Committee on  
24 Intelligence of the House of Representatives shall

1        notify the other of the Chairman or Ranking Mem-  
2        ber of such request.

3        “(c) ASSERTION OF PRIVILEGE.—In response to a re-  
4        quest covered by subsection (a) or (b), the Director of Na-  
5        tional Intelligence, the Director of the National  
6        Counterterrorism Center, the Director of a national intel-  
7        ligence center, or the head of any other department, agen-  
8        cy, or element of the Federal Government, or other organi-  
9        zation within the Executive branch, that is an element of  
10       the intelligence community shall provide the document or  
11       information covered by such request unless the President  
12       certifies that such document or information is not being  
13       provided because the President is asserting a privilege  
14       pursuant to the Constitution of the United States.”.

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

“Sec. 508. Response of intelligence community to requests from Congress for  
intelligence documents and information.”.

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

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-  
7 tral Intelligence Agency Retirement and Disability Fund  
8 for fiscal year 2007 the sum of \$256,400,000.

9 **TITLE III—INTELLIGENCE AND**  
10 **GENERAL INTELLIGENCE**  
11 **COMMUNITY MATTERS**

12 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
13 **BENEFITS AUTHORIZED BY LAW.**

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

19 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
20 **ACTIVITIES.**

21 The authorization of appropriations by this Act shall  
22 not be deemed to constitute authority for the conduct of  
23 any intelligence activity which is not otherwise authorized  
24 by the Constitution or the laws of the United States.



1 **SEC. 303. CLARIFICATION OF DEFINITION OF INTEL-**  
2 **LIGENCE COMMUNITY UNDER THE NATIONAL**  
3 **SECURITY ACT OF 1947.**

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

7 **SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS**  
8 **REGARDING INTELLIGENCE ACTIVITIES OF**  
9 **THE UNITED STATES GOVERNMENT.**

10 (a) CLARIFICATION OF DEFINITION OF CONGRES-  
11 SIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL  
12 MEMBERS OF COMMITTEES.—Section 3(7) of the Na-  
13 tional Security Act of 1947 (50 U.S.C. 401a(7)) is amend-  
14 ed—

15 (1) in subparagraph (A), by inserting “, and in-  
16 cludes each member of the Select Committee” before  
17 the semicolon; and

18 (2) in subparagraph (B), by inserting “, and in-  
19 cludes each member of the Permanent Select Com-  
20 mittee” before the period.

21 (b) NOTICE ON INFORMATION NOT DISCLOSED.—

22 (1) IN GENERAL.—Section 502 of such Act (50  
23 U.S.C. 413a) is amended—

24 (A) by redesignating subsections (b) and  
25 (c) as subsections (e) and (d), respectively; and

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

3 “(b) NOTICE ON INFORMATION NOT DISCLOSED.—

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

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

17 “(B) submit, in writing, to all the members of  
18 such committees a summary of the intelligence ac-  
19 tivities covered by such determination that provides  
20 sufficient information to permit such members to as-  
21 sess the legality, benefits, costs, and advisability of  
22 such activities.

23 “(2) Nothing in this subsection shall be construed as  
24 authorizing less than full and current disclosure to all the  
25 members of the Select Committee on Intelligence of the

1 Senate and the Permanent Select Committee on Intel-  
2 ligence of the House of Representatives of any information  
3 necessary to keep all the members of such committees fully  
4 and currently informed on all intelligence activities cov-  
5 ered by this section.”.

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

10       (c) REPORTS AND NOTICE ON COVERT ACTIONS.—

11           (1) FORM AND CONTENT OF CERTAIN RE-  
12 PORTS.—Subsection (b) of section 503 of such Act  
13 (50 U.S.C. 413b) is amended—

14                   (A) by redesignating paragraphs (1) and

15                   (2) as subparagraphs (A) and (B), respectively;

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

17                   (C) by adding at the end the following new

18           paragraph:

19           “(2) Any report relating to a covert action that is

20 submitted to the congressional intelligence committees for

21 the purposes of paragraph (1) shall be in writing, and

22 shall contain the following:

23                   “(A) A concise statement of any facts pertinent

24           to such report.

1           “(B) An explanation of the significance of the  
2 covert action covered by such report.”.

3           (2) NOTICE ON INFORMATION NOT DIS-  
4 CLOSED.—Subsection (c) of such section is amended  
5 by adding at the end the following new paragraph:

6           “(5) If the Director of National Intelligence or the  
7 head of a department, agency, or other entity of the  
8 United States Government does not provide information  
9 required by subsection (b)(2) in full or to all the members  
10 of the congressional intelligence committees, and requests  
11 that such information not be provided in full or to all  
12 members of the congressional intelligence committees, for  
13 the reason specified in paragraph (2), the Director shall,  
14 in a timely fashion—

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

20           “(B) submit, in writing, to all the members of  
21 such committees a summary of the covert action cov-  
22 ered by such determination that provides sufficient  
23 information to permit such members to assess the  
24 legality, benefits, costs, and advisability of such cov-  
25 ert action.”.

1           (3) MODIFICATION OF NATURE OF CHANGE OF  
2           COVERT ACTION TRIGGERING NOTICE REQUIRE-  
3           MENTS.—Subsection (d) of such section is amended  
4           by striking “significant” the first place it appears.

5 **SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON**  
6           **COMMON CARRIERS FOR INTELLIGENCE**  
7           **COLLECTION PERSONNEL.**

8           (a) DELEGATION OF AUTHORITY.—Section 116(b) of  
9           the National Security Act of 1947 (50 U.S.C. 404k(b))  
10          is amended—

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

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

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

19          “(2) The head of an element of the intelligence com-  
20          munity to whom the authority in subsection (a) is dele-  
21          gated pursuant to paragraph (1) may further delegate  
22          such authority to such senior officials of such element as  
23          are specified in guidelines prescribed by the Director of  
24          National Intelligence for purposes of this paragraph.”.

1 (b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not  
2 later than six months after the date of the enactment of  
3 this Act, the Director of National Intelligence shall pre-  
4 scribe and submit to the congressional intelligence com-  
5 mittees the guidelines referred to in paragraph (2) of sec-  
6 tion 116(b) of the National Security Act of 1947, as added  
7 by subsection (a).

8 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
9 DEFINED.—In this section, the term “congressional intel-  
10 ligence committees” means—

11 (1) the Select Committee on Intelligence of the  
12 Senate; and

13 (2) the Permanent Select Committee on Intel-  
14 ligence of the House of Representatives.

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

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

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

1 **SEC. 307. ADDITIONAL LIMITATION ON AVAILABILITY OF**  
2 **FUNDS FOR INTELLIGENCE AND INTEL-**  
3 **LIGENCE-RELATED ACTIVITIES.**

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

6 (1) in subsection (a), by inserting “the congress-  
7 sional intelligence committees have been fully and  
8 currently informed of such activity and if” after  
9 “only if”;

10 (2) by redesignating subsections (b), (c), (d),  
11 and (e) as subsections (c), (d), (e), and (f), respec-  
12 tively; and

13 (3) by inserting after subsection (a) the fol-  
14 lowing new subsection (b):

15 “(b) In any case in which notice to the congressional  
16 intelligence committees on an intelligence or intelligence-  
17 related activity is covered by section 502(b), or in which  
18 notice to the congressional intelligence committees on a  
19 covert action is covered by section 503(c)(5), the congress-  
20 sional intelligence committees shall be treated as being  
21 fully and currently informed on such activity or covert ac-  
22 tion, as the case may be, for purposes of subsection (a)  
23 if the requirements of such section 502(b) or 503(c)(5),  
24 as applicable, have been met.”.

1 **SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF**  
2 **UNDERCOVER INTELLIGENCE OFFICERS AND**  
3 **AGENTS.**

4 (a) DISCLOSURE OF AGENT AFTER ACCESS TO IN-  
5 FORMATION IDENTIFYING AGENT.—Subsection (a) of sec-  
6 tion 601 of the National Security Act of 1947 (50 U.S.C.  
7 421) is amended by striking “ten years” and inserting “15  
8 years”.

9 (b) DISCLOSURE OF AGENT AFTER ACCESS TO CLAS-  
10 SIFIED INFORMATION.—Subsection (b) of such section is  
11 amended by striking “five years” and inserting “ten  
12 years”.

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

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

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

21 “SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS  
22 PAID.—Notwithstanding section 3302 of title 31, United  
23 States Code, or any other provision of law, the head of  
24 an element of the intelligence community may retain  
25 amounts paid or reimbursed to the United States, includ-  
26 ing amounts paid by an employee of the Federal Govern-



1 ment from personal funds, for repayment of a debt owed  
2 to the element of the intelligence community.

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

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

13 “(c) AVAILABILITY OF AMOUNTS.—Amounts credited  
14 to an appropriation or account under subsection (b) with  
15 respect to a debt owed to an element of the intelligence  
16 community shall be available to the head of such element,  
17 for such time as is applicable to amounts in such appro-  
18 priation or account, or such longer time as may be pro-  
19 vided by law, for purposes as follows:

20 “(1) In the case of a debt arising from lost or  
21 damaged property of such element, the repair of  
22 such property or the replacement of such property  
23 with alternative property that will perform the same  
24 or similar functions as such property.

1           “(2) The funding of any other activities author-  
2           ized to be funded by such appropriation or account.

3           “(d) DEBT OWED TO AN ELEMENT OF THE INTEL-  
4           LIGENCE COMMUNITY DEFINED.—In this section, the  
5           term ‘debt owed to an element of the intelligence commu-  
6           nity’ means any of the following:

7           “(1) A debt owed to an element of the intel-  
8           ligence community by an employee or former em-  
9           ployee of such element for the negligent or willful  
10          loss of or damage to property of such element that  
11          was procured by such element using appropriated  
12          funds.

13          “(2) A debt owed to an element of the intel-  
14          ligence community by an employee or former em-  
15          ployee of such element as repayment for default on  
16          the terms and conditions associated with a scholar-  
17          ship, fellowship, or other educational assistance pro-  
18          vided to such individual by such element, whether in  
19          exchange for future services or otherwise, using ap-  
20          propriated funds.

21          “(3) Any other debt or repayment owed to an  
22          element of the intelligence community by a private  
23          person or entity by reason of the negligent or willful  
24          action of such person or entity, as determined by a

1 court of competent jurisdiction or in a lawful admin-  
2 istrative proceeding.”.

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

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

6 **SEC. 310. PILOT PROGRAM ON DISCLOSURE OF RECORDS**  
7 **UNDER THE PRIVACY ACT RELATING TO CER-**  
8 **TAIN INTELLIGENCE ACTIVITIES.**

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

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

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

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

17 “(13) to an element of the intelligence commu-  
18 nity set forth in or designated under section 3(4) of  
19 the National Security Act of 1947 (50 U.S.C.  
20 401a(4))—

21 “(A) by another element of the intelligence  
22 community that maintains the record, if the  
23 record is relevant to a lawful and authorized  
24 foreign intelligence or counterintelligence activ-

1           ity conducted by the receiving element of the in-  
2           telligence community and pertains to an identi-  
3           fiable individual or, upon the authorization of  
4           the Director of National Intelligence (or a des-  
5           ignee of the Director in a position not lower  
6           than Deputy Director of National Intelligence),  
7           other than an identifiable individual; or

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

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

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

21           “(I) the record, or particular por-  
22           tion thereof, constitutes terrorism in-  
23           formation (as that term is defined in  
24           section 1016(a)(4) of the National Se-  
25           curity Intelligence Reform Act of

1 2004 (title I of Public Law 108–458))  
2 or information concerning the pro-  
3 liferation of weapons of mass destruc-  
4 tion; and

5 “(II) the disclosure of the record,  
6 or particular portion thereof, will be  
7 to an element of the intelligence com-  
8 munity authorized to collect and ana-  
9 lyze foreign intelligence or counter-  
10 intelligence information related to  
11 international terrorism or the pro-  
12 liferation of weapons of mass destruc-  
13 tion.”.

14 (b) EXEMPTION FROM CERTAIN PRIVACY ACT RE-  
15 QUIREMENTS FOR RECORD ACCESS AND ACCOUNTING  
16 FOR DISCLOSURES.—Elements of the intelligence commu-  
17 nity set forth in or designated under section 3(4) of the  
18 National Security Act of 1947 (50 U.S.C. 401a(4)) receiv-  
19 ing a disclosure under subsection (b)(13) of section 552a  
20 of title 5, United States Code, shall not be required to  
21 comply with subsection (c)(3), (c)(4), or (d) of such sec-  
22 tion 552a with respect to such disclosure, or the records,  
23 or portions thereof, disclosed under subsection (b)(13) of  
24 such section 552a.

1 (c) CONSULTATION ON DETERMINATIONS OF INFOR-  
2 MATION TYPE.—Such section is further amended by add-  
3 ing at the end the following new subsection:

4 “(w) AUTHORITY TO CONSULT ON DETERMINATIONS  
5 OF INFORMATION TYPE.—When determining for purposes  
6 of subsection (b)(13)(B)(ii) whether a record constitutes  
7 terrorism information (as that term is defined in section  
8 1016(a)(4)) of the National Security Intelligence Reform  
9 Act of 2004 (title I of Public Law 108–458; 118 Stat.  
10 3665)) or information concerning the proliferation of  
11 weapons of mass destruction, the head of an agency may  
12 consult with the Director of National Intelligence or the  
13 Attorney General.”.

14 (d) CONSTRUCTION.—Nothing in the amendments  
15 made by this section shall be deemed to constitute author-  
16 ity for the receipt, collection, or retention of information  
17 unless the receipt, collection, or retention of such informa-  
18 tion by the element of the intelligence community con-  
19 cerned is otherwise authorized by the Constitution, laws,  
20 or Executive orders of the United States.

21 (e) RECORDKEEPING REQUIREMENTS.—

22 (1) RETENTION OF REQUESTS.—Any request  
23 made by the head of an element of the intelligence  
24 community to another department or agency of the  
25 Federal Government under paragraph (13)(B)(i) of

1 section 552a(b) of title 5, United States Code (as  
2 added by subsection (a)), shall be retained by such  
3 element of the intelligence community in a manner  
4 consistent with the protection of intelligence sources  
5 and methods. Any request so retained should be ac-  
6 companied by an explanation that supports the as-  
7 sertion of the element of the intelligence community  
8 requesting the record that the information was, at  
9 the time of request, relevant to a lawful and author-  
10 ized activity to protect against international ter-  
11 rorism or the proliferation of weapons of mass de-  
12 struction.

13 (2) ACCESS TO RETAINED REQUESTS.—An ele-  
14 ment of the intelligence community retaining a re-  
15 quest, and any accompanying explanation, under  
16 paragraph (1) shall, consistent with the protection of  
17 intelligence sources and methods, provide access to  
18 such request, and any accompanying explanation, to  
19 the following:

20 (A) The head of the department or agency  
21 of the Federal Government receiving such re-  
22 quest, or the designee of the head of such de-  
23 partment or agency, if—

24 (i) the access of such official to such  
25 request, and any accompanying expla-

1 nation, is consistent with the protection of  
2 intelligence sources and methods;

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

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

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

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

17 (f) REPORTS.—

18 (1) ANNUAL REPORTS.—Not later than one  
19 year after the date of the enactment of this Act, and  
20 annually thereafter through the termination of this  
21 section and the amendments made by this section  
22 under subsection (j), the Director of National Intel-  
23 ligence and the Attorney General, in coordination  
24 with the Privacy and Civil Liberties Oversight  
25 Board, shall jointly submit to the appropriate com-



1        mittees of Congress a report on the administration  
2        of this section and the amendments made by this  
3        section.

4            (2) FINAL REPORT.—Not later than six months  
5        before the date specified in subsection (j), the Direc-  
6        tor of National Intelligence and the Attorney Gen-  
7        eral, in coordination with the Privacy and Civil Lib-  
8        erties Oversight Board, shall jointly submit to the  
9        appropriate committees of Congress a report on ad-  
10       ministration of this section and the amendments  
11       made by this section. The report shall include the  
12       recommendations of the Director and the Attorney  
13       General, as they consider appropriate, regarding the  
14       continuation in effect of such amendments after  
15       such date.

16            (3) REVIEW AND REPORT BY PRIVACY AND  
17        CIVIL LIBERTIES OVERSIGHT BOARD.—Not later  
18        than six months before the date specified in sub-  
19        section (j), the Privacy and Civil Liberties Oversight  
20        Board shall—

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

23            (B) in a manner consistent with section  
24        1061(c)(1) of the National Security Intelligence  
25        Reform Act of 2004 (title I of Public Law 108–

1           458; 118 Stat. 3684; 5 U.S.C. 601 note), sub-  
2           mit to the appropriate committees of Congress  
3           a report providing such advice and counsel on  
4           the administration of this section and the  
5           amendments made by this section as the Board  
6           considers appropriate.

7           (4) FORM OF REPORTS.—Each report under  
8           this subsection shall, to the maximum extent prac-  
9           ticable, be submitted in unclassified form. Any clas-  
10          sified annex included with such a report shall be  
11          submitted to the Select Committee on Intelligence of  
12          the Senate and the Permanent Select Committee on  
13          Intelligence of the House of Representatives.

14          (g) GUIDELINES.—

15               (1) IN GENERAL.—Not later than six months  
16               after the date of the enactment of this Act, the At-  
17               torney General and the Director of National Intel-  
18               ligence shall, in consultation with the Secretary of  
19               Defense and other appropriate officials, jointly pre-  
20               scribe guidelines governing the implementation and  
21               exercise of the authorities provided in this section  
22               and the amendments made by this section.

23               (2) ELEMENTS.—The guidelines prescribed  
24               under paragraph (1) shall—

1           (A) ensure that the authorities provided  
2           under paragraph (13) of section 552a(b) of title  
3           5, United States Code (as added by subsection  
4           (a)), are implemented in a manner that protects  
5           the rights under the Constitution of United  
6           States persons;

7           (B) direct that all applicable policies and  
8           procedures governing the receipt, collection, re-  
9           tention, analysis, and dissemination of foreign  
10          intelligence information concerning United  
11          States persons are appropriately followed; and

12          (C) provide that the authorities provided  
13          under paragraph (13) of section 552a(b) of title  
14          5, United States Code (as so added), are imple-  
15          mented in a manner consistent with existing  
16          laws, regulations, and Executive orders gov-  
17          erning the conduct of intelligence activities.

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

22          (4) SUBMITTAL TO CONGRESS.—The guidelines  
23          prescribed under paragraph (1) shall be submitted  
24          to the appropriate committees of Congress. Any clas-  
25          sified annex included with such guidelines shall be

1 submitted to the Select Committee on Intelligence of  
2 the Senate and the Permanent Select Committee on  
3 Intelligence of the House of Representatives.

4 (h) EFFECTIVE DATE.—

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

9 (2) CERTAIN REQUIREMENTS.—Subsections (f)  
10 and (g) shall take effect on the date of the enact-  
11 ment of this Act.

12 (i) APPROPRIATE COMMITTEES OF CONGRESS DE-  
13 FINED.—In this section, the term “appropriate commit-  
14 tees of Congress” means—

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

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

21 (j) TERMINATION.—This section and the amend-  
22 ments made by this section shall cease to have effect on  
23 the date that is three years after the date of the issuance  
24 of the guidelines required by subsection (g).

1 **SEC. 311. EXTENSION TO INTELLIGENCE COMMUNITY OF**  
2 **AUTHORITY TO DELETE INFORMATION**  
3 **ABOUT RECEIPT AND DISPOSITION OF FOR-**  
4 **EIGN GIFTS AND DECORATIONS.**

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

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

14 “(B) Any information not provided to the Secretary  
15 of State pursuant to the authority in subparagraph (A)  
16 shall be transmitted to the Director of National Intel-  
17 ligence.

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

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

25 (a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL  
26 INTELLIGENCE.—Funds appropriated to the Office of the

1 Director of National Intelligence and available for travel  
2 and transportation expenses shall be available for such ex-  
3 penses when any part of the travel or transportation con-  
4 cerned begins in a fiscal year pursuant to travel orders  
5 issued in such fiscal year, notwithstanding that such travel  
6 or transportation is or may not be completed during such  
7 fiscal year.

8 (b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—  
9 Funds appropriated to the Central Intelligence Agency  
10 and available for travel and transportation expenses shall  
11 be available for such expenses when any part of the travel  
12 or transportation concerned begins in a fiscal year pursu-  
13 ant to travel orders issued in such fiscal year, notwith-  
14 standing that such travel or transportation is or may not  
15 be completed during such fiscal year.

16 (c) TRAVEL AND TRANSPORTATION EXPENSES DE-  
17 FINED.—In this section, the term “travel and transpor-  
18 tation expenses” means the following:

19 (1) Expenses in connection with travel of per-  
20 sonnel, including travel of dependents.

21 (2) Expenses in connection with transportation  
22 of personal effects, household goods, or automobiles  
23 of personnel.

1 **SEC. 313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**  
2 **ON COMPLIANCE WITH THE DETAINEE**  
3 **TREATMENT ACT OF 2005.**

4 (a) **REPORT REQUIRED.**—Not later than September  
5 1, 2006, the Director of National Intelligence shall submit  
6 to the congressional intelligence committees a comprehen-  
7 sive report on all measures taken by the Office of the Di-  
8 rector of National Intelligence and by each element, if any,  
9 of the intelligence community with relevant responsibilities  
10 to comply with the provisions of the Detainee Treatment  
11 Act of 2005 (title X of division A of Public Law 109–  
12 148).

13 (b) **ELEMENTS.**—The report required by subsection  
14 (a) shall include the following:

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

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

22 (B) a statement of the basis for such de-  
23 termination.

24 (2) A description of the detention or interroga-  
25 tion methods, if any, whose use has been discon-

1       tinued pursuant to the Detainee Treatment Act of  
2       2005, and, with respect to each such method—

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

6               (B) a statement of the basis for such de-  
7               termination.

8       (3) A description of any actions that have been  
9       taken to implement section 1004 of the Detainee  
10      Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.  
11      2000dd-1), and, with respect to each such action—

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

14              (B) a statement of the basis for such ac-  
15              tion.

16      (4) Any other matters that the Director con-  
17      siders necessary to fully and currently inform the  
18      congressional intelligence committees about the im-  
19      plementation of the Detainee Treatment Act of  
20      2005.

21      (5) An appendix containing—

22              (A) all guidelines for the application of the  
23              Detainee Treatment Act of 2005 to the deten-  
24              tion or interrogation activities, if any, of any  
25              element of the intelligence community; and



1 (B) all legal opinions of any office or offi-  
2 cial of the Department of Justice about the  
3 meaning or application of Detainee Treatment  
4 Act of 2005 with respect to the detention or in-  
5 terrogation activities, if any, of any element of  
6 the intelligence community.

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

9 (d) DEFINITIONS.—In this section:

10 (1) The term “congressional intelligence com-  
11 mittees” means—

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

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

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

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

23 (a) IN GENERAL.—The President shall ensure that  
24 the United States Government continues to comply with  
25 the authorization, reporting, and notification requirements

1 of title V of the National Security Act of 1947 (50 U.S.C.  
2 413 et seq.).

3 (b) DIRECTOR OF NATIONAL INTELLIGENCE RE-  
4 PORT.—

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

17 (2) ELEMENTS.—The report required by para-  
18 graph (1) shall set forth, for each prison or facility,  
19 if any, covered by such report, the following:

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

22 (B) If such prison or facility is no longer  
23 being operated by the United States Govern-  
24 ment, the disposition of such prison or facility.

1           (C) The number of detainees currently  
2 held or formerly held, as the case may be, at  
3 such prison or facility.

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

7           (E) A description of the interrogation pro-  
8 cedures used or formerly used on detainees at  
9 such prison or facility and a determination, in  
10 coordination with other appropriate officials, on  
11 whether such procedures are or were in compli-  
12 ance with United States obligations under the  
13 Geneva Conventions and the Convention  
14 Against Torture.

15           (3) FORM OF REPORT.—The report required by  
16 paragraph (1) shall be submitted in classified form.

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

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

6 **SEC. 401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF**  
7 **NATIONAL INTELLIGENCE ON INTELLIGENCE**  
8 **INFORMATION SHARING.**

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

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

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

15 (3) by adding at the end the following the fol-  
16 lowing new subparagraphs:

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

19 (i) to direct the development, deployment,  
20 and utilization of systems of common concern  
21 for elements of the intelligence community, or  
22 that support the activities of such elements, re-  
23 lated to the collection, processing, analysis, ex-  
24 ploitation, and dissemination of intelligence in-  
25 formation; and

1           “(ii) without regard to any provision of law  
2 relating to the transfer, reprogramming, obliga-  
3 tion, or expenditure of funds, other than the  
4 provisions of this Act and the National Security  
5 Intelligence Reform Act of 2004 (title I of Pub-  
6 lic Law 108–458), to expend funds for purposes  
7 associated with the development, deployment,  
8 and utilization of such systems, which funds  
9 may be received and utilized by any depart-  
10 ment, agency, or other element of the United  
11 States Government for such purposes; and

12           “(H) for purposes of addressing critical gaps in  
13 intelligence information sharing or access capabili-  
14 ties, have the authority to transfer funds appro-  
15 priated for a program within the National Intel-  
16 ligence Program to a program funded by appropria-  
17 tions not within the National Intelligence Program,  
18 consistent with paragraphs (3) through (7) of sub-  
19 section (d).”.

20 **SEC. 402. MODIFICATION OF LIMITATION ON DELEGATION**  
21 **BY THE DIRECTOR OF NATIONAL INTEL-**  
22 **LIGENCE OF THE PROTECTION OF INTEL-**  
23 **LIGENCE SOURCES AND METHODS.**

24           Section 102A(i)(3) of the National Security Act of  
25 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-

1 fore the period the following: “, any Deputy Director of  
2 National Intelligence, or the Chief Information Officer of  
3 the Intelligence Community”.

4 **SEC. 403. AUTHORITY OF THE DIRECTOR OF NATIONAL IN-**  
5 **TELLIGENCE TO MANAGE ACCESS TO HUMAN**  
6 **INTELLIGENCE INFORMATION.**

7 Section 102A(b) of the National Security Act of 1947  
8 (50 U.S.C. 403–1(b)) is amended—

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

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

12 “(2) The Director of National Intelligence shall—

13 “(A) have access to all national intelligence, in-  
14 cluding intelligence reports, operational data, and  
15 other associated information, concerning the human  
16 intelligence operations of any element of the intel-  
17 ligence community authorized to undertake such col-  
18 lection;

19 “(B) consistent with the protection of intel-  
20 ligence sources and methods and applicable require-  
21 ments in Executive Order 12333 (or any successor  
22 order) regarding the retention and dissemination of  
23 information concerning United States persons, en-  
24 sure maximum access to the intelligence information  
25 contained in the information referred to in subpara-

1 graph (A) throughout the intelligence community;  
2 and

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

10 **SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF**  
11 **THE DIRECTOR OF NATIONAL INTEL-**  
12 **LIGENCE.**

13 Section 102A of the National Security Act of 1947  
14 (50 U.S.C. 403–1) is amended by adding at the end the  
15 following new subsection:

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

24 “(A) the Director may authorize the use of  
25 interagency financing for—

1 “(i) national intelligence centers estab-  
2 lished by the Director under section 119B; and

3 “(ii) boards, commissions, councils, com-  
4 mittees, and similar groups established by the  
5 Director; and

6 “(B) upon the authorization of the Director,  
7 any department, agency, or element of the United  
8 States Government, including any element of the in-  
9 telligence community, may fund or participate in the  
10 funding of such activities.

11 “(2) No provision of law enacted after the date of  
12 the enactment of this subsection shall be deemed to limit  
13 or supersede the authority in paragraph (1) unless such  
14 provision makes specific reference to the authority in that  
15 paragraph.”.

16 **SEC. 405. CLARIFICATION OF LIMITATION ON CO-LOCATION**  
17 **OF THE OFFICE OF THE DIRECTOR OF NA-**  
18 **TIONAL INTELLIGENCE.**

19 Section 103(e) of the National Security Act of 1947  
20 (50 U.S.C. 403–3(e)) is amended—

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

23 (2) by inserting “the headquarters of” before  
24 “the Office”; and



1           (3) by striking “any other element” and insert-  
2           ing “the headquarters of any other element”.

3 **SEC. 406. ADDITIONAL DUTIES OF THE DIRECTOR OF**  
4           **SCIENCE AND TECHNOLOGY OF THE OFFICE**  
5           **OF THE DIRECTOR OF NATIONAL INTEL-**  
6           **LIGENCE.**

7           (a) COORDINATION AND PRIORITIZATION OF RE-  
8 SEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE  
9 COMMUNITY.—Subsection (d) of section 103E of the Na-  
10 tional Security Act of 1947 (50 U.S.C. 403–3e) is amend-  
11 ed—

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

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

16           “(4) In carrying out paragraph (3)(A), the Com-  
17           mittee shall identify basic, advanced, and applied research  
18           programs to be carried out by elements of the intelligence  
19           community.”.

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

22           (1) in subsection (c)—

23                   (A) in paragraph (4), by striking “and” at  
24           the end;

1 (B) by redesignating paragraph (5) as  
2 paragraph (8); and

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

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

8 “(6) under the direction of the Director, estab-  
9 lish engineering standards and specifications appli-  
10 cable to each acquisition of a major system (as that  
11 term is defined in section 506A(e)(3)) by the intel-  
12 ligence community;

13 “(7) ensure that each acquisition program of  
14 the intelligence community for a major system (as so  
15 defined) complies with the standards and specifica-  
16 tions established under paragraph (6); and”;

17 (2) by adding at the end the following new sub-  
18 section:

19 “(e) GOALS FOR TECHNOLOGY NEEDS OF INTEL-  
20 LIGENCE COMMUNITY.—In carrying out subsection (c)(5),  
21 the Director of Science and Technology shall—

22 “(1) systematically identify and assess the most  
23 significant intelligence challenges that require tech-  
24 nical solutions;

1           “(2) examine options to enhance the responsive-  
2           ness of research and design programs of the ele-  
3           ments of the intelligence community to meet the re-  
4           quirements of the intelligence community for timely  
5           support; and

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

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

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

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

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

19           (c) REPORT.—(1) Not later than June 30, 2007, the  
20           Director of National Intelligence shall submit to Congress  
21           a report containing a strategy for the development and  
22           use of technology in the intelligence community through  
23           2021.

24           (2) The report shall include—

1 (A) an assessment of the highest priority intel-  
2 ligence gaps across the intelligence community that  
3 may be resolved by the use of technology;

4 (B) goals for advanced research and develop-  
5 ment and a strategy to achieve such goals;

6 (C) an explanation of how each advanced re-  
7 search and development project funded under the  
8 National Intelligence Program addresses an identi-  
9 fied intelligence gap;

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

15 (E) a plan to incorporate technology from re-  
16 search and development projects into National Intel-  
17 ligence Program acquisition programs.

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

19 **SEC. 407. APPOINTMENT AND TITLE OF CHIEF INFORMA-**  
20 **TION OFFICER OF THE INTELLIGENCE COM-**  
21 **MUNITY.**

22 (a) APPOINTMENT.—

23 (1) IN GENERAL.—Subsection (a) of section  
24 103G of the National Security Act of 1947 (50  
25 U.S.C. 403–3g) is amended by striking “the Presi-

1       dent, by and with the advice and consent of the Sen-  
2       ate” and inserting “the Director of National Intel-  
3       ligence”.

4               (2) APPLICABILITY.—The amendment made by  
5       paragraph (1) shall take effect on the date of the en-  
6       actment of this Act, and shall apply with respect to  
7       any appointment of an individual as Chief Informa-  
8       tion Officer of the Intelligence Community that is  
9       made on or after that date.

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

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

14               (2) in subsection (b), by inserting “of the Intel-  
15       ligence Community” after “Chief Information Offi-  
16       cer”;

17               (3) in subsection (c), by inserting “of the Intel-  
18       ligence Community” after “Chief Information Offi-  
19       cer”; and

20               (4) in subsection (d), by inserting “of the Intel-  
21       ligence Community” after “Chief Information Offi-  
22       cer” the first place it appears.

1 **SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE**  
2 **COMMUNITY.**

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

6 “INSPECTOR GENERAL OF THE INTELLIGENCE  
7 COMMUNITY

8 “SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL  
9 OF INTELLIGENCE COMMUNITY.—There is within the Of-  
10 fice of the Director of National Intelligence an Office of  
11 the Inspector General of the Intelligence Community.

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

14 “(1) create an objective and effective office, ap-  
15 propriately accountable to Congress, to initiate and  
16 conduct independently investigations, inspections,  
17 and audits relating to—

18 “(A) the programs and operations of the  
19 intelligence community;

20 “(B) the elements of the intelligence com-  
21 munity within the National Intelligence Pro-  
22 gram; and

23 “(C) the relationships between the ele-  
24 ments of the intelligence community within the  
25 National Intelligence Program and the other  
26 elements of the intelligence community;

1           “(2) recommend policies designed—

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

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

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

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

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

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

21                   “(A) significant problems and deficiencies  
22 relating to the administration and implementa-  
23 tion of such programs and operations, and to  
24 such relationships; and

1                   “(B) the necessity for, and the progress of,  
2                   corrective actions.

3                   “(c) INSPECTOR GENERAL OF INTELLIGENCE COM-  
4 MUNITY.—(1) There is an Inspector General of the Intel-  
5 ligence Community, who shall be the head of the Office  
6 of the Inspector General of the Intelligence Community,  
7 who shall be appointed by the President, by and with the  
8 advice and consent of the Senate.

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

11                   “(A) without regard to political affiliation;

12                   “(B) solely on the basis of integrity, compliance  
13 with the security standards of the intelligence com-  
14 munity, and prior experience in the field of intel-  
15 ligence or national security; and

16                   “(C) on the basis of demonstrated ability in ac-  
17 counting, financial analysis, law, management anal-  
18 ysis, public administration, or auditing.

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

22                   “(4) The Inspector General may be removed from of-  
23 fice only by the President. The President shall imme-  
24 diately communicate in writing to the congressional intel-



1 ligencc committees the reasons for the removal of any indi-  
2 vidual from the position of Inspector General.

3       “(d) DUTIES AND RESPONSIBILITIES.—Subject to  
4 subsections (g) and (h), it shall be the duty and responsi-  
5 bility of the Inspector General of the Intelligence Commu-  
6 nity—

7           “(1) to provide policy direction for, and to plan,  
8       conduct, supervise, and coordinate independently,  
9       the investigations, inspections, and audits relating to  
10      the programs and operations of the intelligence com-  
11      munity, the elements of the intelligence community  
12      within the National Intelligence Program, and the  
13      relationships between the elements of the intelligence  
14      community within the National Intelligence Program  
15      and the other elements of the intelligence community  
16      to ensure they are conducted efficiently and in ac-  
17      cordance with applicable law and regulations;

18           “(2) to keep the Director of National Intel-  
19      ligence fully and currently informed concerning vio-  
20      lations of law and regulations, violations of civil lib-  
21      erties and privacy, and fraud and other serious prob-  
22      lems, abuses, and deficiencies that may occur in  
23      such programs and operations, and in such relation-  
24      ships, and to report the progress made in imple-  
25      menting corrective action;

1           “(3) to take due regard for the protection of in-  
2           telligence sources and methods in the preparation of  
3           all reports issued by the Inspector General, and, to  
4           the extent consistent with the purpose and objective  
5           of such reports, take such measures as may be ap-  
6           propriate to minimize the disclosure of intelligence  
7           sources and methods described in such reports; and

8           “(4) in the execution of the duties and respon-  
9           sibilities under this section, to comply with generally  
10          accepted government auditing standards.

11          “(e) LIMITATIONS ON ACTIVITIES.—(1) The Director  
12          of National Intelligence may prohibit the Inspector Gen-  
13          eral of the Intelligence Community from initiating, car-  
14          rying out, or completing any investigation, inspection, or  
15          audit if the Director determines that such prohibition is  
16          necessary to protect vital national security interests of the  
17          United States.

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

23          “(3) The Director shall advise the Inspector General  
24          at the time a report under paragraph (2) is submitted,  
25          and, to the extent consistent with the protection of intel-

1 lligence sources and methods, provide the Inspector Gen-  
2 eral with a copy of such report.

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

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

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

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

23       “(C) The level of classification or compartmentation  
24 of information shall not, in and of itself, provide a suffi-

1 cient rationale for denying the Inspector General access  
2 to any materials under subparagraph (B).

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

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

19               “(A) the Inspector General shall not disclose  
20 the identity of the employee without the consent of  
21 the employee, unless the Inspector General deter-  
22 mines that such disclosure is unavoidable during the  
23 course of the investigation or the disclosure is made  
24 to an official of the Department of Justice respon-

1       sible for determining whether a prosecution should  
2       be undertaken; and

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

9       “(4) The Inspector General shall have authority to  
10     administer to or take from any person an oath, affirma-  
11     tion, or affidavit, whenever necessary in the performance  
12     of the duties of the Inspector General, which oath, affir-  
13     mation, or affidavit when administered or taken by or be-  
14     fore an employee of the Office of the Inspector General  
15     of the Intelligence Community designated by the Inspector  
16     General shall have the same force and effect as if adminis-  
17     tered or taken by or before an officer having a seal.

18       “(5)(A) Except as provided in subparagraph (B), the  
19     Inspector General is authorized to require by subpoena the  
20     production of all information, documents, reports, an-  
21     swers, records, accounts, papers, and other data and docu-  
22     mentary evidence necessary in the performance of the du-  
23     ties and responsibilities of the Inspector General.

24       “(B) In the case of departments, agencies, and other  
25     elements of the United States Government, the Inspector

1 General shall obtain information, documents, reports, an-  
2 swers, records, accounts, papers, and other data and evi-  
3 dence for the purpose specified in subparagraph (A) using  
4 procedures other than by subpoenas.

5 “(C) The Inspector General may not issue a subpoena  
6 for or on behalf of any other element of the intelligence  
7 community, including the Office of the Director of Na-  
8 tional Intelligence.

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

13 “(g) COORDINATION AMONG INSPECTORS GENERAL  
14 OF INTELLIGENCE COMMUNITY.—(1) In the event of a  
15 matter within the jurisdiction of the Inspector General of  
16 the Intelligence Community that may be subject to an in-  
17 vestigation, inspection, or audit by both the Inspector  
18 General of the Intelligence Community and an Inspector  
19 General, whether statutory or administrative, with over-  
20 sight responsibility for an element or elements of the intel-  
21 ligence community, the Inspector General of the Intel-  
22 ligence Community and such other Inspector or Inspectors  
23 General shall expeditiously resolve which Inspector Gen-  
24 eral shall conduct such investigation, inspection, or audit.

1       “(2) The Inspector General conducting an investiga-  
2 tion, inspection, or audit covered by paragraph (1) shall  
3 submit the results of such investigation, inspection, or  
4 audit to any other Inspector General, including the Inspec-  
5 tor General of the Intelligence Community, with jurisdic-  
6 tion to conduct such investigation, inspection, or audit  
7 who did not conduct such investigation, inspection, or  
8 audit.

9       “(3)(A) If an investigation, inspection, or audit cov-  
10 ered by paragraph (1) is conducted by an Inspector Gen-  
11 eral other than the Inspector General of the Intelligence  
12 Community, the Inspector General of the Intelligence  
13 Community may, upon completion of such investigation,  
14 inspection, or audit by such other Inspector General, con-  
15 duct under this section a separate investigation, inspec-  
16 tion, or audit of the matter concerned if the Inspector  
17 General of the Intelligence Community determines that  
18 such initial investigation, inspection, or audit was deficient  
19 in some manner or that further investigation, inspection,  
20 or audit is required.

21       “(B) This paragraph shall not apply to the Inspector  
22 General of the Department of Defense or to any other In-  
23 spector General within the Department of Defense.

24       “(h) STAFF AND OTHER SUPPORT.—(1) The Inspec-  
25 tor General of the Intelligence Community shall be pro-

1 vided with appropriate and adequate office space at cen-  
2 tral and field office locations, together with such equip-  
3 ment, office supplies, maintenance services, and commu-  
4 nications facilities and services as may be necessary for  
5 the operation of such offices.

6       “(2)(A) Subject to applicable law and the policies of  
7 the Director of National Intelligence, the Inspector Gen-  
8 eral shall select, appoint, and employ such officers and em-  
9 ployees as may be necessary to carry out the functions  
10 of the Inspector General. The Inspector General shall en-  
11 sure that any officer or employee so selected, appointed,  
12 or employed has security clearances appropriate for the  
13 assigned duties of such officer or employee.

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

19       “(C) In meeting the requirements of this paragraph,  
20 the Inspector General shall create within the Office of the  
21 Inspector General of the Intelligence Community a career  
22 cadre of sufficient size to provide appropriate continuity  
23 and objectivity needed for the effective performance of the  
24 duties of the Inspector General.



1       “(3)(A) Subject to the concurrence of the Director,  
2 the Inspector General may request such information or as-  
3 sistance as may be necessary for carrying out the duties  
4 and responsibilities of the Inspector General from any de-  
5 partment, agency, or other element of the United States  
6 Government.

7       “(B) Upon request of the Inspector General for infor-  
8 mation or assistance under subparagraph (A), the head  
9 of the department, agency, or element concerned shall, in-  
10 sofar as is practicable and not in contravention of any ex-  
11 isting statutory restriction or regulation of the depart-  
12 ment, agency, or element, furnish to the Inspector Gen-  
13 eral, or to an authorized designee, such information or as-  
14 sistance.

15       “(C) The Inspector General of the Intelligence Com-  
16 munity may, upon reasonable notice to the head of any  
17 element of the intelligence community, conduct, as author-  
18 ized by this section, an investigation, inspection, or audit  
19 of such element and may enter into any place occupied  
20 by such element for purposes of the performance of the  
21 duties of the Inspector General.

22       “(i) REPORTS.—(1)(A) The Inspector General of the  
23 Intelligence Community shall, not later than January 31  
24 and July 31 of each year, prepare and submit to the Di-  
25 rector of National Intelligence a classified, and, as appro-

1 p r i a t e , u n c l a s s i f i e d s e m i a n n u a l r e p o r t s u m m a r i z i n g t h e a c -  
2 t i v i t i e s o f t h e O f f i c e o f t h e I n s p e c t o r G e n e r a l o f t h e I n t e l -  
3 l i g e n c e C o m m u n i t y d u r i n g t h e i m m e d i a t e l y p r e c e d i n g 6 -  
4 m o n t h p e r i o d s e n d i n g D e c e m b e r 3 1 ( o f t h e p r e c e d i n g  
5 y e a r ) a n d J u n e 3 0 , r e s p e c t i v e l y .

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

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

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

21 “(iii) A description of the recommendations for  
22 corrective or disciplinary action made by the Inspec-  
23 tor General during the period covered by such report  
24 with respect to significant problems, abuses, or defi-  
25 ciencies identified in clause (ii).

1           “(iv) A statement whether or not corrective or  
2 disciplinary action has been completed on each sig-  
3 nificant recommendation described in previous semi-  
4 annual reports, and, in a case where corrective ac-  
5 tion has been completed, a description of such cor-  
6 rective action.

7           “(v) A certification whether or not the Inspec-  
8 tor General has had full and direct access to all in-  
9 formation relevant to the performance of the func-  
10 tions of the Inspector General.

11           “(vi) A description of the exercise of the sub-  
12 poena authority under subsection (f)(5) by the In-  
13 spector General during the period covered by such  
14 report.

15           “(vii) Such recommendations as the Inspector  
16 General considers appropriate for legislation to pro-  
17 mote economy, efficiency, and effectiveness in the  
18 administration and implementation of programs and  
19 operations undertaken by the intelligence commu-  
20 nity, and in the relationships between elements of  
21 the intelligence community, and to detect and elimi-  
22 nate fraud and abuse in such programs and oper-  
23 ations and in such relationships.

24           “(C) Not later than the 30 days after the date of  
25 receipt of a report under subparagraph (A), the Director

1 shall transmit the report to the congressional intelligence  
2 committees together with any comments the Director con-  
3 siders appropriate.

4       “(2)(A) The Inspector General shall report imme-  
5 diately to the Director whenever the Inspector General be-  
6 comes aware of particularly serious or flagrant problems,  
7 abuses, or deficiencies relating to the administration and  
8 implementation of programs or operations of the intel-  
9 ligence community or in the relationships between ele-  
10 ments of the intelligence community.

11       “(B) The Director shall transmit to the congressional  
12 intelligence committees each report under subparagraph  
13 (A) within seven calendar days of receipt of such report,  
14 together with such comments as the Director considers ap-  
15 propriate.

16       “(3) In the event that—

17               “(A) the Inspector General is unable to resolve  
18 any differences with the Director affecting the exe-  
19 cution of the duties or responsibilities of the Inspec-  
20 tor General;

21               “(B) an investigation, inspection, or audit car-  
22 ried out by the Inspector General focuses on any  
23 current or former intelligence community official  
24 who—

1           “(i) holds or held a position in an element  
2 of the intelligence community that is subject to  
3 appointment by the President, whether or not  
4 by and with the advice and consent of the Sen-  
5 ate, including such a position held on an acting  
6 basis;

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

11           “(iii) holds or held a position as head of an  
12 element of the intelligence community or a posi-  
13 tion covered by subsection (b) or (c) of section  
14 106;

15           “(C) a matter requires a report by the Inspec-  
16 tor General to the Department of Justice on possible  
17 criminal conduct by a current or former official de-  
18 scribed in subparagraph (B);

19           “(D) the Inspector General receives notice from  
20 the Department of Justice declining or approving  
21 prosecution of possible criminal conduct of any cur-  
22 rent or former official described in subparagraph  
23 (B); or

24           “(E) the Inspector General, after exhausting all  
25 possible alternatives, is unable to obtain significant

1 documentary information in the course of an inves-  
2 tigation, inspection, or audit,  
3 the Inspector General shall immediately notify and submit  
4 a report on such matter to the congressional intelligence  
5 committees.

6 “(4) Pursuant to title V, the Director shall submit  
7 to the congressional intelligence committees any report or  
8 findings and recommendations of an investigation, inspec-  
9 tion, or audit conducted by the office which has been re-  
10 quested by the Chairman or Vice Chairman or Ranking  
11 Minority Member of either committee.

12 “(5)(A) An employee of an element of the intelligence  
13 community, an employee assigned or detailed to an ele-  
14 ment of the intelligence community, or an employee of a  
15 contractor to the intelligence community who intends to  
16 report to Congress a complaint or information with respect  
17 to an urgent concern may report such complaint or infor-  
18 mation to the Inspector General.

19 “(B) Not later than the end of the 14-calendar day  
20 period beginning on the date of receipt from an employee  
21 of a complaint or information under subparagraph (A),  
22 the Inspector General shall determine whether the com-  
23 plaint or information appears credible. Upon making such  
24 a determination, the Inspector General shall transmit to

1 the Director a notice of that determination, together with  
2 the complaint or information.

3 “(C) Upon receipt of a transmittal from the Inspector  
4 General under subparagraph (B), the Director shall, with-  
5 in seven calendar days of such receipt, forward such trans-  
6 mittal to the congressional intelligence committees, to-  
7 gether with any comments the Director considers appro-  
8 priate.

9 “(D)(i) If the Inspector General does not find cred-  
10 ible under subparagraph (B) a complaint or information  
11 submitted under subparagraph (A), or does not transmit  
12 the complaint or information to the Director in accurate  
13 form under subparagraph (B), the employee (subject to  
14 clause (ii)) may submit the complaint or information to  
15 Congress by contacting either or both of the congressional  
16 intelligence committees directly.

17 “(ii) An employee may contact the intelligence com-  
18 mittees directly as described in clause (i) only if the em-  
19 ployee—

20 “(I) before making such a contact, furnishes to  
21 the Director, through the Inspector General, a state-  
22 ment of the employee’s complaint or information and  
23 notice of the employee’s intent to contact the con-  
24 gressional intelligence committees directly; and

1           “(II) obtains and follows from the Director,  
2           through the Inspector General, direction on how to  
3           contact the intelligence committees in accordance  
4           with appropriate security practices.

5           “(iii) A member or employee of one of the congres-  
6           sional intelligence committees who receives a complaint or  
7           information under clause (i) does so in that member or  
8           employee’s official capacity as a member or employee of  
9           such committee.

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

16          “(F) An action taken by the Director or the Inspector  
17          General under this paragraph shall not be subject to judi-  
18          cial review.

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

21                 “(i) A serious or flagrant problem, abuse, viola-  
22                 tion of law or Executive order, or deficiency relating  
23                 to the funding, administration, or operations of an  
24                 intelligence activity involving classified information,



1 but does not include differences of opinions con-  
2 cerning public policy matters.

3 “(ii) A false statement to Congress, or a willful  
4 withholding from Congress, on an issue of material  
5 fact relating to the funding, administration, or oper-  
6 ation of an intelligence activity.

7 “(iii) An action, including a personnel action  
8 described in section 2302(a)(2)(A) of title 5, United  
9 States Code, constituting reprisal or threat of re-  
10 prisal prohibited under subsection (f)(3)(B) of this  
11 section in response to an employee’s reporting an ur-  
12 gent concern in accordance with this paragraph.

13 “(H) In support of this paragraph, Congress makes  
14 the findings set forth in paragraphs (1) through (6) of  
15 section 701(b) of the Intelligence Community Whistle-  
16 blower Protection Act of 1998 (title VII of Public Law  
17 105–272; 5 U.S.C. App. 8H note).

18 “(6) In accordance with section 535 of title 28,  
19 United States Code, the Inspector General shall report to  
20 the Attorney General any information, allegation, or com-  
21 plaint received by the Inspector General relating to viola-  
22 tions of Federal criminal law that involves a program or  
23 operation of an element of the intelligence community, or  
24 in the relationships between the elements of the intel-  
25 ligence community, consistent with such guidelines as may

1 be issued by the Attorney General pursuant to subsection  
2 (b)(2) of such section. A copy of each such report shall  
3 be furnished to the Director.

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

10 “(k) CONSTRUCTION OF DUTIES REGARDING ELE-  
11 MENTS OF INTELLIGENCE COMMUNITY.—Except as re-  
12 solved pursuant to subsection (g), the performance by the  
13 Inspector General of the Intelligence Community of any  
14 duty, responsibility, or function regarding an element of  
15 the intelligence community shall not be construed to mod-  
16 ify or effect the duties and responsibilities of any other  
17 Inspector General, whether statutory or administrative,  
18 having duties and responsibilities relating to such ele-  
19 ment.”.

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

“Sec. 103H. Inspector General of the Intelligence Community.”.

1 (b) REPEAL OF SUPERSEDED AUTHORITY TO ES-  
2 TABLISH POSITION.—Section 8K of the Inspector General  
3 Act of 1978 (5 U.S.C. App.) is repealed.

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

7 “Inspector General of the Intelligence Commu-  
8 nity.”.

9 **SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OF-**  
10 **FICES AND OFFICIALS.**

11 (a) NATIONAL COUNTER PROLIFERATION CEN-  
12 TER.—Section 119A(a) of the National Security Act of  
13 1947 (50 U.S.C. 404o–1(a)) is amended—

14 (1) by striking “(a) ESTABLISHMENT.—Not  
15 later than 18 months after the date of the enact-  
16 ment of the National Security Intelligence Reform  
17 Act of 2004, the” and inserting the following:

18 “(a) IN GENERAL.—

19 “(1) ESTABLISHMENT.—The”; and

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

22 “(2) DIRECTOR.—The head of the National  
23 Counter Proliferation Center shall be the Director of  
24 the National Counter Proliferation Center, who shall

1 be appointed by the Director of National Intel-  
2 ligence.

3 “(3) LOCATION.—The National Counter Pro-  
4 liferation Center shall be located within the Office of  
5 the Director of National Intelligence.”.

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

8 (1) by redesignating paragraph (9) as para-  
9 graph (13); and

10 (2) by inserting after paragraph (8) the fol-  
11 lowing new paragraphs:

12 “(9) The Chief Information Officer of the Intel-  
13 ligence Community.

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

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

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

20 **SEC. 410. NATIONAL SPACE INTELLIGENCE CENTER.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—Title I of the National Secu-  
23 rity Act of 1947 (50 U.S.C. 401 et seq.) is amended  
24 by adding after section 119B the following new sec-  
25 tion:

1           “NATIONAL SPACE INTELLIGENCE CENTER

2           “SEC. 119C. (a) ESTABLISHMENT.—There is estab-  
3 lished within the Office of the Director of National Intel-  
4 ligence a National Space Intelligence Center.

5           “(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE  
6 CENTER.—The National Intelligence Officer for Science  
7 and Technology, or a successor position designated by the  
8 Director of National Intelligence, shall act as the Director  
9 of the National Space Intelligence Center.

10          “(c) MISSIONS.—The National Space Intelligence  
11 Center shall have the following missions:

12           “(1) To coordinate and provide policy direction  
13 for the management of space-related intelligence as-  
14 sets.

15           “(2) To prioritize collection activities consistent  
16 with the National Intelligence Collection Priorities  
17 framework, or a successor framework or other docu-  
18 ment designated by the Director of National Intel-  
19 ligence.

20           “(3) To provide policy direction for programs  
21 designed to ensure a sufficient cadre of government  
22 and nongovernment personnel in fields relating to  
23 space intelligence, including programs to support  
24 education, recruitment, hiring, training, and reten-  
25 tion of qualified personnel.

1           “(4) To evaluate independent analytic assess-  
2           ments of threats to classified United States space in-  
3           telligence systems throughout all phases of the devel-  
4           opment, acquisition, and operation of such systems.

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

12           “(e) SEPARATE BUDGET ACCOUNT.—The Director of  
13 National Intelligence shall include in the National Intel-  
14 ligence Program budget a separate line item for the Na-  
15 tional Space Intelligence Center.”.

16           (2) CLERICAL AMENDMENT.—The table of con-  
17           tents for that Act is amended by inserting after the  
18           item relating to section 119B the following new  
19           item:

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

20           (b) REPORT ON ORGANIZATION OF CENTER.—

21           (1) REPORT REQUIRED.—Not later than 180  
22           days after the date of the enactment of this Act, the  
23           Director of the National Space Intelligence Center  
24           shall submit to the Select Committee on Intelligence  
25           of the Senate and the Permanent Select Committee

1 on Intelligence of the House of Representatives a re-  
2 port on the organizational structure of the National  
3 Space Intelligence Center established by section  
4 119C of the National Security Act of 1947 (as  
5 added by subsection (a)).

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

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

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

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

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

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

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

22 “SEC. 700. (a) EXEMPTION OF CERTAIN FILES  
23 FROM SEARCH, REVIEW, PUBLICATION, OR DISCLO-  
24 SURE.—(1) Information and records described in para-  
25 graph (2) shall be exempt from the provisions of section  
26 552 of title 5, United States Code, that require search,

1 review, publication, or disclosure in connection therewith  
2 when—

3           “(A) such information or records are not dis-  
4           seminated outside the Office of the Director of Na-  
5           tional Intelligence; or

6           “(B) such information or records are incor-  
7           porated into new information or records created by  
8           personnel of the Office in a manner that identifies  
9           such new information or records as incorporating  
10          such information or records and such new informa-  
11          tion or records are not disseminated outside the Of-  
12          fice.

13          “(2) Information and records described in this para-  
14          graph are the following:

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

22               “(B) Any information or records created by the  
23               Office that incorporate information described in sub-  
24               paragraph (A).



1       “(3) An operational file of an element of the intel-  
2       ligence community from which information described in  
3       paragraph (2)(A) is disseminated or provided to the Office  
4       of the Director of National Intelligence as described in  
5       that paragraph shall remain exempt from search, review,  
6       publication, or disclosure under section 552 of title 5,  
7       United States Code, to the extent the operational files  
8       from which such information was derived remain exempt  
9       from search, review, publication, or disclosure under sec-  
10      tion 552 of such title.

11       “(b) SEARCH AND REVIEW OF CERTAIN FILES.—In-  
12      formation disseminated or otherwise provided to the Office  
13      of the Director of National Intelligence by another element  
14      of the intelligence community that is not exempt from  
15      search, review, publication, or disclosure under subsection  
16      (a), and that is authorized to be disseminated outside the  
17      Office, shall be subject to search and review under section  
18      552 of title 5, United States Code, but may remain exempt  
19      from publication and disclosure under such section by the  
20      element disseminating or providing such information to  
21      the Office to the extent authorized by such section.

22       “(c) SEARCH AND REVIEW FOR CERTAIN PUR-  
23      POSES.—Notwithstanding subsection (a), exempted oper-  
24      ational files shall continue to be subject to search and re-  
25      view for information concerning any of the following:

1           “(1) United States citizens or aliens lawfully  
2 admitted for permanent residence who have re-  
3 quested information on themselves pursuant to the  
4 provisions of section 552 or 552a of title 5, United  
5 States Code.

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

9           “(3) The specific subject matter of an investiga-  
10 tion by any of the following for any impropriety, or  
11 violation of law, Executive order, or Presidential di-  
12 rective, in the conduct of an intelligence activity:

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

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

17                   “(C) The Intelligence Oversight Board.

18                   “(D) The Department of Justice.

19                   “(E) The Office of the Director of Na-  
20 tional Intelligence.

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

23           (b) CLERICAL AMENDMENT.—The table of contents  
24 in the first section of that Act is amended by inserting

1 before the item relating to section 701 the following new  
2 item:

“Sec. 700. Operational files in the Office of the Director of National Intel-  
ligence.”.

3 **SEC. 412. ELIGIBILITY FOR INCENTIVE AWARDS OF PER-**  
4 **SONNEL ASSIGNED TO THE OFFICE OF THE**  
5 **DIRECTOR OF NATIONAL INTELLIGENCE.**

6 (a) IN GENERAL.—Subsection (a) of section 402 of  
7 the Intelligence Authorization Act for Fiscal Year 1984  
8 (50 U.S.C. 403e–1) is amended to read as follows:

9 “(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1)  
10 The Director of National Intelligence may exercise the au-  
11 thority granted in section 4503 of title 5, United States  
12 Code, with respect to Federal employees and members of  
13 the Armed Forces detailed or assigned to the Office of  
14 the Director of National Intelligence in the same manner  
15 as such authority may be exercised with respect to per-  
16 sonnel of the Office.

17 “(2) The Director of the Central Intelligence Agency  
18 may exercise the authority granted in section 4503 of title  
19 5, United States Code, with respect to Federal employees  
20 and members of the Armed Forces detailed or assigned  
21 to the Central Intelligence Agency in the same manner as  
22 such authority may be exercised with respect to personnel  
23 of the Agency.”.

1 (b) REPEAL OF OBSOLETE AUTHORITY.—That sec-  
2 tion is further amended—

3 (1) by striking subsection (c); and

4 (2) by redesignating subsection (d) as sub-  
5 section (c).

6 (c) EXPEDITIOUS PAYMENT.—That section is further  
7 amended by adding at the end the following new sub-  
8 section (d):

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

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

15 (1) in subsection (b), by striking “to the Cen-  
16 tral Intelligence Agency or to the Intelligence Com-  
17 munity Staff” and inserting “to the Office of the Di-  
18 rector of National Intelligence or to the Central In-  
19 telligence Agency”; and

20 (2) in subsection (c), as redesignated by sub-  
21 section (b)(2) of this section, by striking “Director  
22 of Central Intelligence” and inserting “Director of  
23 National Intelligence or Director of the Central In-  
24 telligence Agency”.

1 (e) TECHNICAL AND STYLISTIC AMENDMENTS.—

2 That section is further amended—

3 (1) in subsection (b)—

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

6 (B) by striking “subsection (a) of this sec-  
7 tion” and inserting “subsection (a)”;

8 (C) by striking “a date five years before  
9 the date of enactment of this section” and in-  
10 serting “December 9, 1978”;

11 (2) in subsection (c), as so redesignated, by in-  
12 serting “PAYMENT AND ACCEPTANCE OF  
13 AWARDS.—” after “(c)”.

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

17 (a) REPEAL OF CERTAIN AUTHORITIES.—Section  
18 904 of the Counterintelligence Enhancement Act of 2002  
19 (title IX of Public Law 107–306; 50 U.S.C. 402e) is  
20 amended—

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

23 (2) by redesignating subsections (e), (f), (k),  
24 (l), and (m) as subsections (d), (e), (f), (g), and (h),  
25 respectively.

1 (b) CONFORMING AMENDMENTS.—That section is  
2 further amended—

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

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

8 (A) in paragraph (1), by striking “sub-  
9 section (e)(1)” and inserting “subsection  
10 (d)(1)”; and

11 (B) in paragraph (2), by striking “sub-  
12 section (e)(2)” and inserting “subsection  
13 (d)(2)”.

14 **SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COM-**  
15 **MITTEE ACT TO ADVISORY COMMITTEES OF**  
16 **THE OFFICE OF THE DIRECTOR OF NATIONAL**  
17 **INTELLIGENCE.**

18 Section 4(b) of the Federal Advisory Committee Act  
19 (5 U.S.C. App.) is amended—

20 (1) in paragraph (1), by striking “or”;

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

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

1           “(3) the Office of the Director of National In-  
2           telligence.”.

3 **SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**  
4           **INTELLIGENCE ON THE TRANSPORTATION**  
5           **SECURITY OVERSIGHT BOARD.**

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

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

10 **SEC. 416. APPLICABILITY OF THE PRIVACY ACT TO THE DI-**  
11           **RECTOR OF NATIONAL INTELLIGENCE AND**  
12           **THE OFFICE OF THE DIRECTOR OF NATIONAL**  
13           **INTELLIGENCE.**

14           (a) **AUTHORITY TO EXEMPT.**—The Director of Na-  
15           tional Intelligence may prescribe regulations to exempt  
16           any system of records within the Office of the Director  
17           of National Intelligence from the applicability of the provi-  
18           sions of subsections (c)(3), (c)(4), and (d) of section 552a  
19           of title 5, United States Code.

20           (b) **PROMULGATION REQUIREMENTS.**—In prescribing  
21           any regulations under subsection (a), the Director shall  
22           comply with the requirements (including general notice re-  
23           quirements) of subsections (b), (c), and (e) of section 553  
24           of title 5, United States Code.

1       **Subtitle B—Central Intelligence**  
2                                   **Agency**

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

5           (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”.

10          (b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

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

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

18           “(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.

23           “(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence



1 Agency in carrying out the duties and responsibilities of  
2 the Director.

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

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

13 (d) EXECUTIVE SCHEDULE LEVEL III.—Section  
14 5314 of title 5, United States Code, is amended by adding  
15 at the end the following new item:

16 “Deputy Director of the Central Intelligence  
17 Agency.”.

18 (e) ROLE OF DNI IN APPOINTMENT.—Section  
19 106(a)(2) of the National Security Act of 1947 (50 U.S.C.  
20 403–6) is amended by adding at the end the following new  
21 subparagraph:

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

24 (f) MILITARY STATUS OF INDIVIDUAL SERVING AS  
25 DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR AD-

1 MINISTRATIVELY PERFORMING DUTIES OF DEPUTY DI-  
2 RECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A  
3 commissioned officer of the Armed Forces who is serving  
4 as the Director of the Central Intelligence Agency or is  
5 engaged in administrative performance of the duties of  
6 Deputy Director of the Central Intelligence Agency as of  
7 the date of the enactment of this Act shall not, while con-  
8 tinuing in such service, or in the administrative perform-  
9 ance of such duties, after that date—

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

13 (B) exercise, by reason of the officer's status as  
14 a commissioned officer, any supervision or control  
15 with respect to any of the military or civilian per-  
16 sonnel of the Department of Defense except as oth-  
17 erwise authorized by law.

18 (2) Except as provided in subparagraph (A) or (B)  
19 of paragraph (1), the service, or the administrative per-  
20 formance of duties, described in that paragraph by an offi-  
21 cer described in that paragraph shall not affect the status,  
22 position, rank, or grade of such officer in the Armed  
23 Forces, or any emolument, perquisite, right, privilege, or  
24 benefit incident to or arising out of such status, position,  
25 rank, or grade.

1       (3) A commissioned officer described in paragraph  
2 (1), while serving, or continuing in the administrative per-  
3 formance of duties, as described in that paragraph and  
4 while remaining on active duty, shall continue to receive  
5 military pay and allowances. Funds from which such pay  
6 and allowances are paid shall be reimbursed from funds  
7 available to the Director of the Central Intelligence Agen-  
8 cy.

9       (g) EFFECTIVE DATE AND APPLICABILITY.—

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

13                   (A) take effect on the date of the enact-  
14 ment of this Act; and

15                   (B) apply upon the occurrence of any act  
16 creating a vacancy in the position of Director of  
17 the Central Intelligence Agency after such date,  
18 except that if the vacancy occurs by resignation  
19 from such position of the individual serving in  
20 such position on such date, that individual may  
21 continue serving in such position after such res-  
22 igation until the individual appointed to suc-  
23 ceed such resigning individual as Director of  
24 the Central Intelligence Agency, by and with

1           the advice and consent of the Senate, assumes  
2           the duties of such position.

3           (2) DEPUTY DIRECTOR OF CENTRAL INTEL-  
4           LIGENCE AGENCY.—The amendments made by sub-  
5           sections (b) through (e) shall take effect on the date  
6           of the enactment of this Act and shall apply upon  
7           the earlier of—

8                   (A) the date of the nomination by the  
9                   President of an individual to serve as Deputy  
10                  Director of the Central Intelligence Agency, ex-  
11                  cept that the individual administratively per-  
12                  forming the duties of the Deputy Director of  
13                  the Central Intelligence Agency as of the date  
14                  of the enactment of this Act may continue to  
15                  perform such duties after such date of nomina-  
16                  tion and until the individual appointed to the  
17                  position of Deputy Director of the Central In-  
18                  telligence Agency, by and with the advice and  
19                  consent of the Senate, assumes the duties of  
20                  such position; or

21                   (B) the date of the cessation of the per-  
22                  formance of the duties of Deputy Director of  
23                  the Central Intelligence Agency by the indi-  
24                  vidual administratively performing such duties  
25                  as of the date of the enactment of this Act.

1 **SEC. 422. ENHANCED PROTECTION OF CENTRAL INTEL-**  
2 **LIGENCE AGENCY INTELLIGENCE SOURCES**  
3 **AND METHODS FROM UNAUTHORIZED DIS-**  
4 **CLOSURE.**

5 (a) RESPONSIBILITY OF DIRECTOR OF CENTRAL IN-  
6 TELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT  
7 OF 1947.—Subsection (e) of section 104A of the National  
8 Security Act of 1947 (50 U.S.C. 403–4a), as redesignated  
9 by section 421(b)(1) of this Act, is further amended—

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

12 (2) by redesignating paragraph (4) as para-  
13 graph (5); and

14 (3) by inserting after paragraph (3) the fol-  
15 lowing new paragraph (4):

16 “(4) protect intelligence sources and methods of  
17 the Central Intelligence Agency from unauthorized  
18 disclosure, consistent with any direction issued by  
19 the President or the Director of National Intel-  
20 ligence; and”.

21 (b) PROTECTION UNDER CENTRAL INTELLIGENCE  
22 AGENCY ACT OF 1949.—Section 6 of the Central Intel-  
23 ligence Agency Act of 1949 (50 U.S.C. 403g) is amended  
24 by striking “section 102A(i)” and all that follows through  
25 “unauthorized disclosure” and inserting “sections 102A(i)

1 and 104A(e)(4) of the National Security Act of 1947 (50  
2 U.S.C. 403–1(i), 403–4a(e)(4))”.

3 (c) CONSTRUCTION WITH EXEMPTION FROM RE-  
4 QUIREMENT FOR DISCLOSURE OF INFORMATION TO PUB-  
5 LIC.—Section 104A(e)(4) of the National Security Act of  
6 1947, as amended by subsection (a), and section 6 of the  
7 Central Intelligence Agency Act of 1949, as amended by  
8 subsection (b), shall be treated as statutes that specifically  
9 exempt from disclosure the matters specified in such sec-  
10 tions for purposes of section 552(b)(3) of title 5, United  
11 States Code.

12 (d) TECHNICAL AMENDMENTS TO CENTRAL INTEL-  
13 LIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of  
14 the Central Intelligence Agency Retirement Act (50  
15 U.S.C. 2011(c)) is amended—

16 (1) in the subsection caption, by striking “OF  
17 DCI”;

18 (2) by striking “section 102A(i)” and inserting  
19 “sections 102A(i) and 104A(e)(4)”;

20 (3) by striking “of National Intelligence”; and

21 (4) by inserting “of the Central Intelligence  
22 Agency” after “methods”.

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

5 (a) **ADDITIONAL EXCEPTION.**—Subsection (h) of sec-  
6 tion 104A of the National Security Act of 1947 (50 U.S.C.  
7 403–4a), as redesignated by section 421(b)(1) of this Act,  
8 is further amended—

9 (1) in paragraph (1)—

10 (A) by striking “paragraph (2)” and in-  
11 serting “paragraphs (2) and (3)”; and

12 (B) by striking “Directorate of Oper-  
13 ations” and inserting “National Clandestine  
14 Service”;

15 (2) in paragraph (2), by striking “position or  
16 category of positions” each place it appears and in-  
17 serting “individual, individuals, position, or category  
18 of positions”; and

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

21 “(3) Paragraph (1) shall not apply to any individual  
22 in the Directorate of Intelligence or the National Clandes-  
23 tine Service of the Central Intelligence Agency who is serv-  
24 ing in a Senior Intelligence Service position as of Decem-  
25 ber 23, 2005, regardless of whether such individual is a  
26 member of the Senior Intelligence Service.”.

1 (b) REPORT ON WAIVERS.—Section 611(e) of the In-  
2 telligence Authorization Act for Fiscal Year 2005 (Public  
3 Law 108–487; 118 Stat. 3955) is amended—

4 (1) by striking the first sentence and inserting  
5 the following new sentence: “The Director of the  
6 Central Intelligence Agency shall submit to Congress  
7 a report that identifies individuals who, or positions  
8 within the Senior Intelligence Service in the Direc-  
9 torate of Intelligence or the National Clandestine  
10 Service of the Central Intelligence Agency that, are  
11 determined by the Director to require a waiver  
12 under subsection (h) of section 104A of the National  
13 Security Act of 1947, as added by subsection (a)  
14 and redesignated by section 421(b)(1) of the Intel-  
15 ligence Authorization Act for Fiscal Year 2007.”;  
16 and

17 (2) in the second sentence—

18 (A) by striking “section 104A(g)(2), as so  
19 added” and inserting “subsection (h)(2) of sec-  
20 tion 104A, as so added and redesignated”; and

21 (B) by striking “position or category of po-  
22 sitions” and inserting “individual, individuals,  
23 position, or category of positions”.



1 **SEC. 424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**  
2 **PROTECTIVE PERSONNEL OF THE CENTRAL**  
3 **INTELLIGENCE AGENCY.**

4 Section 5(a)(4) of the Central Intelligence Agency  
5 Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

6 (1) by inserting “(A)” after “(4)”;

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

8 (A) by striking “and the protection” and  
9 inserting “the protection”; and

10 (B) by striking the semicolon and inserting  
11 “, and the protection of the Director of Na-  
12 tional Intelligence and such personnel of the Of-  
13 fice of the Director of National Intelligence as  
14 the Director of National Intelligence may des-  
15 ignate; and”; and

16 (3) by adding at the end the following new sub-  
17 paragraph:

18 “(B) Authorize personnel engaged in the per-  
19 formance of protective functions authorized pursuant  
20 to subparagraph (A), when engaged in the perform-  
21 ance of such functions, to make arrests without war-  
22 rant for any offense against the United States com-  
23 mitted in the presence of such personnel, or for any  
24 felony cognizable under the laws of the United  
25 States, if such personnel have reasonable grounds to  
26 believe that the person to be arrested has committed

1 or is committing such felony, except that any au-  
2 thority pursuant to this subparagraph may be exer-  
3 cised only in accordance with guidelines approved by  
4 the Director and the Attorney General and such per-  
5 sonnel may not exercise any authority for the service  
6 of civil process or for the investigation of criminal  
7 offenses;”.

8 **SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**  
9 **ON RETIREMENT BENEFITS FOR FORMER EM-**  
10 **PLOYEES OF AIR AMERICA.**

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

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

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

24 (i) the relationship between such compa-  
25 nies and the Central Intelligence Agency and

1 other elements of the United States Govern-  
2 ment;

3 (ii) the workforce of such companies;

4 (iii) the missions performed by such com-  
5 panies and their employees for the United  
6 States; and

7 (iv) the casualties suffered by employees of  
8 such companies in the course of their employ-  
9 ment with such companies.

10 (B) A description of the retirement benefits  
11 contracted for or promised to the employees of such  
12 companies before 1977, the contributions made by  
13 such employees for such benefits, the retirement  
14 benefits actually paid such employees, the entitle-  
15 ment of such employees to the payment of future re-  
16 tirement benefits, and the likelihood that former em-  
17 ployees of such companies will receive any future re-  
18 tirement benefits.

19 (C) An assessment of the difference between—

20 (i) the retirement benefits that former em-  
21 ployees of such companies have received or will  
22 receive by virtue of their employment with such  
23 companies; and

24 (ii) the retirement benefits that such em-  
25 ployees would have received and in the future

1 receive if such employees had been, or would  
2 now be, treated as employees of the United  
3 States whose services while in the employ of  
4 such companies had been or would now be cred-  
5 ited as Federal service for the purpose of Fed-  
6 eral retirement benefits.

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

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

22 (c) ASSISTANCE OF COMPTROLLER GENERAL.—The  
23 Comptroller General of the United States shall, upon the  
24 request of the Director of National Intelligence and in a  
25 manner consistent with the protection of classified infor-

1 mation, assist the Director in the preparation of the report  
2 required by subsection (a).

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

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Air America” means Air Amer-  
8 ica, Incorporated.

9 (2) The term “associated company” means any  
10 company associated with or subsidiary to Air Amer-  
11 ica, including Air Asia Company Limited and the  
12 Pacific Division of Southern Air Transport, Incor-  
13 porated.

## 14 **Subtitle C—Defense Intelligence** 15 **Components**

### 16 **SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGEN-** 17 **CY TRAINING PROGRAM.**

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

23 “(i) by the Agency due to misconduct by  
24 the employee;

25 “(ii) by the employee voluntarily; or

1           “(iii) by the Agency for the failure of the  
2           employee to maintain such level of academic  
3           standing in the educational course of training  
4           as the Director of the National Security Agency  
5           shall have specified in the agreement of the em-  
6           ployee under this subsection; and”.

7           (b) **AUTHORITY TO WITHHOLD DISCLOSURE OF AF-**  
8 **FILIATION WITH NSA.**—Subsection (e) of such section is  
9 amended by striking “(1) When an employee” and all that  
10 follows through “(2) Agency efforts” and inserting “Agen-  
11 cy efforts”.

12 **SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL**  
13 **SECURITY AGENCY PROTECTIVE PER-**  
14 **SONNEL.**

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

18           “SEC. 20. (a) The Director is authorized to designate  
19 personnel of the Agency to perform protective functions  
20 for the Director and for any personnel of the Agency des-  
21 ignated by the Director.

22           “(b)(1) In the performance of protective functions  
23 under this section, personnel of the Agency designated to  
24 perform protective functions pursuant to subsection (a)

1 are authorized, when engaged in the performance of such  
2 functions, to make arrests without a warrant for—

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

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

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

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

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

20 **SEC. 433. INSPECTOR GENERAL MATTERS.**

21 (a) COVERAGE UNDER INSPECTOR GENERAL ACT OF  
22 1978.—Subsection (a)(2) of section 8G of the Inspector  
23 General Act of 1978 (5 U.S.C. App. 8G) is amended—

1           (1) by inserting “the Defense Intelligence Agen-  
2           cy,” after “the Corporation for Public Broad-  
3           casting,”;

4           (2) by inserting “the National Geospatial-Intel-  
5           ligence Agency,” after “the National Endowment for  
6           the Arts,”; and

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

10          (b) CERTAIN DESIGNATIONS UNDER INSPECTOR  
11 GENERAL ACT OF 1978.—Subsection (a) of section 8H  
12 of the Inspector General Act of 1978 (5 U.S.C. App. 8H)  
13 is amended by adding at the end the following new para-  
14 graph:

15          “(3) The Inspectors General of the Defense Intel-  
16 ligence Agency, the National Geospatial-Intelligence Agen-  
17 cy, the National Reconnaissance Office, and the National  
18 Security Agency shall be designees of the Inspector Gen-  
19 eral of the Department of Defense for purposes of this  
20 section.”.

21          (c) POWER OF HEADS OF ELEMENTS OVER INVES-  
22 TIGATIONS.—Subsection (d) of section 8G of that Act—

23           (1) by inserting “(1)” after “(d)”;

24           (2) in the second sentence of paragraph (1), as  
25           designated by paragraph (1) of this subsection, by



1 striking “The head” and inserting “Except as pro-  
2 vided in paragraph (2), the head”; and

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

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

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

20 “(C) At the same time the Director or the Secretary  
21 submits under subparagraph (B) a statement on the exer-  
22 cise of the authority in subparagraph (A) to the commit-  
23 tees of Congress specified in subparagraph (E), the Direc-  
24 tor or the Secretary, as the case may be, shall notify the  
25 Inspector General of such element of the submittal of such

1 statement and, to the extent consistent with the protection  
2 of intelligence sources and methods, provide the Inspector  
3 General with a copy of such statement. The Inspector  
4 General may submit to such committees of Congress any  
5 comments on a notice or statement received by the Inspec-  
6 tor General under this subparagraph that the Inspector  
7 General considers appropriate.

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

10 “(i) The Defense Intelligence Agency.

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

13 “(iii) The National Reconnaissance Office.

14 “(iv) The National Security Agency.

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

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

19 “(ii) the Committee on Armed Services and the  
20 Permanent Select Committee on Intelligence of the  
21 House of Representatives.”.

1 **SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF**  
2 **CERTAIN COMPONENTS OF THE INTEL-**  
3 **LIGENCE COMMUNITY.**

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

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

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

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

17 (b) DIRECTOR OF NATIONAL GEOSPATIAL-INTEL-  
18 LIGENCE AGENCY.—Section 441(b) of title 10, United  
19 States Code, is amended—

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

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

24 “(2) The Director of the National Geospatial Intel-  
25 ligence Agency shall be appointed by the President, by and  
26 with the advice and consent of the Senate.”.

1           (c) DIRECTOR OF NATIONAL RECONNAISSANCE OF-  
2 FICE.—The Director of the National Reconnaissance Of-  
3 fice shall be appointed by the President, by and with the  
4 advice and consent of the Senate.

5           (d) POSITIONS OF IMPORTANCE AND RESPONSI-  
6 BILITY.—

7           (1) DESIGNATION OF POSITIONS.—The Presi-  
8 dent may designate any of the positions referred to  
9 in paragraph (2) as positions of importance and re-  
10 sponsibility under section 601 of title 10, United  
11 States Code.

12           (2) COVERED POSITIONS.—The positions re-  
13 ferred to in this paragraph are as follows:

14           (A) The Director of the National Security  
15 Agency.

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

18           (C) The Director of the National Recon-  
19 naissance Office.

20           (e) EFFECTIVE DATE AND APPLICABILITY.—(1) The  
21 amendments made by subsections (a) and (b), and sub-  
22 section (c), shall take effect on the date of the enactment  
23 of this Act and shall apply upon the earlier of—

24           (A) the date of the nomination by the President  
25 of an individual to serve in the position concerned,

1       except that the individual serving in such position as  
2       of the date of the enactment of this Act may con-  
3       tinue to perform such duties after such date of nom-  
4       ination and until the individual appointed to such  
5       position, by and with the advice and consent of the  
6       Senate, assumes the duties of such position; or

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

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

13      **SEC. 435. CLARIFICATION OF NATIONAL SECURITY MIS-**  
14                      **SIONS OF NATIONAL GEOSPATIAL-INTEL-**  
15                      **LIGENCE AGENCY FOR ANALYSIS AND DIS-**  
16                      **SEMINATION OF CERTAIN INTELLIGENCE IN-**  
17                      **FORMATION.**

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

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

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

24      “(2)(A) As directed by the Director of National Intel-  
25      ligence, the National Geospatial-Intelligence Agency shall

1 also analyze, disseminate, and incorporate into the Na-  
2 tional System for Geospatial-Intelligence, likenesses, vid-  
3 eos, or presentations produced by ground-based platforms,  
4 including handheld or clandestine photography taken by  
5 or on behalf of human intelligence collection organizations  
6 or available as open-source information.

7 “(B) The authority provided by this paragraph does  
8 not include the authority to manage or direct the tasking  
9 of, set requirements and priorities for, set technical re-  
10 quirements related to, or modify any classification or dis-  
11 semination limitations related to the collection of,  
12 handheld or clandestine photography taken by or on behalf  
13 of human intelligence collection organizations.”; and

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

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

19 The Secretary of Defense shall, during the period be-  
20 ginning on the date of the enactment of this Act and end-  
21 ing on December 31, 2007, delegate to the Director of  
22 the National Geospatial-Intelligence Agency personnel se-  
23 curity authority with respect to the National Geospatial-  
24 Intelligence Agency (including authority relating to the  
25 use of contractor personnel in investigations and adjudica-

1 tions for security clearances) that is identical to the per-  
2 sonnel security authority of the Director of the National  
3 Security Agency with respect to the National Security  
4 Agency.

## 5 **Subtitle D—Other Elements**

### 6 **SEC. 441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN** 7 **NON-SPECIAL AGENT EMPLOYEES OF THE** 8 **FEDERAL BUREAU OF INVESTIGATION.**

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

16 (b) **COVERED EMPLOYEES.**—An employee of the  
17 Federal Bureau of Investigation described in this sub-  
18 section is any employee of the Federal Bureau of Inves-  
19 tigation—

20 (1) who uses foreign language skills in support  
21 of the analyses, investigations, or operations of the  
22 Bureau to protect against international terrorism or  
23 clandestine intelligence activities (or maintains for-  
24 eign language skills for purposes of such support);  
25 and

1           (2) whom the Director of the Federal Bureau  
2 of Investigation, subject to the joint guidance of the  
3 Attorney General and the Director of National Intel-  
4 ligence, may designate for purposes of this section.

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

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

11                       “SERVICES BY CONTRACT FOR BUREAU OF  
12   INTELLIGENCE AND RESEARCH

13           “SEC. 23A. (a) AUTHORITY TO ENTER INTO CON-  
14 TRACTS.—The Secretary may enter into contracts with in-  
15 dividuals or organizations for the provision of services in  
16 support of the mission of the Bureau of Intelligence and  
17 Research of the Department of State if the Secretary de-  
18 termines that—

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

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

23           “(b) TREATMENT AS EMPLOYEES OF THE UNITED  
24 STATES GOVERNMENT.—(1) Individuals employed under  
25 a contract pursuant to the authority in subsection (a) shall  
26 not, by virtue of the performance of services under such



1 contract, be considered employees of the United States  
2 Government for purposes of any law administered by the  
3 Office of Personnel Management.

4 “(2) The Secretary may provide for the applicability  
5 to individuals described in paragraph (1) of any law ad-  
6 ministered by the Secretary concerning the employment  
7 of such individuals.

8 “(c) CONTRACT TO BE APPROPRIATE MEANS OF SE-  
9 CURING SERVICES.—The chief contracting officer of the  
10 Department of State shall ensure that each contract en-  
11 tered into by the Secretary under this section is the appro-  
12 priate means of securing the services to be provided under  
13 such contract.”.

14 **SEC. 443. CLARIFICATION OF INCLUSION OF COAST GUARD**  
15 **AND DRUG ENFORCEMENT ADMINISTRATION**  
16 **AS ELEMENTS OF THE INTELLIGENCE COM-**  
17 **MUNITY.**

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

20 (1) in subparagraph (H)—

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

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

1 (2) in subparagraph (K), by striking “, includ-  
2 ing the Office of Intelligence of the Coast Guard”.

3 **SEC. 444. CLARIFYING AMENDMENTS RELATING TO SEC-**  
4 **TION 105 OF THE INTELLIGENCE AUTHORIZA-**  
5 **TION ACT FOR FISCAL YEAR 2004.**

6 Section 105(b) of the Intelligence Authorization Act  
7 for Fiscal Year 2004 (Public Law 108–177; 117 Stat.  
8 2603; 31 U.S.C. 311 note) is amended—

9 (1) by striking “Director of Central Intel-  
10 ligence” and inserting “Director of National Intel-  
11 ligence”; and

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

14 **TITLE V—OTHER MATTERS**

15 **SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**  
16 **CURITY ACT OF 1947.**

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

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

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

22 (B) in subsection (d)—

23 (i) in paragraph (3), by striking “sub-  
24 paragraph (A)” in the matter preceding

1 subparagraph (A) and inserting “para-  
2 graph (1)(A)”;

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

6 (iii) in paragraph (5)(B), by striking  
7 “or agency involved” in the second sen-  
8 tence and inserting “involved or the Direc-  
9 tor of the Central Intelligence Agency (in  
10 the case of the Central Intelligence Agen-  
11 cy)”;

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

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

16 (2) In section 119(c)(2)(B) (50 U.S.C.  
17 404o(c)(2)(B)), by striking “subsection (h)” and in-  
18 serting “subsection (i)”.

19 (3) In section 705(e)(2)(D)(i) (50 U.S.C.  
20 432c(e)(2)(D)(i)), by striking “responsible” and in-  
21 serting “responsive”.

1 **SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REF-**  
2 **ERENCES TO JOINT MILITARY INTELLIGENCE**  
3 **PROGRAM AND TACTICAL INTELLIGENCE**  
4 **AND RELATED ACTIVITIES.**

5 Section 102A of the National Security Act of 1947  
6 (50 U.S.C. 403–1) is amended—

7 (1) in subsection (c)(3)(A), by striking “annual  
8 budgets for the Joint Military Intelligence Program  
9 and for Tactical Intelligence and Related Activities”  
10 and inserting “annual budget for the Military Intel-  
11 ligence Program or any successor program or pro-  
12 grams”; and

13 (2) in subsection (d)(1)(B), by striking “Joint  
14 Military Intelligence Program” and inserting “Mili-  
15 tary Intelligence Program or any successor program  
16 or programs”.

17 **SEC. 503. TECHNICAL AMENDMENTS TO THE INTEL-**  
18 **LIGENCE REFORM AND TERRORISM PREVEN-**  
19 **TION ACT OF 2004.**

20 (a) AMENDMENTS TO NATIONAL SECURITY INTEL-  
21 LIGENCE REFORM ACT OF 2004.—The National Security  
22 Intelligence Reform Act of 2004 (title I of Public Law  
23 108–458) is further amended as follows:

24 (1) In section 1016(e)(10)(B) (6 U.S.C.  
25 458(e)(10)(B)), by striking “Attorney General” the

1 second place it appears and inserting “Department  
2 of Justice”.

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

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

7 (B) in subsection (h), by striking “Na-  
8 tional Intelligence Director” and inserting “Di-  
9 rector of National Intelligence”.

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

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

13 (b) OTHER AMENDMENTS TO INTELLIGENCE RE-  
14 FORM AND TERRORISM PREVENTION ACT OF 2004.—The  
15 Intelligence Reform and Terrorism Prevention Act of  
16 2004 (Public Law 108–458) is amended as follows:

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

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

20 (B) in subsection (e)(2), by striking “the  
21 National Intelligence Director in a manner con-  
22 sistent with section 112(e)” and inserting “the  
23 Director of National Intelligence in a manner  
24 consistent with applicable law”; and

1 (C) in subsection (f), by striking “shall,”  
2 in the matter preceding paragraph (1) and in-  
3 serting “shall”.

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

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

7 (B) in paragraph (3), by striking “the spe-  
8 cific” and inserting “specific”.

9 **SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**  
10 **STATES CODE, ARISING FROM ENACTMENT**  
11 **OF THE INTELLIGENCE REFORM AND TER-**  
12 **RORISM PREVENTION ACT OF 2004.**

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

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

19 (2) Section 193(e).

20 (3) Section 201(a).

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

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

23 (6) Section 425(a).

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

25 (8) Section 441(c).

1 (9) Section 441(d).

2 (10) Section 443(d).

3 (11) Section 2273(b)(1).

4 (12) Section 2723(a).

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

9 (1) Section 441(c).

10 (2) Section 443(d).

11 (c) REFERENCE TO HEAD OF CENTRAL INTEL-  
12 LIGENCE AGENCY.—Section 444 of such title is amended  
13 by striking “Director of Central Intelligence” each place  
14 it appears and inserting “Director of the Central Intel-  
15 ligence Agency”.

16 **SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL IN-**  
17 **TELLIGENCE AGENCY ACT OF 1949.**

18 Section 5(a)(1) of the Central Intelligence Agency  
19 Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking  
20 “authorized under paragraphs (2) and (3) of section  
21 102(a), subsections (c)(7) and (d) of section 103, sub-  
22 sections (a) and (g) of section 104, and section 303 of  
23 the National Security Act of 1947 (50 U.S.C. 403(a)(2),  
24 (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and insert-  
25 ing “authorized under subsections (d), (e), (f), and (g) of

1 section 104A of the National Security Act of 1947 (50  
2 U.S.C. 403–4a).”.

3 **SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE**  
4 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**  
5 **GRAM.**

6 (a) **IN GENERAL.**—Subsection (a) of section 1403 of  
7 the National Defense Authorization Act for Fiscal Year  
8 1991 (50 U.S.C. 404b) is amended—

9 (1) in the subsection caption, by striking “FOR-  
10 EIGN”; and

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

12 (b) **RESPONSIBILITY OF DNI.**—That section is fur-  
13 ther amended—

14 (1) in subsections (a) and (c), by striking “Di-  
15 rector of Central Intelligence” and inserting “Direc-  
16 tor of National Intelligence”; and

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

19 (c) **CONFORMING AMENDMENT.**—The heading of  
20 that section is amended to read as follows:



1 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**  
2 **GRAM.”.**

3 **SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE**  
4 **SCHEDULE.**

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

9 “Director of the Central Intelligence Agency.”.

10 (b) EXECUTIVE SCHEDULE LEVEL III.—Section  
11 5314 of title 5, United States Code, is amended by strik-  
12 ing the item relating to the Deputy Directors of Central  
13 Intelligence.

14 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section  
15 5315 of title 5, United States Code, is amended by strik-  
16 ing the item relating to the General Counsel of the Office  
17 of the National Intelligence Director and inserting the fol-  
18 lowing new item:

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

21 **SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDES-**  
22 **IGNATION OF THE NATIONAL IMAGERY AND**  
23 **MAPPING AGENCY AS THE NATIONAL**  
24 **GEOSPATIAL-INTELLIGENCE AGENCY.**

25 (a) TITLE 5, UNITED STATES CODE.—(1) Title 5,  
26 United States Code, is amended by striking “National Im-

1 agery and Mapping Agency” each place it appears in a  
2 provision as follows and inserting “National Geospatial-  
3 Intelligence Agency”:

4 (A) Section 2302(a)(2)(C)(ii).

5 (B) Section 3132(a)(1)(B).

6 (C) Section 4301(1) (in clause (ii)).

7 (D) Section 4701(a)(1)(B).

8 (E) Section 5102(a)(1) (in clause (x)).

9 (F) Section 5342(a)(1) (in clause (K)).

10 (G) Section 6339(a)(1)(E).

11 (H) Section 7323(b)(2)(B)(i)((XIII)).

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

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

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

1 **“§ 1336. National Geospatial-Intelligence Agency: spe-**  
2 **cial publications”.**

3 (2) The table of sections at the beginning of chapter  
4 13 of such title is amended by striking the item relating  
5 to section 1336 and inserting the following new item:

“1336. National Geospatial-Intelligence Agency: special publications.”.

6 (c) HOMELAND SECURITY ACT OF 2002.—Section  
7 201(f)(2)(E) of the Homeland Security Act of 2002 (6  
8 U.S.C. 121(f)(2)(E)) is amended by striking “National  
9 Imagery and Mapping Agency” and inserting “National  
10 Geospatial-Intelligence Agency”.

11 (d) INSPECTOR GENERAL ACT OF 1978.—Section 8H  
12 of the Inspector General Act of 1978 (5 U.S.C. App.) is  
13 amended by striking “National Imagery and Mapping  
14 Agency” each place it appears and inserting “National  
15 Geospatial-Intelligence Agency”.

16 (e) ETHICS IN GOVERNMENT ACT OF 1978.—Section  
17 105(a)(1) of the Ethics in Government Act of 1978 (5  
18 U.S.C. App.) is amended by striking “National Imagery  
19 and Mapping Agency” and inserting “National  
20 Geospatial-Intelligence Agency”.

21 (f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the  
22 Employee Polygraph Protection Act of 1988 (29 U.S.C.  
23 2006(b)(2)(A)(i)) is amended by striking “National Im-  
24 agery and Mapping Agency” and inserting “National  
25 Geospatial-Intelligence Agency”.

1           (2) Section 207(a)(2)(B) of the Legislative Branch  
2 Appropriations Act, 1993 (44 U.S.C. 501 note) is amend-  
3 ed by striking “National Imagery and Mapping Agency”  
4 and inserting “National Geospatial-Intelligence Agency”.



Calendar No. 476

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3237**

[Report No. 109-259]  
[Report No. 109-265]

---

---

## **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 Agency Retirement and Disability System, and for other purposes.

---

---

JUNE 21, 2006

Reported without amendment