

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

# H. R. 2701

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2010

Received

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## AN ACT

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Prohibition on earmarks.

Sec. 106. Restriction on conduct of intelligence activities.

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

Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

**Subtitle A—Personnel Matters**

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

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

Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the in-  
 telligence community.

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

Sec. 305. Conflict of interest regulations and prohibition on certain outside em-  
 ployment for intelligence community employees.

**Subtitle B—Education**

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

Sec. 312. Intelligence officer training program.

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

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

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

Sec. 321. Reporting on covert actions.

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

Sec. 331. Report on financial intelligence on terrorist assets.

- Sec. 332. Annual personnel level assessments for the intelligence community.
- Sec. 333. Semiannual reports on nuclear weapons programs of Iran, Syria, and North Korea.
- Sec. 334. Report on foreign language proficiency in the intelligence community.
- Sec. 335. Government Accountability Office audits and investigations.
- Sec. 336. Certification of compliance with oversight requirements.
- Sec. 337. Reports on foreign industrial espionage.
- Sec. 338. Report on intelligence community contractors.
- Sec. 339. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.
- Sec. 340. Report on intelligence resources dedicated to Iraq and Afghanistan.
- Sec. 341. Report on international traffic in arms regulations.
- Sec. 342. Report on nuclear trafficking.
- Sec. 343. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
- Sec. 344. Study on electronic waste destruction practices of the intelligence community.
- Sec. 345. Report on retirement benefits for former employees of Air America.
- Sec. 346. Study on college tuition programs for employees of the intelligence community.
- Sec. 347. Report on global supply chain vulnerabilities.
- Sec. 348. Review of records relating to potential health risks among Desert Storm veterans.
- Sec. 349. Federal Bureau of Investigation field office supervisory term limit policy.
- Sec. 350. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 351. Summary of intelligence on Uighur detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 352. Report on interrogation research and training.
- Sec. 353. Report on plans to increase diversity within the intelligence community.
- Sec. 354. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.
- Sec. 355. Public release of information on procedures used in narcotics airbridge denial program in Peru.
- Sec. 356. Cybersecurity oversight.
- Sec. 357. Reiteration of requirement to submit report on terrorism financing.
- Sec. 358. Report on questioning and detention of suspected terrorists.
- Sec. 359. Report on dissemination of counterterrorism information to local law enforcement agencies.
- Sec. 360. Report on intelligence capabilities of State and local law enforcement agencies.
- Sec. 360A. Inspector General report on over-classification.
- Sec. 360B. Report on threat from dirty bombs.
- Sec. 360C. Report on activities of the intelligence community in Argentina.
- Sec. 360D. Report on National Security Agency strategy to protect Department of Defense networks.
- Sec. 360E. Report on creation of space intelligence office.
- Sec. 360F. Plan to secure networks of the intelligence community.
- Sec. 360G. Report on missile arsenal of Iran.
- Sec. 360H. Study on best practices of foreign governments in combating violent domestic extremism.
- Sec. 360I. Report on information sharing practices of joint terrorism task force.

- Sec. 360J. Report on technology to enable information sharing.
- Sec. 360K. Report on threats to energy security of the United States.
- Sec. 360L. Report on attempt to detonate explosive device on Northwest Airlines flight 253.
- Sec. 360M. Repeal of certain reporting requirements.
- Sec. 360N. Incorporation of reporting requirements.
- Sec. 360O. Conforming amendments.

#### Subtitle E—Other Matters

- Sec. 361. Modification of availability of funds for different intelligence activities.
- Sec. 362. Protection of certain national security information.
- Sec. 363. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 364. Exemption of dissemination of terrorist identity information from Freedom of Information Act.
- Sec. 365. Misuse of the intelligence community and Office of the Director of National Intelligence name, initials, or seal.
- Sec. 366. Security clearances: reports; ombudsman; reciprocity.
- Sec. 367. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 368. Intelligence community financial improvement and audit readiness.
- Sec. 369. Sense of Congress on monitoring of northern border of the United States.

### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

#### Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
- Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 403. Additional duties of the Director of Science and Technology.
- Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.
- Sec. 405. Title of Chief Information Officer of the Intelligence Community.
- Sec. 406. Inspector General of the Intelligence Community.
- Sec. 407. Director of National Intelligence support for reviews of International Traffic in Arms Regulations and Export Administration Regulations.

#### Subtitle B—Central Intelligence Agency

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

Subtitle C—Other Elements

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

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

- Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 502. Classification review of executive branch materials in the possession of the congressional intelligence committees.
- Sec. 503. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.
- Sec. 504. Sense of Congress honoring the contributions of the Central Intelligence Agency.
- Sec. 505. Review of intelligence to determine if foreign connection to anthrax attacks exists.
- Sec. 505. Cybersecurity task force.

Subtitle B—Technical Amendments

- Sec. 511. Technical amendments to the Central Intelligence Agency Act of 1949.
- Sec. 512. Technical amendment to mandatory retirement provision of Central Intelligence Agency Retirement Act.
- Sec. 513. Technical amendments to the Executive Schedule.
- Sec. 514. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
- Sec. 515. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
- Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 517. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 518. Technical amendments to the National Security Act of 1947.
- Sec. 519. Technical amendments to title 10, United States Code.

**1 SEC. 2. DEFINITIONS.**

**2** In this Act:

1           (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
2           TEES.—The term “congressional intelligence com-  
3           mittees” means—

4                   (A) the Permanent Select Committee on  
5           Intelligence of the House of Representatives;  
6           and

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

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

## 13                   **TITLE I—BUDGET AND** 14          **PERSONNEL AUTHORIZATIONS**

### 15          **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

20                   (1) The Office of the Director of National Intel-  
21          ligence.

22                   (2) The Central Intelligence Agency.

23                   (3) The Department of Defense.

24                   (4) The Defense Intelligence Agency.

25                   (5) The National Security Agency.

1           (6) The Department of the Army, the Depart-  
2           ment of the Navy, and the Department of the Air  
3           Force.

4           (7) The Coast Guard.

5           (8) The Department of State.

6           (9) The Department of the Treasury.

7           (10) The Department of Energy.

8           (11) The Department of Justice.

9           (12) The Federal Bureau of Investigation.

10          (13) The Drug Enforcement Administration.

11          (14) The National Reconnaissance Office.

12          (15) The National Geospatial-Intelligence Agen-  
13          cy.

14          (16) The Department of Homeland Security.

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

16          (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
17 LEVELS.—The amounts authorized to be appropriated  
18 under section 101 and, subject to section 103, the author-  
19 ized personnel ceilings as of September 30, 2010, for the  
20 conduct of the intelligence activities of the elements listed  
21 in paragraphs (1) through (16) of section 101, are those  
22 specified in the classified Schedule of Authorizations pre-  
23 pared to accompany the bill H.R. 2701 of the One Hun-  
24 dred Eleventh Congress.

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

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

10 (a) AUTHORITY FOR INCREASES.—With the approval  
11 of the Director of the Office of Management and Budget,  
12 the Director of National Intelligence may authorize em-  
13 ployment of civilian personnel in excess of the number au-  
14 thorized for fiscal year 2010 by the classified Schedule of  
15 Authorizations referred to in section 102(a) if the Director  
16 of National Intelligence determines that such action is  
17 necessary to the performance of important intelligence  
18 functions, except that the number of personnel employed  
19 in excess of the number authorized under such section may  
20 not, for any element of the intelligence community, exceed  
21 3 percent of the number of civilian personnel authorized  
22 under such Schedule for such element.

23 (b) NOTICE TO CONGRESSIONAL INTELLIGENCE  
24 COMMITTEES.—The Director of National Intelligence  
25 shall notify the congressional intelligence committees in



1 writing at least 15 days prior to each exercise of an au-  
2 thority described in subsection (a).

3 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
4 **COUNT.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
6 authorized to be appropriated for the Intelligence Commu-  
7 nity Management Account of the Director of National In-  
8 telligence for fiscal year 2010 the sum of \$643,252,000.  
9 Within such amount, funds identified in the classified  
10 Schedule of Authorizations referred to in section 102(a)  
11 for advanced research and development shall remain avail-  
12 able until September 30, 2011.

13 (b) **AUTHORIZED PERSONNEL LEVELS.**—The ele-  
14 ments within the Intelligence Community Management  
15 Account of the Director of National Intelligence are au-  
16 thorized 853 full-time or full-time equivalent personnel as  
17 of September 30, 2010. Personnel serving in such ele-  
18 ments may be permanent employees of the Office of the  
19 Director of National Intelligence or personnel detailed  
20 from other elements of the United States Government.

21 (c) **CONSTRUCTION OF AUTHORITIES.**—The authori-  
22 ties available to the Director of National Intelligence  
23 under section 103 are also available to the Director for  
24 the adjustment of personnel levels within the Intelligence  
25 Community Management Account.

1 (d) CLASSIFIED AUTHORIZATIONS.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
3 addition to amounts authorized to be appropriated  
4 for the Intelligence Community Management Ac-  
5 count by subsection (a), there are authorized to be  
6 appropriated for the Community Management Ac-  
7 count for fiscal year 2010 such additional amounts  
8 as are specified in the classified Schedule of Author-  
9 izations referred to in section 102(a). Such addi-  
10 tional amounts for advanced research and develop-  
11 ment shall remain available until September 30,  
12 2011.

13 (2) AUTHORIZATION OF PERSONNEL.—In addi-  
14 tion to the personnel authorized by subsection (b)  
15 for elements of the Intelligence Community Manage-  
16 ment Account as of September 30, 2010, there are  
17 authorized such additional personnel for the Com-  
18 munity Management Account as of that date as are  
19 specified in the classified Schedule of Authorizations  
20 referred to in section 102(a).

21 **SEC. 105. PROHIBITION ON EARMARKS.**

22 (a) IN GENERAL.—Nothing in the classified Schedule  
23 of Authorizations, a report of the Permanent Select Com-  
24 mittee on Intelligence of the House of Representatives or  
25 the Select Committee on Intelligence of the Senate to ac-

1 company the bill H.R. 2701 of the One Hundred Eleventh  
2 Congress, a joint statement of the managers accom-  
3 panying a conference report on such bill, or the classified  
4 annex to this Act, shall be construed to authorize or re-  
5 quire the expenditure of funds for a congressional ear-  
6 mark.

7 (b) CONGRESSIONAL EARMARK DEFINED.—In this  
8 section, the term “congressional earmark” means a provi-  
9 sion or report language included primarily at the request  
10 of a Member, Delegate, or Resident Commissioner of the  
11 House of Representatives or a Senator providing, author-  
12 izing, or recommending a specific amount of discretionary  
13 budget authority, credit authority, or other spending au-  
14 thority for a contract, loan, loan guarantee, grant, loan  
15 authority, or other expenditure with or to an entity, or  
16 targeted to a specific State, locality, or congressional dis-  
17 trict, other than through a statutory or administrative for-  
18 mula-driven or competitive award process.

19 **SEC. 106. 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 **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 2010 the sum of \$290,900,000.

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

12 **Subtitle A—Personnel Matters**

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

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

1 **SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES**  
2 **IN PRESIDENTIALLY APPOINTED AND SEN-**  
3 **ATE CONFIRMED POSITIONS IN THE OFFICE**  
4 **OF THE DIRECTOR OF NATIONAL INTEL-**  
5 **LIGENCE.**

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

8 (1) redesignating subsection (e) as subsection  
9 (f); and

10 (2) inserting after subsection (d) the following  
11 new subsection:

12 “(e) TEMPORARY APPOINTMENT TO FILL VACAN-  
13 CIES.—Notwithstanding section 3345 of title 5, United  
14 States Code, if an officer of the Office of the Director of  
15 National Intelligence, other than the Director of National  
16 Intelligence, whose appointment to office is required to be  
17 made by the President, by and with the advice and consent  
18 of the Senate, dies, resigns, or is unable to perform the  
19 functions and duties of the office—

20 “(1) if during the 365-day period immediately  
21 preceding the date of death, resignation, or begin-  
22 ning of inability to serve of the applicable officer, the  
23 person serving as the first assistant to the office of  
24 such officer served as such first assistant for not  
25 less than 90 days, such first assistant shall perform  
26 the functions and duties of the office temporarily in

1 an acting capacity subject to the time limitations of  
2 section 3346 of title 5, United States Code;

3 “(2) notwithstanding paragraph (1), the Presi-  
4 dent may direct a person who serves in an office for  
5 which appointment is required to be made by the  
6 President, by and with the advice and consent of the  
7 Senate, to perform the functions and duties of the  
8 vacant office temporarily in an acting capacity sub-  
9 ject to the time limitations of such section 3346; or

10 “(3) notwithstanding paragraph (1), the Direc-  
11 tor of National Intelligence shall recommend to the  
12 President, and the President may direct, a person to  
13 perform the functions and duties of the vacant office  
14 temporarily in an acting capacity subject to the time  
15 limitations of such section 3346, if—

16 “(A) during the 365-day period preceding  
17 the date of death, resignation, or beginning of  
18 inability to serve of the applicable officer, such  
19 person served in a position in an element of the  
20 intelligence community for not less than 90  
21 days;

22 “(B) the rate of pay for the position de-  
23 scribed under subparagraph (A) is equal to or  
24 greater than the minimum rate of pay payable

1 for a position at GS–15 of the General Sched-  
2 ule; and

3 “(C) in the case of a person who is em-  
4 ployed by an element of the intelligence commu-  
5 nity—

6 “(i) the Director of National Intel-  
7 ligence shall consult with the head of such  
8 element; and

9 “(ii) if the head of such element ob-  
10 jects to the recommendation, the Director  
11 of National Intelligence may make the rec-  
12 ommendation to the President over the ob-  
13 jection of the head of such element after  
14 informing the President of such objec-  
15 tion.”.

16 **SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**  
17 **DETAILS TO ELEMENTS OF THE INTEL-**  
18 **LIGENCE COMMUNITY.**

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

22 “DETAIL OF OTHER PERSONNEL

23 “SEC. 113A. Except as provided in section 904(g)(2)  
24 of the Counterintelligence Enhancement Act of 2002 (50  
25 U.S.C. 402c(g)(2)) and section 113 of this Act, and not-  
26 withstanding any other provision of law, an officer or em-

1 ployee of the United States or member of the Armed  
2 Forces may be detailed to an element of the intelligence  
3 community funded through the Community Management  
4 Account from another element of the United States Gov-  
5 ernment on a reimbursable or nonreimbursable basis, as  
6 jointly agreed to by the Director of National Intelligence  
7 and the head of the detailing element, for a period not  
8 to exceed 2 years.”.

9 (b) CONFORMING AMENDMENT.—The table of con-  
10 tents in the first section of such Act (50 U.S.C. 401 note)  
11 is amended by inserting after the item relating to section  
12 113 the following new item:

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

13 **SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVIL-**  
14 **IAN INTELLIGENCE PERSONNEL SYSTEM.**

15 (a) DEFINITIONS.—For purposes of this section—

16 (1) the term “covered position” means a de-  
17 fense intelligence position in the Department of De-  
18 fense established under chapter 83 of title 10,  
19 United States Code, excluding an Intelligence Senior  
20 Level position designated under section 1607 of such  
21 title and any position in the Defense Intelligence  
22 Senior Executive Service;

23 (2) the term “DCIPS pay system”, as used  
24 with respect to a covered position, means the provi-  
25 sions of the Defense Civilian Intelligence Personnel



1 System under which the rate of salary or basic pay  
2 for such position is determined, excluding any provi-  
3 sions relating to bonuses, awards, or any other  
4 amounts not in the nature of salary or basic pay;

5 (3) the term “Defense Civilian Intelligence Per-  
6 sonnel System” means the personnel system estab-  
7 lished under chapter 83 of title 10, United States  
8 Code; and

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

11 (A) the system under which, as of Sep-  
12 tember 30, 2007, the rate of salary or basic pay  
13 for such position was determined; or

14 (B) if subparagraph (A) does not apply,  
15 the system under which, as of September 30,  
16 2007, the rate of salary or basic pay was deter-  
17 mined for the positions within the Department  
18 of Defense most similar to the position involved,  
19 excluding any provisions relating to bonuses, awards,  
20 or any other amounts which are not in the nature  
21 of salary or basic pay.

22 (b) REQUIREMENT THAT APPOINTMENTS TO COV-  
23 ERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO  
24 THE APPROPRIATE PAY SYSTEM.—Notwithstanding any  
25 other provision of law—

1 (1) the DCIPS pay system—

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

5 (B) shall not apply to any covered position  
6 which is not subject to such system as of June  
7 16, 2009; and

8 (2) any individual who, after June 16, 2009, is  
9 appointed to a covered position shall accordingly be  
10 subject to the appropriate pay system.

11 (c) TERMINATION OF DCIPS PAY SYSTEM FOR COV-  
12 ERED POSITIONS AND CONVERSION OF EMPLOYEES  
13 HOLDING COVERED POSITIONS TO THE APPROPRIATE  
14 PAY SYSTEM.—

15 (1) IN GENERAL.—The Secretary of Defense  
16 shall take all actions which may be necessary to pro-  
17 vide, within 12 months after the date of enactment  
18 of this Act, for the termination of the DCIPS pay  
19 system with respect to covered positions and for the  
20 conversion of any employees holding any covered po-  
21 sitions which, as of such date of enactment, remain  
22 subject to the DCIPS pay system, to the appropriate  
23 pay system. No employee shall suffer any loss of or  
24 decrease in pay because of the preceding sentence.

1           (2) REPORT.—If the Secretary of Defense is of  
2 the view that the DCIPS pay system should not be  
3 terminated with respect to covered positions, as re-  
4 quired by paragraph (1), the Secretary shall submit  
5 to the President and both Houses of Congress as  
6 soon as practicable, but in no event later than 6  
7 months after the date of the enactment of this Act,  
8 a written report setting forth a statement of the  
9 Secretary’s views and the reasons therefor. Such re-  
10 port shall specifically include—

11                   (A) the Secretary’s opinion as to whether  
12 the DCIPS pay system should be continued,  
13 with or without changes, with respect to covered  
14 positions; and

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

18                           (i) a detailed description of the pro-  
19 posed changes; and

20                           (ii) a description of any administrative  
21 action or legislation which may be nec-  
22 essary.

23 The requirements of this paragraph shall be carried  
24 out by the Secretary of Defense in conjunction with  
25 the Director of the Office of Personnel Management.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be considered to affect—

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

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

9 **SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PRO-**  
10 **HIBITION ON CERTAIN OUTSIDE EMPLOY-**  
11 **MENT FOR INTELLIGENCE COMMUNITY EM-**  
12 **PLOYEES.**

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

17 “(s) CONFLICT OF INTEREST REGULATIONS.—(1)  
18 The Director of National Intelligence, in consultation with  
19 the Director of the Office of Government Ethics, shall  
20 issue regulations prohibiting an officer or employee of an  
21 element of the intelligence community from engaging in  
22 outside employment if such employment creates a conflict  
23 of interest or appearance thereof.

24 “(2) The Director of National Intelligence shall annu-  
25 ally submit to the congressional intelligence committees a

1 report describing all outside employment for officers and  
2 employees of elements of the intelligence community that  
3 was authorized by the head of an element of the intel-  
4 ligence community during the preceding calendar year.  
5 Such report shall be submitted each year on the date pro-  
6 vided in section 507.”.

7 (b) OUTSIDE EMPLOYMENT.—

8 (1) PROHIBITION.—Title I of the National Se-  
9 curity Act of 1947 (50 U.S.C. 402 et seq.) is  
10 amended by adding at the end the following new sec-  
11 tion:

12 “PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF  
13 OFFICERS AND EMPLOYEES OF THE INTELLIGENCE  
14 COMMUNITY

15 “SEC. 120. An officer or employee of an element of  
16 the intelligence community may not personally own or ef-  
17 fectively control an entity that markets or sells for profit  
18 the use of knowledge or skills that such officer or employee  
19 acquires or makes use of while carrying out the official  
20 duties of such officer or employee as an officer or employee  
21 of an element of the intelligence community.”.

22 (2) CONFORMING AMENDMENT.—The table of  
23 contents in the first section of such Act (50 U.S.C.  
24 401 note) is further amended by inserting after the  
25 item relating to section 119B the following new  
26 item:

“Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.”.

1                   **Subtitle B—Education**

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

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

8           “PROGRAM ON RECRUITMENT AND TRAINING OF  
9                                   INTELLIGENCE ANALYSTS

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

21          “(2) A student or former student selected for partici-  
22 pation in the program shall commit to employment with  
23 an element of the intelligence community, following com-  
24 pletion of appropriate academic training, under such

1 terms and conditions as the Director considers appro-  
2 priate.

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

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

7 “(1) establish such requirements relating to the  
8 academic training of participants as the Director  
9 considers appropriate to ensure that participants are  
10 prepared for employment as intelligence profes-  
11 sionals; and

12 “(2) periodically review the areas of specializa-  
13 tion of the elements of the intelligence community to  
14 determine the areas in which such elements are, or  
15 are likely to be, deficient in capabilities.

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

18 “(1) provide a monthly stipend for each month  
19 that a student is pursuing a course of study;

20 “(2) pay the full tuition of a student or former  
21 student for the completion of such course of study;

22 “(3) pay for books and materials that the stu-  
23 dent or former student requires or required to com-  
24 plete such course of study;

1           “(4) pay the expenses of the student or former  
2 student for travel requested by an element of the in-  
3 telligence community in relation to such program; or

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

6 (b) CONFORMING AMENDMENTS.—

7           (1) TABLE OF CONTENTS.—The table of con-  
8 tents in the first section of such Act (50 U.S.C. 401  
9 note), as amended by section 303 of this Act, is fur-  
10 ther amended by inserting after the item relating to  
11 section 1021 the following new item:

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

12           (2) REPEAL OF PILOT PROGRAM.—Section 318  
13 of the Intelligence Authorization Act for Fiscal Year  
14 2004 (Public Law 108–177; 50 U.S.C. 441g note)  
15 is repealed.

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

17           (a) PROGRAM.—Subtitle C of title X of the National  
18 Security Act of 1947 (50 U.S.C. 441m et seq.), as amend-  
19 ed by section 311 of this Act, is further amended by add-  
20 ing at the end the following new section:

21           “INTELLIGENCE OFFICER TRAINING PROGRAM

22           “SEC. 1023. (a) PROGRAMS.—(1) The Director of  
23 National Intelligence may carry out grant programs in ac-  
24 cordance with subsections (b) and (c) to enhance the re-  
25 cruitment and retention of an ethnically and culturally di-



1 verse intelligence community workforce with capabilities  
2 critical to the national security interests of the United  
3 States.

4 “(2) In carrying out paragraph (1), the Director of  
5 National Intelligence shall identify the skills necessary to  
6 meet current or emergent needs of the intelligence commu-  
7 nity and the educational disciplines that will provide indi-  
8 viduals with such skills.

9 “(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Di-  
10 rector of National Intelligence may provide grants to insti-  
11 tutions of higher education to support the establishment  
12 or continued development of programs of study in edu-  
13 cational disciplines identified under subsection (a)(2).

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

17 “(A) Curriculum or program development.

18 “(B) Faculty development.

19 “(C) Laboratory equipment or improvements.

20 “(D) Faculty research.

21 “(c) GRANT PROGRAM FOR HISTORICALLY BLACK  
22 COLLEGES AND UNIVERSITIES.—(1) The Director of Na-  
23 tional Intelligence may provide grants to historically black  
24 colleges and universities to provide programs of study in

1 educational disciplines identified under subsection (a)(2)  
2 or described in paragraph (2).

3 “(2) A grant provided under paragraph (1) may be  
4 used to provide programs of study in the following edu-  
5 cational disciplines:

6 “(A) Foreign languages, including Middle East-  
7 ern and South Asian dialects.

8 “(B) Computer science.

9 “(C) Analytical courses.

10 “(D) Cryptography.

11 “(E) Study abroad programs.

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

17 “(e) REPORTS.—An institution of higher education  
18 that receives a grant under this section shall submit to  
19 the Director regular reports regarding the use of such  
20 grant, including—

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

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

1           “(3) any other information that the Director  
2           may require.

3           “(f) REGULATIONS.—The Director of National Intel-  
4           ligence shall prescribe such regulations as may be nec-  
5           essary to carry out this section.

6           “(g) DEFINITIONS.—In this section:

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

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

13          “(3) ANALYTICAL COURSES.—The term ‘analyt-  
14          ical courses’ mean programs of study involving—

15                 “(A) analytic methodologies, including ad-  
16                 vanced statistical, polling, econometric, mathe-  
17                 matical, or geospatial modeling methodologies;

18                 “(B) analysis of counterterrorism, crime,  
19                 and counternarcotics;

20                 “(C) economic analysis that includes ana-  
21                 lyzing and interpreting economic trends and de-  
22                 velopments;

23                 “(D) medical and health analysis, includ-  
24                 ing the assessment and analysis of global health  
25                 issues, trends, and disease outbreaks;

1           “(E) political analysis, including political,  
2           social, cultural, and historical analysis to inter-  
3           pret foreign political systems and developments;  
4           or

5           “(F) psychology, psychiatry, or sociology  
6           courses that assess the psychological and social  
7           factors that influence world events.

8           “(4) COMPUTER SCIENCE.—The term ‘com-  
9           puter science’ means a program of study in com-  
10          puter systems, computer science, computer engineer-  
11          ing, or hardware and software analysis, integration,  
12          and maintenance.

13          “(5) CRYPTOGRAPHY.—The term ‘cryptog-  
14          raphy’ means a program of study on the conversion  
15          of data into a scrambled code that can be deciphered  
16          and sent across a public or private network, and the  
17          applications of such conversion of data.

18          “(6) HISTORICALLY BLACK COLLEGE AND UNI-  
19          VERSITY.—The term ‘historically black college and  
20          university’ means an institution of higher education  
21          that is a part B institution, as such term is defined  
22          in section 322 of the Higher Education Act of 1965  
23          (20 U.S.C. 1061).

1           “(7) STUDY ABROAD PROGRAM.—The term  
2 ‘study abroad program’ means a program of study  
3 that—

4                   “(A) takes places outside the geographical  
5 boundaries of the United States;

6                   “(B) focuses on areas of the world that are  
7 critical to the national security interests of the  
8 United States and are generally underrep-  
9 resented in study abroad programs at institu-  
10 tions of higher education, including Africa,  
11 Asia, Central and Eastern Europe, Eurasia,  
12 Latin American, and the Middle East; and

13                   “(C) is a credit or noncredit program.”.

14 (b) REPEAL OF DUPLICATIVE PROVISIONS.—

15           (1) IN GENERAL.—The following provisions of  
16 law are repealed:

17                   (A) Section 319 of the Intelligence Author-  
18 ization Act for Fiscal Year 2004 (Public Law  
19 108–177; 50 U.S.C. 403 note).

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

22                   (C) Section 922 of the Ronald W. Reagan  
23 National Defense Authorization Act for Fiscal  
24 Year 2005 (Public Law 108–375; 50 U.S.C.  
25 402 note).

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

8           (c) CONFORMING AMENDMENTS.—The table of con-  
 9       tents in the first section of the National Security Act of  
 10      1947 (50 U.S.C. 401 note), as amended by section 311  
 11      of this Act, is further amended by—

12                 (1) striking the item relating to section 1003;

13                 and

14                 (2) inserting after the item relating to section  
 15      1022 the following new item:

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

16      **SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL**  
 17                                    **SCHOLARSHIP PROGRAM.**

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

21                 (1) in subsection (a)—

22                                 (A) by striking “undergraduate” and in-  
 23                                 serting “undergraduate and graduate”; and

24                                 (B) by striking “the baccalaureate” and  
 25                                 inserting “a baccalaureate or graduate”; and

1           (2) in subsection (e)(2), by striking “under-  
2           graduate” and inserting “undergraduate and grad-  
3           uate”.

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

7                   “(i) the Agency due to misconduct by the  
8                   person;

9                   “(ii) the person voluntarily; or

10                   “(iii) by the Agency for the failure of the  
11                   person to maintain such level of academic  
12                   standing in the educational course of training  
13                   as the Director of the National Security Agency  
14                   specifies in the agreement under this para-  
15                   graph; and”.

16           (c) AUTHORITY TO WITHHOLD DISCLOSURE OF AF-  
17           FILIATION WITH NSA.—Section 16(e) of the National Se-  
18           curity Agency Act of 1959 (50 U.S.C. 402 note) is amend-  
19           ed by striking “(1) When an employee” and all that fol-  
20           lows through “(2) Agency efforts” and inserting “Agency  
21           efforts”.

22           (d) OTHER ELEMENTS OF THE INTELLIGENCE COM-  
23           MUNITY.—

24                   (1) AUTHORIZATION.—Subtitle C of title X of  
25                   the National Security Act of 1947 (50 U.S.C. 441g

1 et seq.), as amended by section 312 of this Act, is  
2 further amended by adding at the end the following  
3 new section:

4 “STOKES SCHOLARSHIP PROGRAM

5 “SEC. 1024. The head of an element of the intel-  
6 ligence community may establish an undergraduate and  
7 graduate training program with respect to civilian employ-  
8 ees of such element in the same manner and under the  
9 same conditions as the Secretary of Defense is authorized  
10 to establish such a program under section 16 of the Na-  
11 tional Security Agency Act of 1959 (50 U.S.C. 402  
12 note).”.

13 (2) CONFORMING AMENDMENT.—The table of  
14 contents in the first section of such Act (50 U.S.C.  
15 401 note), as amended by section 312 of this Act,  
16 is further amended by inserting after the item relat-  
17 ing to section 1023 the following new item:

“Sec. 1024. Stokes scholarship program.”.

18 **SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE IN-**  
19 **STRUCTION IN AFRICAN LANGUAGES.**

20 (a) ESTABLISHMENT.—The Director of National In-  
21 telligence, in consultation with the National Security Edu-  
22 cation Board established under section 803(a) of the  
23 David L. Boren National Security Education Act of 1991  
24 (50 U.S.C. 1903(a)), may establish a pilot program for  
25 intensive language instruction in African languages.



1 (b) PROGRAM.—A pilot program established under  
2 subsection (a) shall provide scholarships for programs that  
3 provide intensive language instruction—

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

8 (2) both in the United States and in a country  
9 in which the language is the native language of a  
10 significant portion of the population, as determined  
11 by the Director of National Intelligence.

12 (c) TERMINATION.—A pilot program established in  
13 accordance with subsection (a) shall terminate on the date  
14 that is 5 years after the date on which such pilot program  
15 is established.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

1                   **Subtitle C—Congressional**  
2                   **Oversight of Covert Actions**

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

4           (a) GENERAL CONGRESSIONAL OVERSIGHT.—Sec-  
5   tion 501(a) of the National Security Act of 1947 (50  
6   U.S.C. 413(a)) is amended by adding at the end the fol-  
7   lowing new paragraph:

8           “(3) In carrying out paragraph (1), the President  
9   shall provide to the congressional intelligence committees  
10  all information necessary to assess the lawfulness, effec-  
11  tiveness, cost, benefit, intelligence gain, budgetary author-  
12  ity, and risk of an intelligence activity, including—

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

15                   “(B) any specific operational concerns arising  
16  from the intelligence activity, including the risk of  
17  disclosing intelligence sources or methods;

18                   “(C) the likelihood that the intelligence activity  
19  will exceed the planned or authorized expenditure of  
20  funds or other resources; and

21                   “(D) the likelihood that the intelligence activity  
22  will fail.”.

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

1           (c) INTELLIGENCE ACTIVITIES.—Section 502(a)(2)  
2 of such Act (50 U.S.C. 413a(a)(2)) is amended by insert-  
3 ing “(including the legal authority under which the intel-  
4 ligence activity is being or was conducted)” after “con-  
5 cerning intelligence activities”.

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

8                 (1) in subsection (b)(2), by inserting “(includ-  
9 ing the legal authority under which the covert action  
10 is being or was conducted)” after “concerning covert  
11 actions”;

12                 (2) in subsection (c)—

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

15                         (B) in paragraph (2), by striking “If the  
16 President” and inserting “Subject to paragraph  
17 (5), if the President”; and

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

20                                 “(5)(A) The President may only limit access to  
21 a finding in accordance with this subsection or a no-  
22 tification in accordance with subsection (d)(1) if the  
23 President submits to the Members of Congress spec-  
24 ified in paragraph (2) a certification that it is essen-  
25 tial to limit access to such finding or such notifica-

1 tion to meet extraordinary circumstances affecting  
2 vital interests of the United States.

3 “(B) Not later than 180 days after a certifi-  
4 cation is submitted in accordance with subparagraph  
5 (A) or this subparagraph, the Director of National  
6 Intelligence shall—

7 “(i) provide access to the finding or notifi-  
8 cation that is the subject of such certification to  
9 all members of the congressional intelligence  
10 committees; or

11 “(ii) submit to the Members of Congress  
12 specified in paragraph (2) a certification that it  
13 is essential to limit access to such finding or  
14 such notification to meet extraordinary cir-  
15 cumstances affecting vital interests of the  
16 United States.”;

17 (3) in subsection (d)—

18 (A) by striking “(d) The President” and  
19 inserting “(d)(1) The President”;

20 (B) in paragraph (1), as designated by  
21 subparagraph (A) of this paragraph, by insert-  
22 ing “in writing” after “notified”; and

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

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

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

4           “(B) requires an expansion of existing authori-  
5 ties, including authorities relating to research, devel-  
6 opment, or operations;

7           “(C) results in the expenditure of significant  
8 funds or other resources;

9           “(D) requires notification under section 504;

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

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

15           (4) by adding at the end the following new sub-  
16 sections:

17           “(g)(1) A Member of Congress to which a finding is  
18 reported under subsection (c) or notice is provided under  
19 subsection (d)(1) may submit to the Director of National  
20 Intelligence an objection to any part of such finding or  
21 such notice or to the limiting of access to such finding  
22 or such notice. Not later than seven days after such an  
23 objection is submitted to the Director of National Intel-  
24 ligence, the Director shall report such objection in writing  
25 to the President and such Member of Congress.

1       “(2) In any case where access to a finding reported  
2 under subsection (c) or notice provided under subsection  
3 (d)(1) is not made available to all members of a congres-  
4 sional intelligence committee in accordance with sub-  
5 section (c)(2), the President shall provide such members  
6 with general information regarding the finding or notice.

7       “(3) The President shall—

8           “(A) maintain a record of the Members of Con-  
9 gress to which a finding is reported under subsection  
10 (c) or notice is provided under subsection (d)(1) and  
11 the date on which each Member of Congress receives  
12 such finding or notice; and

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

16           “(i) in the case of a finding reported or no-  
17 tice provided to a Member of the House of Rep-  
18 resentatives, the Permanent Select Committee  
19 on Intelligence of the House of Representatives;  
20 and

21           “(ii) in the case of a finding reported or  
22 notice provided to a Member of the Senate, the  
23 Select Committee on Intelligence of the Sen-  
24 ate.”.

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

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

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

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

9           (2) in subsection (a)—

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

12           (B) in the matter preceding paragraph

13           (1)—

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

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

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

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

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

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

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

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

9 “ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE  
10 INTELLIGENCE COMMUNITY

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

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

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



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

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

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

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

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

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

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

23           “(8) The numerical and percentage increase or  
24 decrease of such costs of contractors as compared to  
25 the best estimate of the costs of contractors to be

1 funded by such element during the current fiscal  
2 year.

3 “(9) The numerical and percentage increase or  
4 decrease of such costs of contractors as compared to  
5 the cost of contractors, and the number of contrac-  
6 tors, of such element during the preceding five fiscal  
7 years.

8 “(10) A written justification for the requested  
9 personnel and contractor levels.

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

12 “(12) A list of all contractors that have been  
13 the subject of an investigation completed by the in-  
14 spector general of such element during the preceding  
15 fiscal year, or are or have been the subject of an in-  
16 vestigation by such inspector general during the cur-  
17 rent fiscal year.

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

21 “(A) internal infrastructure to support the  
22 requested personnel and contractor levels;

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

1           “(C) funding to support the administrative  
2           and operational activities of the requested per-  
3           sonnel levels.”.

4 **SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS**  
5           **PROGRAMS OF IRAN, SYRIA, AND NORTH**  
6           **KOREA.**

7           (a) IN GENERAL.—Title V of the National Security  
8 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-  
9 tion 332, is further amended by adding at the end the  
10 following new section:

11       “SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS  
12       PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

13       “SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not  
14 less frequently than every 180 days, the Director of Na-  
15 tional Intelligence shall submit to the appropriate congres-  
16 sional committees a report on the intentions and capabili-  
17 ties of the Islamic Republic of Iran, the Syrian Arab Re-  
18 public, and the Democratic People’s Republic of Korea,  
19 with regard to the nuclear weapons programs of each such  
20 country.

21       “(b) CONTENT.—Each report submitted under sub-  
22 section (a) shall include, with respect to the Islamic Re-  
23 public of Iran, the Syrian Arab Republic, and the Demo-  
24 cratic People’s Republic of Korea—

25           “(1) an assessment of nuclear weapons pro-  
26           grams of each country;

1           “(2) an evaluation of the sources upon which  
2           the intelligence used to prepare the assessment re-  
3           ferred to in paragraph (1) is based, including the  
4           number of such sources and an assessment of the re-  
5           liability of each source;

6           “(3) a summary of any intelligence related to  
7           any program gathered or developed since the pre-  
8           vious report was submitted under subsection (a), in-  
9           cluding intelligence collected from both open and  
10          clandestine sources for each country; and

11          “(4) a discussion of any dissents, caveats, gaps  
12          in knowledge, or other information that would re-  
13          duce confidence in the assessment referred to in  
14          paragraph (1).

15          “(c) NATIONAL INTELLIGENCE ESTIMATE.—The Di-  
16          rector of National Intelligence may submit a National In-  
17          telligence Estimate on the intentions and capabilities of  
18          the Islamic Republic of Iran, the Syrian Arab Republic,  
19          or the Democratic People’s Republic of Korea in lieu of  
20          a report required by subsection (a) for that country.

21          “(d) APPROPRIATE CONGRESSIONAL COMMITTEES  
22          DEFINED.—In this section, the term ‘appropriate congress-  
23          sional committees’ means—

24                 “(1) the congressional intelligence committees;

1           “(2) the Committee on Armed Services and the  
2           Committee on Foreign Affairs of the House of Rep-  
3           resentatives; and

4           “(3) the Committee on Armed Services and the  
5           Committee on Foreign Relations of the Senate.”.

6           (b) **APPLICABILITY DATE.**—The first report required  
7           to be submitted under section 509 of the National Security  
8           Act of 1947, as added by subsection (a), shall be sub-  
9           mitted not later than 120 days after the date of the enact-  
10          ment of this Act.

11       **SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY**  
12                               **IN THE INTELLIGENCE COMMUNITY.**

13          Not later than 1 year after the date of the enactment  
14          of this Act, and annually thereafter for 4 years, the Direc-  
15          tor of National Intelligence shall submit to the congress-  
16          sional intelligence committees and the Committees on  
17          Armed Services of the House of Representatives and the  
18          Senate a report on the proficiency in foreign languages  
19          and, as appropriate, in foreign dialects, of each element  
20          of the intelligence community, including—

21               (1) the number of positions authorized for such  
22               element that require foreign language proficiency  
23               and the level of proficiency required;

24               (2) an estimate of the number of such positions  
25               that each element will require during the 5-year pe-

1 riod beginning on the date of the submission of the  
2 report;

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

6 (A) military personnel; and

7 (B) civilian personnel;

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

12 (5) the number of persons hired by such ele-  
13 ment with foreign language proficiency, including  
14 the foreign language and proficiency level;

15 (6) the number of personnel of such element  
16 currently attending foreign language training, in-  
17 cluding the provider of such training;

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

21 (8) an assessment of methods and models for  
22 basic, advanced, and intensive foreign language  
23 training;

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

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

4 (B) the number of personnel of such ele-  
5 ment that are serving in a position that re-  
6 quires proficiency in the foreign language or  
7 dialect to perform the primary duty of the posi-  
8 tion;

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

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

17 (E) whether the number of personnel at  
18 each level of proficiency of the Interagency  
19 Language Roundtable meets the requirements  
20 of such element;

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

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

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

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

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

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

15          (11) an identification of any critical gaps in for-  
16          eign language proficiency with respect to such ele-  
17          ment and recommendations for eliminating such  
18          gaps;

19          (12) recommendations for eliminating required  
20          reports relating to foreign-language proficiency that  
21          the Director of National Intelligence considers out-  
22          dated or no longer relevant; and

23          (13) an assessment of the feasibility of employ-  
24          ing foreign nationals lawfully present in the United  
25          States who have previously worked as translators or



1 interpreters for the Armed Forces or another de-  
2 partment or agency of the Federal Government in  
3 Iraq or Afghanistan to meet the critical language  
4 needs of such element.

5 **SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS**  
6 **AND INVESTIGATIONS.**

7 Title V of the National Security Act of 1947 (50  
8 U.S.C. 413 et seq.), as amended by section 334 of this  
9 Act, is further amended by adding at the end the following  
10 new section:

11 “GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES,  
12 EVALUATIONS, AND INVESTIGATIONS

13 “SEC. 511. (a) IN GENERAL.—Except as provided in  
14 subsection (b), the Director of National Intelligence shall  
15 ensure that personnel of the Government Accountability  
16 Office designated by the Comptroller General are provided  
17 with access to all information in the possession of an ele-  
18 ment of the intelligence community that the Comptroller  
19 General determines is necessary for such personnel to con-  
20 duct an analysis, evaluation, or investigation of a program  
21 or activity of an element of the intelligence community  
22 that is requested by a committee of Congress with jurisdic-  
23 tion over such program or activity.

24 “(b) EXCEPTION.—(1)(A) Subject to subparagraph  
25 (B), the Director of National Intelligence may restrict ac-  
26 cess to information referred to in subsection (a) by per-

1 sonnel designated in such subsection if the Director deter-  
2 mines that the restriction is necessary to protect vital na-  
3 tional security interests of the United States.

4 “(B) The Director of National Intelligence may not  
5 restrict access under subparagraph (A) solely on the basis  
6 of the level of classification or compartmentation of infor-  
7 mation that the personnel designated in subsection (a)  
8 may seek access to while conducting an analysis, evalua-  
9 tion, or investigation.

10 “(2) If the Director exercises the authority under  
11 paragraph (1), the Director shall submit to each com-  
12 mittee of Congress with jurisdiction over the program or  
13 activity that is the subject of the analysis, evaluation, or  
14 investigation for which the Director restricts access to in-  
15 formation under such paragraph an appropriately classi-  
16 fied statement of the reasons for the exercise of such au-  
17 thority within 7 days.

18 “(3) The Director shall notify the Comptroller Gen-  
19 eral at the time a statement under paragraph (2) is sub-  
20 mitted, and, to the extent consistent with the protection  
21 of intelligence sources and methods, provide the Comp-  
22 troller General with a copy of such statement.

23 “(4) The Comptroller General shall submit to each  
24 committee of Congress to which the Director of National  
25 Intelligence submits a statement under paragraph (2) any

1 comments on the statement that the Comptroller General  
2 considers appropriate.

3       “(c) CONFIDENTIALITY.—(1) The Comptroller Gen-  
4 eral shall maintain the same level of confidentiality for in-  
5 formation made available for an analysis, evaluation, or  
6 investigation referred to in subsection (a) as is required  
7 of the head of the element of the intelligence community  
8 from which such information is obtained. Officers and em-  
9 ployees of the Government Accountability Office are sub-  
10 ject to the same statutory penalties for unauthorized dis-  
11 closure or use of such information as officers or employees  
12 of the element of the intelligence community that provided  
13 the Comptroller General or officers and employees of the  
14 Government Accountability Office with access to such in-  
15 formation.

16       “(2) The Comptroller General shall establish proce-  
17 dures to protect from unauthorized disclosure all classified  
18 and other sensitive information furnished to the Comp-  
19 troller General or any representative of the Comptroller  
20 General for conducting an analysis, evaluation, or inves-  
21 tigation referred to in subsection (a).

22       “(3) Before initiating an analysis, evaluation, or in-  
23 vestigation referred to in subsection (a), the Comptroller  
24 General shall provide the Director of National Intelligence  
25 and the head of each relevant element of the intelligence

1 community with the name of each officer and employee  
2 of the Government Accountability Office who has obtained  
3 appropriate security clearance and to whom, upon proper  
4 identification, records and information of the element of  
5 the intelligence community shall be made available in con-  
6 ducting such analysis, evaluation, or investigation.”.

7 **SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVER-**  
8 **SIGHT REQUIREMENTS.**

9 (a) IN GENERAL.—Title V of the National Security  
10 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-  
11 tion 335 of this Act, is further amended by adding at the  
12 end the following new section:

13 “CERTIFICATION OF COMPLIANCE WITH OVERSIGHT  
14 REQUIREMENTS

15 “SEC. 512. The head of each element of the intel-  
16 ligence community shall semiannually submit to the con-  
17 gressional intelligence committees—

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

20 “(A) the head of such element of the intel-  
21 ligence community is in full compliance with the  
22 requirements of this title; and

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

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

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

6                   “(B) describing any information required  
7                   to be submitted by such head of such element  
8                   under this Act before the date of the submis-  
9                   sion of such statement that has not been prop-  
10                  erly submitted; and

11                  “(C) that the head of such element will  
12                  submit such information as soon as possible  
13                  after the submission of such statement.”.

14           (b) **APPLICABILITY DATE.**—The first certification or  
15           statement required to be submitted by the head of each  
16           element of the intelligence community under section 512  
17           of the National Security Act of 1947, as added by sub-  
18           section (a) of this section, shall be submitted not later  
19           than 90 days after the date of the enactment of this Act.

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

21           (a) **IN GENERAL.**—Section 809(b) of the Intelligence  
22           Authorization Act for Fiscal Year 1995 (50 U.S.C. App.  
23           2170b(b)) is amended—

24                   (1) in the heading, by striking “ANNUAL” and  
25                   inserting “BIENNIAL”;

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

3           “(1) SUBMISSION TO CONGRESS.—The Presi-  
4 dent shall biennially submit to the congressional in-  
5 telligence committees, the Committees on Armed  
6 Services of the House of Representatives and the  
7 Senate, and congressional leadership a report updat-  
8 ing the information referred to in subsection  
9 (a)(1)(D).”;

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

11           (4) by redesignating paragraph (3) as para-  
12 graph (2).

13           (b) INITIAL REPORT.—The first report required  
14 under section 809(b)(1) of such Act, as amended by sub-  
15 section (a)(2) of this section, shall be submitted not later  
16 than February 1, 2010.

17 **SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CON-**  
18 **TRACTORS.**

19           (a) REQUIREMENT FOR REPORT.—Not later than  
20 November 1, 2010, the Director of National Intelligence  
21 shall submit to the congressional intelligence committees  
22 and the Committees on Armed Services of the House of  
23 Representatives and the Senate a report describing the use  
24 of personal services contracts across the intelligence com-  
25 munity, the impact of the use of such contracts on the

1 intelligence community workforce, plans for conversion of  
2 contractor employment into Federal Government employ-  
3 ment, and the accountability mechanisms that govern the  
4 performance of such personal services contracts.

5 (b) CONTENT.—

6 (1) IN GENERAL.—The report submitted under  
7 subsection (a) shall include—

8 (A) a description of any relevant regula-  
9 tions or guidance issued by the Director of Na-  
10 tional Intelligence or the head of an element of  
11 the intelligence community relating to minimum  
12 standards required regarding the hiring, train-  
13 ing, security clearance, and assignment of con-  
14 tract personnel and how those standards may  
15 differ from those for Federal Government em-  
16 ployees performing substantially similar func-  
17 tions;

18 (B) an identification of contracts where the  
19 contractor is performing substantially similar  
20 functions to a Federal Government employee;

21 (C) an assessment of costs incurred or sav-  
22 ings achieved by awarding contracts for the per-  
23 formance of such functions referred to in sub-  
24 paragraph (B) instead of using full-time em-

1 employees of the elements of the intelligence com-  
2 munity to perform such functions;

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

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

10 (F) a comparison of the compensation of  
11 contract employees and Federal Government  
12 employees performing substantially similar  
13 functions;

14 (G) an analysis of the attrition of Federal  
15 Government personnel for contractor positions  
16 that provide substantially similar functions;

17 (H) a description of positions that will be  
18 converted from contractor employment to Fed-  
19 eral Government employment;

20 (I) an analysis of the oversight and ac-  
21 countability mechanisms applicable to personal  
22 services contracts awarded for intelligence ac-  
23 tivities by each element of the intelligence com-  
24 munity during fiscal years 2008 and 2009;



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

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

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

12           (A) Intelligence collection.

13           (B) Intelligence analysis.

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

16 **SEC. 339. REPORT ON TRANSFORMATION OF THE INTEL-**  
17 **LIGENCE CAPABILITIES OF THE FEDERAL**  
18 **BUREAU OF INVESTIGATION.**

19           Not later than 120 days after the date of the enact-  
20 ment of this Act, the Director of the Federal Bureau of  
21 Investigation shall submit to the congressional intelligence  
22 committees and the Committees on the Judiciary of the  
23 House of Representatives and the Senate a report describ-  
24 ing the Director's long-term vision for transforming the  
25 intelligence capabilities of the Bureau and the progress of

1 the internal reforms of the Bureau intended to achieve  
2 that vision. Such report shall include—

3           (1) the direction, strategy, and goals for trans-  
4 forming the intelligence capabilities of the Bureau;

5           (2) a description of what the fully functional in-  
6 telligence and national security functions of the Bu-  
7 reau should entail;

8           (3) a candid assessment of the effect of internal  
9 reforms at the Bureau and whether such reforms  
10 have moved the Bureau towards achieving the goals  
11 of the Director for the intelligence and national se-  
12 curity functions of the Bureau; and

13           (4) an assessment of how well the Bureau per-  
14 forms tasks that are critical to the effective func-  
15 tioning of the Bureau as an intelligence agency, in-  
16 cluding—

17           (A) identifying new intelligence targets  
18 within the scope of the national security func-  
19 tions of the Bureau, outside the parameters of  
20 an existing case file or ongoing investigation;

21           (B) collecting intelligence domestically, in-  
22 cluding collection through human and technical  
23 sources;

24           (C) recruiting human sources;

1 (D) training Special Agents to spot, assess,  
2 recruit, and handle human sources;

3 (E) working collaboratively with other Fed-  
4 eral departments and agencies to jointly collect  
5 intelligence on domestic counterterrorism and  
6 counterintelligence targets;

7 (F) producing a common intelligence pic-  
8 ture of domestic threats to the national security  
9 of the United States;

10 (G) producing high quality and timely in-  
11 telligence analysis;

12 (H) integrating intelligence analysts into  
13 its intelligence collection operations; and

14 (I) sharing intelligence information with  
15 intelligence community partners.

16 **SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDI-**  
17 **CATED TO IRAQ AND AFGHANISTAN.**

18 Not later than 120 days after the date of the enact-  
19 ment of this Act, the Director of National Intelligence and  
20 the Secretary of Defense shall jointly submit to the con-  
21 gressional intelligence committees and the Committees on  
22 Armed Services of the House of Representatives and the  
23 Senate a report on intelligence collection and analysis re-  
24 sources: (1) dedicated to Iraq and Afghanistan during fis-  
25 cal years 2008 and 2009; and (2) planned to be dedicated

1 during fiscal year 2010. Such report shall include detailed  
2 information on fiscal, human, technical, and other intel-  
3 ligence collection and analysis resources.

4 **SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS**  
5 **REGULATIONS.**

6 (a) REPORT.—Not later than February 1, 2011, the  
7 Director of National Intelligence shall submit to the con-  
8 gressional intelligence committees, the Committee on For-  
9 eign Affairs of the House of Representatives, and the  
10 Committee on Foreign Relations of the Senate a report  
11 assessing the threat to national security presented by the  
12 efforts of foreign countries to acquire, through espionage,  
13 diversion, or other means, sensitive equipment and tech-  
14 nology, and the degree to which United States export con-  
15 trols (including the International Traffic in Arms Regula-  
16 tions) are adequate to defeat such efforts.

17 (b) FORM.—The report under subsection (a) shall be  
18 submitted in unclassified form, but may include a classi-  
19 fied annex.

20 (c) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
21 TIONS DEFINED.—The term “International Traffic in  
22 Arms Regulations” means those regulations contained in  
23 parts 120 through 130 of title 22, Code of Federal Regu-  
24 lations (or successor regulations).

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

2 (a) REPORT.—Not later than February 1, 2010, the  
3 Director of National Intelligence shall submit to the con-  
4 gressional intelligence committees, the Committee on  
5 Armed Services and the Committee on Foreign Affairs of  
6 the House of Representatives, and the Committee on  
7 Armed Services and the Committee on Foreign Relations  
8 of the Senate a report on the illicit trade of nuclear and  
9 radiological material and equipment.

10 (b) CONTENTS.—The report submitted under sub-  
11 section (a) shall include, for a period of time including  
12 at least the preceding 3 years—

13 (1) details of all known or suspected cases of  
14 the illicit sale, transfer, brokering, or transport of—

15 (A) nuclear or radiological material;

16 (B) equipment useful for the production of  
17 nuclear or radiological material; or

18 (C) nuclear explosive devices;

19 (2) an assessment of the countries that rep-  
20 resent the greatest risk of nuclear trafficking activi-  
21 ties; and

22 (3) a discussion of any dissents, caveats, gaps  
23 in knowledge, or other information that would re-  
24 duce confidence in the assessment referred to in  
25 paragraph (2).

1 (c) FORM.—The report under subsection (a) may be  
2 submitted in classified form, but shall include an unclassi-  
3 fied summary.

4 **SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS**  
5 **WHO COMMIT UNAUTHORIZED DISCLOSURES**  
6 **OF CLASSIFIED INFORMATION.**

7 (a) STUDY.—The Director of National Intelligence  
8 shall conduct a study on the feasibility of revoking the  
9 pensions of personnel of the intelligence community who  
10 commit unauthorized disclosures of classified information,  
11 including whether revoking such pensions is feasible under  
12 existing law or under the administrative authority of the  
13 Director of National Intelligence or any other head of an  
14 element of the intelligence community.

15 (b) REPORT.—Not later than 90 days after the date  
16 of the enactment of this Act, the Director of National In-  
17 telligence shall submit to the congressional intelligence  
18 committees a report containing the results of the study  
19 conducted under subsection (a).

20 **SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION**  
21 **PRACTICES OF THE INTELLIGENCE COMMU-**  
22 **NITY.**

23 (a) STUDY.—The Inspector General of the Intel-  
24 ligence Community shall conduct a study on the electronic

1 waste destruction practices of the intelligence community.

2 Such study shall assess—

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

7 (2) the environmental impact of such disposal  
8 practices; and

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

13 (b) REPORT.—Not later than 1 year after the date  
14 of the enactment of this Act, the Inspector General of the  
15 Intelligence Community shall submit to the congressional  
16 intelligence committees a report containing the results of  
17 the study conducted under subsection (a).

18 **SEC. 345. REPORT ON RETIREMENT BENEFITS FOR**  
19 **FORMER EMPLOYEES OF AIR AMERICA.**

20 (a) IN GENERAL.—Not later than 180 days after the  
21 date of the enactment of this Act, the Director of National  
22 Intelligence shall submit to Congress a report on the ad-  
23 visability of providing Federal retirement benefits to  
24 United States citizens for the service of such citizens prior  
25 to 1977 as employees of Air America or an associated

1 company during a period when Air America or the associ-  
2 ated company was owned or controlled by the United  
3 States Government and operated or managed by the Cen-  
4 tral Intelligence Agency.

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

7 (1) The history of Air America and the associ-  
8 ated companies prior to 1977, including a descrip-  
9 tion of—

10 (A) the relationship between Air America  
11 and the associated companies and the Central  
12 Intelligence Agency or any other element of the  
13 United States Government;

14 (B) the workforce of Air America and the  
15 associated companies;

16 (C) the missions performed by Air Amer-  
17 ica, the associated companies, and their employ-  
18 ees for the United States; and

19 (D) the casualties suffered by employees of  
20 Air America and the associated companies in  
21 the course of their employment.

22 (2) A description of—

23 (A) the retirement benefits contracted for  
24 or promised to the employees of Air America  
25 and the associated companies prior to 1977;



1 (B) the contributions made by such em-  
2 ployees for such benefits;

3 (C) the retirement benefits actually paid  
4 such employees;

5 (D) the entitlement of such employees to  
6 the payment of future retirement benefits; and

7 (E) the likelihood that such employees will  
8 receive any future retirement benefits.

9 (3) An assessment of the difference between—

10 (A) the retirement benefits that former  
11 employees of Air America and the associated  
12 companies have received or will receive by virtue  
13 of their employment with Air America and the  
14 associated companies; and

15 (B) the retirement benefits that such em-  
16 ployees would have received or be eligible to re-  
17 ceive if such employment was deemed to be em-  
18 ployment by the United States Government and  
19 their service during such employment was cred-  
20 ited as Federal service for the purpose of Fed-  
21 eral retirement benefits.

22 (4) Any recommendations regarding the advis-  
23 ability of legislative action to treat such employment  
24 as Federal service for the purpose of Federal retire-  
25 ment benefits in light of the relationship between Air

1 America and the associated companies and the  
2 United States Government and the services and sac-  
3 rifices of such employees to and for the United  
4 States.

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

8 (6) The opinions of the Director of the Central  
9 Intelligence Agency, if any, on any matters covered  
10 by the report that the Director of the Central Intel-  
11 ligence Agency considers appropriate.

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

15 (d) DEFINITIONS.—In this section:

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

18 (2) ASSOCIATED COMPANY.—The term “associ-  
19 ated company” means any entity associated with,  
20 predecessor to, or subsidiary to Air America, includ-  
21 ing Air Asia Company Limited, CAT Incorporated,  
22 Civil Air Transport Company Limited, and the Pa-  
23 cific Division of Southern Air Transport, during the  
24 period when such an entity was owned and con-  
25 trolled by the United States Government.

1 **SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR**  
2 **EMPLOYEES OF THE INTELLIGENCE COMMU-**  
3 **NITY.**

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

6 (1) providing matching funds for contributions  
7 to college savings programs made by employees of  
8 elements of the intelligence community; and

9 (2) establishing a program to pay the college  
10 tuition of each child of an employee of an element  
11 of the intelligence community that has died in the  
12 performance of the official duties of such employee.

13 (b) **REPORT.**—Not later than 180 days after the date  
14 of the enactment of this Act, the Director of National In-  
15 telligence shall submit to Congress a report containing the  
16 results of the study conducted under subsection (a).

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

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

21 (2) a Coverdell education savings account, as  
22 defined in section 530 of the Internal Revenue Code  
23 of 1986; and

24 (3) any other appropriate program providing  
25 tax incentives for saving funds to pay for college tui-

1           tion, as determined by the Director of National In-  
2           telligence.

3 **SEC. 347. REPORT ON GLOBAL SUPPLY CHAIN**  
4                                   **VULNERABILITIES.**

5           (a) **REPORT.**—Not later than 1 year after the date  
6 of the enactment of this Act, the Director of National In-  
7 telligence shall submit to Congress a report on the global  
8 supply chain and global provision of services to determine  
9 whether such supply chain and such services pose a risk  
10 to defense and intelligence systems due to components  
11 that may be counterfeit, defective, or deliberately manipu-  
12 lated by a foreign government or a criminal organization  
13 or services that may be managed, controlled, or manipu-  
14 lated by a foreign government or a criminal organization.

15           (b) **REVIEW OF MITIGATION.**—

16           (1) **NCIX REVIEW.**—The National Counter-  
17 intelligence Executive shall conduct a review of the  
18 adequacy of the mechanisms to identify and mitigate  
19 vulnerabilities in the global supply chain that pose a  
20 risk to defense and intelligence systems due to com-  
21 ponents that may be counterfeit, defective, or delib-  
22 erately manipulated by a foreign government or a  
23 criminal organization or services that may be man-  
24 aged, controlled, or manipulated by a foreign govern-  
25 ment or a criminal organization. Such review shall

1 include an examination of the threat posed by State-  
2 controlled and State-invested enterprises and the ex-  
3 tent to which the actions and activities of such en-  
4 terprises may be controlled, coerced, or influenced by  
5 a foreign government.

6 (2) SUBMISSION.—Not later than 1 year after  
7 the date of the enactment of this Act, the National  
8 Counterintelligence Executive shall submit to Con-  
9 gress a report containing the results of the review  
10 conducted under paragraph (1).

11 **SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL**  
12 **HEALTH RISKS AMONG DESERT STORM VET-**  
13 **ERANS.**

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

21 (b) REPORT.—Not later than 1 year after the date  
22 of the enactment of this Act, the Director of the Central  
23 Intelligence Agency shall submit to Congress the results  
24 of the classification review conducted under subsection (a),

1 including the total number of records of the Agency that  
2 are relevant.

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

6 **SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OF-**  
7 **FICE SUPERVISORY TERM LIMIT POLICY.**

8 None of the funds authorized to be appropriated by  
9 this Act may be used to implement the field office super-  
10 visory term limit policy of the Federal Bureau of Inves-  
11 tigation requiring the mandatory reassignment of a super-  
12 visor of the Bureau after a specific term of years.

13 **SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TER-**  
14 **RORIST RECIDIVISM OF DETAINEES HELD AT**  
15 **UNITED STATES NAVAL STATION, GUANTA-**  
16 **NAMO BAY, CUBA.**

17 Not later than 30 days after the date of the enact-  
18 ment of this Act, the Director of National Intelligence, in  
19 consultation with the Director of the Central Intelligence  
20 Agency and the Director of the Defense Intelligence Agen-  
21 cy, shall make publicly available an unclassified summary  
22 of—

23 (1) intelligence relating to recidivism of detain-  
24 ees currently or formerly held at United States

1 Naval Station, Guantanamo Bay, Cuba, by the De-  
2 partment of Defense; and

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

6 **SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DE-**  
7 **TAINees HELD AT UNITED STATES NAVAL**  
8 **STATION, GUANTANAMO BAY, CUBA.**

9 Not later than 30 days after the date of the enact-  
10 ment of this Act, the Director of National Intelligence, in  
11 consultation with the Director of the Central Intelligence  
12 Agency and the Director of the Defense Intelligence Agen-  
13 cy, shall make publicly available an unclassified summary  
14 of—

15 (1) intelligence relating to threats posed by  
16 Uighur detainees currently or formerly held at  
17 United States Naval Station, Guantanamo Bay,  
18 Cuba, by the Department of Defense; and

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

22 **SEC. 352. REPORT ON INTERROGATION RESEARCH AND**  
23 **TRAINING.**

24 (a) **REQUIREMENT FOR REPORT.**—Not later than  
25 December 31, 2009, the Director of National Intelligence,

1 in coordination with the heads of the relevant elements  
2 of the intelligence community, shall submit to the congress-  
3 sional intelligence committees and the Committees on Ap-  
4 propriations of the House of Representatives and the Sen-  
5 ate a report on the state of research, analysis, and training  
6 in interrogation and debriefing practices.

7 (b) CONTENT.—The report required under subsection

8 (a) shall include—

9 (1) an assessment of—

10 (A) the quality and value of scientific and  
11 technical research in interrogation and debrief-  
12 ing practices that has been conducted independ-  
13 ently or in affiliation with the Federal Govern-  
14 ment and the identification of areas in which  
15 additional research could potentially improve in-  
16 terrogation practices;

17 (B) the state of interrogation and debrief-  
18 ing training in the intelligence community, in-  
19 cluding the character and adequacy of the eth-  
20 ical component of such training, and the identi-  
21 fication of any gaps in training;

22 (C) the adequacy of efforts to enhance ca-  
23 reer path options for intelligence community  
24 personnel that serve as interrogators and



1 debriefers, including efforts to recruit and re-  
2 tain career personnel; and

3 (D) the effectiveness of existing processes  
4 for studying and implementing lessons learned  
5 and best practices of interrogation and debrief-  
6 ing; and

7 (2) any recommendations that the Director con-  
8 siders appropriate for improving the performance of  
9 the intelligence community with respect to the issues  
10 described in subparagraphs (A) through (D) of para-  
11 graph (1).

12 **SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY**  
13 **WITHIN THE INTELLIGENCE COMMUNITY.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) To most effectively carry out the mission of  
16 the intelligence community to collect and analyze in-  
17 telligence, the intelligence community needs per-  
18 sonnel that look and speak like the citizens of the  
19 many nations in which the United States needs to  
20 collect such intelligence.

21 (2) One of the great strengths of the United  
22 States is the diversity of the people of the United  
23 States, diversity that can positively contribute to the  
24 operational capabilities and effectiveness of the intel-  
25 ligence community.

1           (3) In the past, the intelligence community has  
2           not properly focused on hiring a diverse workforce  
3           and the capabilities of the intelligence community  
4           have suffered due to that lack of focus.

5           (4) The intelligence community must be delib-  
6           erate and work hard to hire a diverse workforce to  
7           improve the operational capabilities and effectiveness  
8           of the intelligence community.

9           (b) REQUIREMENT FOR REPORT.—Not later than 1  
10          year after the date of the enactment of this Act, the Direc-  
11          tor of National Intelligence, in coordination with the heads  
12          of the elements of the intelligence community, shall submit  
13          to the congressional intelligence committees a report on  
14          the plans of each element to increase diversity within the  
15          intelligence community.

16          (c) CONTENT.—The report required by subsection (b)  
17          shall include specific implementation plans to increase di-  
18          versity within each element of the intelligence community,  
19          including—

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



1 ducted by agents of the Federal Bureau of Investigation  
2 in foreign nations and using funds made available for the  
3 National Intelligence Program, including constraints iden-  
4 tified in section 432 of the Restatement (Third) of the  
5 Foreign Relations Law of the United States.

6 **SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCE-**  
7 **DURES USED IN NARCOTICS AIRBRIDGE DE-**  
8 **NIAL PROGRAM IN PERU.**

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

16 **SEC. 356. CYBERSECURITY OVERSIGHT.**

17 (a) NOTIFICATION OF CYBERSECURITY PRO-  
18 GRAMS.—

19 (1) REQUIREMENT FOR NOTIFICATION.—

20 (A) EXISTING PROGRAMS.—Not later than  
21 30 days after the date of the enactment of this  
22 Act, the President shall submit to Congress a  
23 notification for each cybersecurity program in  
24 operation on such date that includes the docu-

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

3           (B) NEW PROGRAMS.—Not later than 30  
4           days after the date of the commencement of op-  
5           erations of a new cybersecurity program, the  
6           President shall submit to Congress a notifica-  
7           tion of such commencement that includes the  
8           documentation referred to in subparagraphs (A)  
9           through (E) of paragraph (2).

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

13                 (A) the legal justification for the cyberse-  
14                 curity program;

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

19                 (C) the concept for the operation of the cy-  
20                 bersecurity program that is approved by the  
21                 head of the appropriate agency or department;

22                 (D) the assessment, if any, of the privacy  
23                 impact of the cybersecurity program prepared  
24                 by the privacy or civil liberties protection officer

1 or comparable officer of such agency or depart-  
2 ment; and

3 (E) the plan, if any, for independent audit  
4 or review of the cybersecurity program to be  
5 carried out by the head of the relevant depart-  
6 ment or agency of the United States, in con-  
7 junction with the appropriate inspector general.

8 (b) PROGRAM REPORTS.—

9 (1) REQUIREMENT FOR REPORTS.—The head of  
10 a department or agency of the United States with  
11 responsibility for a cybersecurity program for which  
12 a notification was submitted under subsection (a), in  
13 consultation with the inspector general for that de-  
14 partment or agency, shall submit to Congress and  
15 the President, in accordance with the schedule set  
16 out in paragraph (2), a report on such cybersecurity  
17 program that includes—

18 (A) the results of any audit or review of  
19 the cybersecurity program carried out under the  
20 plan referred to in subsection (a)(2)(E), if any;  
21 and

22 (B) an assessment of whether the imple-  
23 mentation of the cybersecurity program—

24 (i) is in compliance with—

1 (I) the legal justification referred  
2 to in subsection (a)(2)(A); and

3 (II) the assessment referred to in  
4 subsection (a)(2)(D), if any;

5 (ii) is adequately described by the con-  
6 cept of operation referred to in subsection  
7 (a)(2)(C), if any; and

8 (iii) includes an adequate independent  
9 audit or review system and whether im-  
10 provements to such independent audit or  
11 review system are necessary.

12 (2) SCHEDULE FOR SUBMISSION OF RE-  
13 PORTS.—The reports required by paragraph (1)  
14 shall be submitted to Congress and the President ac-  
15 cording to the following schedule:

16 (A) An initial report shall be submitted not  
17 later than 180 days after the date of the enact-  
18 ment of this Act.

19 (B) A second report shall be submitted not  
20 later than 1 year after the date of the enact-  
21 ment of this Act.

22 (C) Additional reports shall be submitted  
23 periodically following the submission of the re-  
24 ports referred to in subparagraphs (A) and (B)  
25 as necessary, as determined by the head of the

1 relevant department or agency of the United  
2 States in conjunction with the inspector general  
3 of that department or agency.

4 (3) COOPERATION AND COORDINATION.—

5 (A) COOPERATION.—The head of each de-  
6 partment or agency of the United States re-  
7 quired to submit a report under paragraph (1)  
8 for a particular cybersecurity program, and the  
9 inspector general of each such department or  
10 agency, shall, to the extent practicable, work in  
11 conjunction with any other such head or inspec-  
12 tor general required to submit such a report for  
13 such cybersecurity program.

14 (B) COORDINATION.—The heads of all of  
15 the departments and agencies of the United  
16 States required to submit a report under para-  
17 graph (1) for a particular cybersecurity pro-  
18 gram shall designate one such head to coordi-  
19 nate the conduct of the reports on such pro-  
20 gram.

21 (c) INFORMATION SHARING REPORT.—Not later  
22 than 1 year after the date of the enactment of this Act,  
23 the Inspector General of the Department of Homeland Se-  
24 curity and the Inspector General of the Intelligence Com-  
25 munity shall jointly submit to Congress and the President



1 a report on the status of the sharing of cyber threat infor-  
2 mation, including—

3 (1) a description of how cyber threat intel-  
4 ligence information, including classified information,  
5 is shared among the agencies and departments of  
6 the United States and with persons responsible for  
7 critical infrastructure;

8 (2) a description of the mechanisms by which  
9 classified cyber threat information is distributed;

10 (3) an assessment of the effectiveness of such  
11 information sharing and distribution; and

12 (4) any other matters identified by the Inspec-  
13 tors General that would help to fully inform Con-  
14 gress or the President regarding the effectiveness  
15 and legality of cybersecurity programs.

16 (d) PERSONNEL DETAILS.—

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

1 jointly agreed by the head of such element and the  
2 Task Force or the Department.

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

5 (A) for a period of not more than 3 years;

6 and

7 (B) on a reimbursable or nonreimbursable  
8 basis.

9 (e) SUNSET.—The requirements and authorities of  
10 this section shall terminate on December 31, 2012.

11 (f) DEFINITIONS.—In this section:

12 (1) CYBERSECURITY PROGRAM.—The term “cy-  
13 bersecurity program” means a class or collection of  
14 similar cybersecurity operations of an agency or de-  
15 partment of the United States that involves person-  
16 ally identifiable data that is—

17 (A) screened by a cybersecurity system  
18 outside of the agency or department of the  
19 United States that was the intended recipient of  
20 the personally identifiable data;

21 (B) transferred, for the purpose of cyberse-  
22 curity, outside the agency or department of the  
23 United States that was the intended recipient of  
24 the personally identifiable data; or

1 (C) transferred, for the purpose of cyberse-  
2 curity, to an element of the intelligence commu-  
3 nity.

4 (2) NATIONAL CYBER INVESTIGATIVE JOINT  
5 TASK FORCE.—The term “National Cyber Investiga-  
6 tive Joint Task Force” means the multi-agency  
7 cyber investigation coordination organization over-  
8 seen by the Director of the Federal Bureau of Inves-  
9 tigation known as the Nation Cyber Investigative  
10 Joint Task Force that coordinates, integrates, and  
11 provides pertinent information related to cybersecu-  
12 rity investigations.

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

17 **SEC. 357. REITERATION OF REQUIREMENT TO SUBMIT RE-**  
18 **PORT ON TERRORISM FINANCING.**

19 Not later than 180 days after the date of the enact-  
20 ment of this Act, the President, acting through the Sec-  
21 retary of the Treasury, shall submit to Congress the report  
22 required to be submitted under section 6303(a) of the In-  
23 telligence Reform and Terrorism Prevention Act of 2004  
24 (Public Law 108–458; 118 Stat. 3750).

1 **SEC. 358. REPORT ON QUESTIONING AND DETENTION OF**  
2 **SUSPECTED TERRORISTS.**

3 Not later than 180 days after the date of the enact-  
4 ment of this Act, the Director of National Intelligence, in  
5 consultation with the Attorney General, shall submit to  
6 Congress a report containing—

7 (1) a description of the strategy of the Federal  
8 Government for balancing the intelligence collection  
9 needs of the United States with the interest of the  
10 United States in prosecuting terrorist suspects; and

11 (2) a description of the policy of the Federal  
12 Government with respect to the questioning, deten-  
13 tion, trial, transfer, release, or other disposition of  
14 suspected terrorists.

15 **SEC. 359. REPORT ON DISSEMINATION OF COUNTERTER-**  
16 **RORISM INFORMATION TO LOCAL LAW EN-**  
17 **FORCEMENT AGENCIES.**

18 Not later than 180 days after the date of the enact-  
19 ment of this Act, the Director of National Intelligence  
20 shall submit to Congress a report on the dissemination  
21 of critical counterterrorism information from the intel-  
22 ligence community to local law enforcement agencies, in-  
23 cluding recommendations for improving the means of com-  
24 munication of such information to local law enforcement  
25 agencies.

1 **SEC. 360. REPORT ON INTELLIGENCE CAPABILITIES OF**  
2 **STATE AND LOCAL LAW ENFORCEMENT**  
3 **AGENCIES.**

4 Not later than 180 days after the date of the enact-  
5 ment of this Act, the Director of National Intelligence  
6 shall submit to Congress a report on the intelligence capa-  
7 bilities of State and local law enforcement agencies. Such  
8 report shall include—

9 (1) an assessment of the ability of State and  
10 local law enforcement agencies to analyze and fuse  
11 intelligence community products with locally gath-  
12 ered information;

13 (2) a description of existing procedures of the  
14 intelligence community to share with State and local  
15 law enforcement agencies the tactics, techniques,  
16 and procedures for intelligence collection, data man-  
17 agement, and analysis learned from global counter-  
18 insurgency and counterterror operations;

19 (3) a description of current intelligence analysis  
20 training provided by elements of the intelligence  
21 community to State and local law enforcement agen-  
22 cies;

23 (4) an assessment of the need for a formal in-  
24 telligence training center to teach State and local  
25 law enforcement agencies methods of intelligence col-  
26 lection and analysis; and



1 **SEC. 360C. REPORT ON ACTIVITIES OF THE INTELLIGENCE**  
2 **COMMUNITY IN ARGENTINA.**

3 (a) IN GENERAL.—Not later than 270 days after the  
4 date of the enactment of this Act, the Director of National  
5 Intelligence shall submit to the appropriate congressional  
6 committees a report containing the following:

7 (1) A description of any information in the pos-  
8 session of the intelligence community with respect to  
9 the following events in the Republic of Argentina:

10 (A) The accession to power by the military  
11 of the Republic of Argentina in 1976.

12 (B) Violations of human rights committed  
13 by officers or agents of the Argentine military  
14 and security forces during counterinsurgency or  
15 counterterror operations, including by the State  
16 Intelligence Secretariat (Secretaria de  
17 Inteligencia del Estado), Military Intelligence  
18 Detachment 141 (Destacamento de Inteligencia  
19 Militar 141 in Cordoba), Military Intelligence  
20 Detachment 121 (Destacamento Militar 121 in  
21 Rosario), Army Intelligence Battalion 601, the  
22 Army Reunion Center (Reunion Central del  
23 Ejercito), and the Army First Corps in Buenos  
24 Aires.

25 (C) Operation Condor and Argentina's role  
26 in cross-border counterinsurgency or counter-

1           terror operations with Brazil, Bolivia, Chile,  
2           Paraguay, or Uruguay.

3           (2) Information on abductions, torture, dis-  
4           appearances, and executions by security forces and  
5           other forms of repression, including the fate of Ar-  
6           gentine children born in captivity, that took place at  
7           detention centers, including the following:

8                   (A) The Argentine Navy Mechanical  
9                   School (Escuela Mecanica de la Armada).

10                   (B) Automotores Orletti.

11                   (C) Operaciones Tacticas 18.

12                   (D) La Perla.

13                   (E) Campo de Mayo.

14                   (F) Institutos Militares.

15           (3) An appendix of declassified records reviewed  
16           and used for the report submitted under this sub-  
17           section.

18           (4) A descriptive index of information referred  
19           to in paragraph (1) or (2) that is classified, includ-  
20           ing the identity of each document that is classified,  
21           the reason for continuing the classification of such  
22           document, and an explanation of how the release of  
23           the document would damage the national security in-  
24           terests of the United States.



1 (b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later  
2 than 2 years after the date on which the report required  
3 under subsection (a) is submitted, the Director of National  
4 Intelligence shall review information referred to in para-  
5 graph (1) or (2) of subsection (a) that is classified to de-  
6 termine if any of such information should be declassified.

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

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
11 DEFINED.—In this section, the term “appropriate con-  
12 gressional committees” means the Permanent Select Com-  
13 mittee on Intelligence and the Committee on Appropria-  
14 tions of the House of Representatives and the Select Com-  
15 mittee on Intelligence and the Committee on Appropria-  
16 tions of the Senate.

17 **SEC. 360D. REPORT ON NATIONAL SECURITY AGENCY**  
18 **STRATEGY TO PROTECT DEPARTMENT OF**  
19 **DEFENSE NETWORKS.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, the Director of the National Security  
22 Agency shall submit to Congress a report on the strategy  
23 of the National Security Agency with respect to securing  
24 networks of the Department of Defense within the intel-  
25 ligence community.

1 **SEC. 360E. REPORT ON CREATION OF SPACE INTEL-**  
2 **LIGENCE OFFICE.**

3 Not later than 1 year after the date of the enactment  
4 of this Act, the Director of National Intelligence shall sub-  
5 mit to Congress a report on the feasibility and advisability  
6 of creating a national space intelligence office to manage  
7 space-related intelligence assets and access to such assets.

8 **SEC. 360F. PLAN TO SECURE NETWORKS OF THE INTEL-**  
9 **LIGENCE COMMUNITY.**

10 (a) PLAN.—Not later than 180 days after the date  
11 of the enactment of this Act, the President shall submit  
12 to Congress a plan to secure the networks of the intel-  
13 ligence community. Such plan shall include strategies  
14 for—

15 (1) securing the networks of the intelligence  
16 community from unauthorized remote access, intru-  
17 sion, or insider tampering;

18 (2) recruiting, retaining, and training a highly-  
19 qualified cybersecurity intelligence community work-  
20 force and include—

21 (A) an assessment of the capabilities of  
22 such workforce;

23 (B) an examination of issues of recruiting,  
24 retention, and the professional development of  
25 such workforce, including the possibility of pro-

1           viding retention bonuses or other forms of com-  
2           pensation;

3           (C) an assessment of the benefits of out-  
4           reach and training with both private industry  
5           and academic institutions with respect to such  
6           workforce; and

7           (D) an assessment of the impact of the es-  
8           tablishment of the Department of Defense  
9           Cyber Command on personnel and authorities  
10          of the intelligence community;

11          (3) making the intelligence community work-  
12          force and the public aware of cybersecurity best  
13          practices and principles;

14          (4) coordinating the intelligence community re-  
15          sponse to a cybersecurity incident;

16          (5) collaborating with industry and academia to  
17          improve cybersecurity for critical infrastructure, the  
18          defense industrial base, and financial networks;

19          (6) addressing such other matters as the Presi-  
20          dent considers necessary to secure the  
21          cyberinfrastructure of the intelligence community;  
22          and

23          (7) reviewing procurement laws and classifica-  
24          tion issues to determine how to allow for greater in-  
25          formation sharing on specific cyber threats and at-

1 tacks between private industry and the intelligence  
2 community.

3 (b) UPDATES.—Not later than 90 days after the date  
4 on which the plan referred to in subsection (a) is sub-  
5 mitted to Congress, and every 90 days thereafter until the  
6 President submits the certification referred to in sub-  
7 section (c), the President shall report to Congress on the  
8 status of the implementation of such plan and the progress  
9 towards the objectives of such plan.

10 (c) CERTIFICATION.—The President may submit to  
11 Congress a certification that the objectives of the plan re-  
12 ferred to in subsection (a) have been achieved.

13 **SEC. 360G. REPORT ON MISSILE ARSENAL OF IRAN.**

14 Not later than 180 days after the date of the enact-  
15 ment of this Act, the Director of National Intelligence  
16 shall submit to the congressional intelligence committees  
17 a report assessing the threat posed by the missile arsenal  
18 of Iran to allies and interests of the United States in the  
19 Persian Gulf.

20 **SEC. 360H. STUDY ON BEST PRACTICES OF FOREIGN GOV-**  
21 **ERNMENTS IN COMBATING VIOLENT DOMES-**  
22 **TIC EXTREMISM.**

23 (a) STUDY.—The Director of National Intelligence  
24 shall conduct a study on the best practices of foreign gov-

1 ernments (including the intelligence services of such gov-  
2 ernments) to combat violent domestic extremism.

3 (b) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act, the Director of National In-  
5 telligence shall submit to the congressional intelligence  
6 committees a report containing the results of the study  
7 conducted under subsection (a).

8 **SEC. 360I. REPORT ON INFORMATION SHARING PRACTICES**  
9 **OF JOINT TERRORISM TASK FORCE.**

10 Not later than 180 days after the date of the enact-  
11 ment of this Act, the Director of the Federal Bureau of  
12 Investigation shall submit to Congress a report on the best  
13 practices or impediments to information sharing in the  
14 Federal Bureau of Investigation-New York Police Depart-  
15 ment Joint Terrorism Task Force, including ways in  
16 which the combining of Federal, State, and local law en-  
17 forcement resources can result in the effective utilization  
18 of such resources.

19 **SEC. 360J. REPORT ON TECHNOLOGY TO ENABLE INFORMA-**  
20 **TION SHARING.**

21 Not later than 180 days after the date of the enact-  
22 ment of this Act, the Director of National Intelligence  
23 shall submit to Congress and the President a report de-  
24 scribing the improvements to information technology need-  
25 ed to enable elements of the Federal Government that are

1 not part of the intelligence community to better share in-  
2 formation with elements of the intelligence community.

3 **SEC. 360K. REPORT ON THREATS TO ENERGY SECURITY OF**  
4 **THE UNITED STATES.**

5 Not later than 1 year after the date of the enactment  
6 of this Act, the Director of National Intelligence shall sub-  
7 mit to Congress a report in unclassified form describing  
8 the future threats to describing the future threats to the  
9 national security of the United States from continued and  
10 increased dependence of the United States on oil sources  
11 from foreign nations.

12 **SEC. 360L. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE**  
13 **DEVICE ON NORTHWEST AIRLINES FLIGHT**  
14 **253.**

15 Not later than 180 days after the date of the enact-  
16 ment of this Act, the Director of National Intelligence  
17 shall submit to Congress a report on the attempt to deto-  
18 nate an explosive device aboard Northwest Airlines flight  
19 number 253 on December 25, 2009. Such report shall de-  
20 scribe any failures to share or analyze intelligence or other  
21 information within or between elements of the United  
22 States Government and the measures that the intelligence  
23 community has taken or will take to prevent such failures,  
24 including—

1           (1) a description of the roles and responsibil-  
2           ities of the counterterrorism analytic components of  
3           the intelligence community in synchronizing, corre-  
4           lating, and analyzing all sources of intelligence re-  
5           lated to terrorism;

6           (2) an assessment of the technological capabili-  
7           ties of the intelligence community to assess terrorist  
8           threats, including—

9                   (A) a list of all databases used by counter-  
10                  terrorism analysts;

11                   (B) a description of the steps taken by the  
12                  intelligence community to integrate all relevant  
13                  terrorist databases and allow for cross-database  
14                  searches; and

15                   (C) a description of the steps taken by the  
16                  intelligence community to correlate biographic  
17                  information with terrorism-related intelligence;

18           (3) a description of the steps taken by the intel-  
19           ligence community to train analysts on watchlisting  
20           processes and procedures;

21           (4) a description of how watchlisting informa-  
22           tion is entered, reviewed, searched, analyzed, and  
23           acted upon by the relevant elements of the intel-  
24           ligence community;

1           (5) a description of the steps the intelligence  
2           community is taking to enhance the rigor and raise  
3           the standard of tradecraft of intelligence analysis re-  
4           lated to uncovering and preventing terrorist plots;

5           (6) a description of the processes and proce-  
6           dures by which the intelligence community  
7           prioritizes terrorism threat leads and the standards  
8           used by elements of the intelligence community to  
9           determine if follow-up action is appropriate;

10          (7) a description of the steps taken to enhance  
11          record information on possible terrorists in the Ter-  
12          rorist Identities Datamart Environment;

13          (8) an assessment of how to meet the challenge  
14          associated with exploiting the ever-increasing volume  
15          of information available to the intelligence commu-  
16          nity; and

17          (9) a description of the steps the intelligence  
18          community has taken or will take to respond to any  
19          findings and recommendations of the congressional  
20          intelligence committees, with respect to such fail-  
21          ures, that have been transmitted to the Director of  
22          National Intelligence.



1 **SEC. 360M. REPEAL OF CERTAIN REPORTING REQUIRE-**  
2 **MENTS.**

3 (a) ANNUAL REPORT ON INTELLIGENCE.—Section  
4 109 of the National Security Act of 1947 (50 U.S.C.  
5 404d) is repealed.

6 (b) ANNUAL CERTIFICATION ON COUNTERINTEL-  
7 LIGENCE INITIATIVES.—Section 1102(b) of the National  
8 Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

9 (1) by striking “(1) The Director” and insert-  
10 ing “The Director”; and

11 (2) by striking paragraph (2).

12 (c) ANNUAL REPORT ON COUNTERDRUG INTEL-  
13 LIGENCE MATTERS.—Section 826 of the Intelligence Au-  
14 thorization Act for Fiscal Year 2003 (Public Law 107-  
15 306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

16 **SEC. 360N. INCORPORATION OF REPORTING REQUIRE-**  
17 **MENTS.**

18 Each requirement to submit a report to the congres-  
19 sional intelligence committees that is included in the clas-  
20 sified annex to this Act is hereby incorporated into this  
21 Act and is hereby made a requirement in law.

22 **SEC. 360O. CONFORMING AMENDMENTS.**

23 (a) REPORT SUBMISSION DATES.—Section 507 of  
24 the National Security Act of 1947 (50 U.S.C. 415b) is  
25 amended—

26 (1) in subsection (a)—

1 (A) in paragraph (1)—  
2 (i) by striking subparagraphs (A) and  
3 (G);  
4 (ii) by redesignating subparagraphs  
5 (B), (C), (D), (E), (F), (H), (I), and (N)  
6 as subparagraphs (A), (B), (C), (D), (E),  
7 (F), (G), and (H), respectively; and  
8 (iii) by adding at the end the fol-  
9 lowing new subparagraphs:

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

12 “(J) The annual report on foreign language  
13 proficiency in the intelligence community required by  
14 section 510.

15 “(K) The annual report on outside employment  
16 required by section 102A(s)(2).”;

17 (B) in paragraph (2), by striking subpara-  
18 graph (D); and

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

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

24 (1) striking the item relating to section 109;

25 and

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

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

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

“Sec. 510. Report on foreign language proficiency in the intelligence commu-  
nity.

“Sec. 511. Government Accountability Office analyses, evaluations, and inves-  
tigations.

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

### 3           **Subtitle E—Other Matters**

#### 4   **SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR** 5           **DIFFERENT INTELLIGENCE ACTIVITIES.**

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

9                   “(B) the use of such funds for such activ-  
10                   ity supports an emergent need, improves pro-  
11                   gram effectiveness, or increases efficiency;  
12                   and”.

#### 13   **SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY** 14           **INFORMATION.**

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

17                   (1) DISCLOSURE AFTER ACCESS TO INFORMA-  
18                   TION IDENTIFYING AGENT.—Subsection (a) of sec-  
19                   tion 601 of the National Security Act of 1947 (50  
20                   U.S.C. 421) is amended by striking “ten years” and  
21                   inserting “15 years”.

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

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

13   **SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMA-**  
14                           **TION ABOUT RECEIPT AND DISPOSITION OF**  
15                           **FOREIGN GIFTS AND DECORATIONS.**

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

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

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

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

9 **SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST**  
10 **IDENTITY INFORMATION FROM FREEDOM OF**  
11 **INFORMATION ACT.**

12 Section 119 of the National Security Act of 1947 (50  
13 U.S.C. Section 404o) is amended by adding at the end  
14 the following new subsection:

15 “(k) EXEMPTION OF DISSEMINATION OF TERRORIST  
16 IDENTITY INFORMATION FROM FREEDOM OF INFORMA-  
17 TION ACT.—(1) Terrorist identity information dissemi-  
18 nated for terrorist screening purposes or other authorized  
19 counterterrorism purposes shall be exempt from disclosure  
20 under section 552 of title 5, United States Code.

21 “(2) In this section:

22 “(A) AUTHORIZED COUNTERTERRORISM PUR-  
23 POSE.—The term ‘authorized counterterrorism pur-  
24 pose’ means disclosure to and appropriate use by an  
25 element of the Federal Government of terrorist iden-

1       tifiers of persons reasonably suspected to be terror-  
2       ists or supporters of terrorists.

3               “(B) TERRORIST IDENTITY INFORMATION.—

4       The term ‘terrorist identity information’ means—

5               “(i) information from a database main-  
6               tained by any element of the Federal Govern-  
7               ment that would reveal whether an individual  
8               has or has not been determined to be a known  
9               or suspected terrorist or has or has not been  
10              determined to be within the networks of con-  
11              tacts and support of a known or suspected ter-  
12              rorist; and

13              “(ii) information related to a determina-  
14              tion as to whether or not an individual is or  
15              should be included in the Terrorist Screening  
16              Database or other screening databases based on  
17              a determination that the individual is a known  
18              or suspected terrorist.

19              “(C) TERRORIST IDENTIFIERS.—The term ‘ter-  
20              rorist identifiers’—

21                      “(i) includes—

22                              “(I) names and aliases;

23                              “(II) dates or places of birth;

24                              “(III) unique identifying numbers or  
25                      information;

1 “(IV) physical identifiers or bio-  
2 metrics; and

3 “(V) any other identifying information  
4 provided for watchlisting purposes; and

5 “(ii) does not include derogatory informa-  
6 tion or information that would reveal or com-  
7 promise intelligence or law enforcement sources  
8 or methods.

9 “(D) TERRORIST SCREENING PURPOSE.—The  
10 term ‘terrorist screening purpose’ means—

11 “(i) the collection, analysis, dissemination,  
12 and use of terrorist identity information to de-  
13 termine threats to the national security of the  
14 United States from a terrorist or terrorism; and

15 “(ii) the use of such information for risk  
16 assessment, inspection, and credentialing.”.

17 **SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND**  
18 **OFFICE OF THE DIRECTOR OF NATIONAL IN-**  
19 **TELLIGENCE NAME, INITIALS, OR SEAL.**

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

23 “MISUSE OF THE INTELLIGENCE COMMUNITY NAME,  
24 INITIALS, OR SEAL

25 “SEC. 1103. (a) PROHIBITED ACTS.—No person  
26 may, except with the written permission of the Director

1 of National Intelligence or a designee of the Director,  
2 knowingly use the words ‘intelligence community’, the ini-  
3 tials ‘IC’, the seal of the intelligence community, or any  
4 colorable imitation of such words, initials, or seal in con-  
5 nection with any merchandise, impersonation, solicitation,  
6 or commercial activity in a manner reasonably calculated  
7 to convey the impression that such use is approved, en-  
8 dorsed, or authorized by the Director of National Intel-  
9 ligence, except that employees of the intelligence commu-  
10 nity may use the intelligence community name, initials,  
11 and seal in accordance with regulations promulgated by  
12 the Director of National Intelligence.

13       “(b) INJUNCTION.—Whenever it appears to the At-  
14 torney General that any person is engaged or is about to  
15 engage in an act or practice which constitutes or will con-  
16 stitute conduct prohibited by subsection (a), the Attorney  
17 General may initiate a civil proceeding in a district court  
18 of the United States to enjoin such act or practice. Such  
19 court shall proceed as soon as practicable to the hearing  
20 and determination of such action and may, at any time  
21 before final determination, enter such restraining orders  
22 or prohibitions, or take such other action as is warranted,  
23 to prevent injury to the United States or to any person  
24 or class of persons for whose protection the action is  
25 brought.”.



1 (b) OFFICE OF THE DIRECTOR OF NATIONAL INTEL-  
2 LIGENCE.—Title XI of the National Security Act of 1947  
3 (50 U.S.C. 442 et seq.), as amended by subsection (a) of  
4 this section, is further amended by adding at the end the  
5 following new section:

6 “MISUSE OF THE OFFICE OF THE DIRECTOR OF  
7 NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

8 “SEC. 1104. (a) PROHIBITED ACTS.—No person  
9 may, except with the written permission of the Director  
10 of National Intelligence or a designee of the Director,  
11 knowingly use the words ‘Office of the Director of Na-  
12 tional Intelligence’, the initials ‘ODNI’, the seal of the Of-  
13 fice of the Director of National Intelligence, or any  
14 colorable imitation of such words, initials, or seal in con-  
15 nection with any merchandise, impersonation, solicitation,  
16 or commercial activity in a manner reasonably calculated  
17 to convey the impression that such use is approved, en-  
18 dorsed, or authorized by the Director of National Intel-  
19 ligence.

20 “(b) INJUNCTION.—Whenever it appears to the At-  
21 torney General that any person is engaged or is about to  
22 engage in an act or practice which constitutes or will con-  
23 stitute conduct prohibited by subsection (a), the Attorney  
24 General may initiate a civil proceeding in a district court  
25 of the United States to enjoin such act or practice. Such  
26 court shall proceed as soon as practicable to the hearing

1 and determination of such action and may, at any time  
 2 before final determination, enter such restraining orders  
 3 or prohibitions, or take such other action as is warranted,  
 4 to prevent injury to the United States or to any person  
 5 or class of persons for whose protection the action is  
 6 brought.”.

7 (c) CONFORMING AMENDMENT.—The table of con-  
 8 tents in the first section of such Act (50 U.S.C. 401 note),  
 9 as amended by section 357 of this Act, is further amended  
 10 by adding at the end the following new items:

“Sec. 1103. Misuse of the intelligence community name, initials, or seal.

“Sec. 1104. Misuse of the Office of the Director of National Intelligence name,  
 initials, or seal.”.

11 **SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN;**  
 12 **RECIPROCITY.**

13 (a) REPORTS RELATING TO SECURITY CLEAR-  
 14 ANCES.—

15 (1) QUADRENNIAL AUDIT; SECURITY CLEAR-  
 16 ANCE DETERMINATIONS.—

17 (A) IN GENERAL.—Title V of the National  
 18 Security Act of 1947 (50 U.S.C. 413 et seq.),  
 19 as amended by section 336 of this Act, is fur-  
 20 ther amended by adding at the end the fol-  
 21 lowing new section:

22 “REPORTS ON SECURITY CLEARANCES  
 23 “SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION  
 24 REQUIREMENTS.—(1) The President shall every 4 years

1 conduct an audit of how the executive branch determines  
2 whether a security clearance is required for a particular  
3 position in the Federal Government.

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

7 “(b) REPORT ON SECURITY CLEARANCE DETER-  
8 MINATIONS.—(1) Not later than February 1 of each year,  
9 the President shall submit to Congress a report on the  
10 security clearance process. Such report shall include, for  
11 each security clearance level—

12 “(A) the number of Federal Government em-  
13 ployees who—

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

16 “(ii) were approved for a security clearance  
17 at such level during the preceding fiscal year;

18 “(B) the number of contractors to the Federal  
19 Government who—

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

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

24 and

1           “(C) for each element of the intelligence com-  
2           munity—

3                   “(i) the amount of time it took to process  
4                   the fastest 80 percent of security clearance de-  
5                   terminations for such level;

6                   “(ii) the amount of time it took to process  
7                   the fastest 90 percent of security clearance de-  
8                   terminations for such level;

9                   “(iii) the number of open security clear-  
10                  ance investigations for such level that have re-  
11                  mained open for—

12                           “(I) 4 months or less;

13                           “(II) between 4 months and 8  
14                           months;

15                           “(III) between 8 months and 12  
16                           months; and

17                           “(IV) more than a year;

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

21                   “(v) the percentage of investigations dur-  
22                   ing the preceding fiscal year that resulted in in-  
23                   complete information;

24                   “(vi) the percentage of investigations dur-  
25                   ing the preceding fiscal year that did not result

1 in enough information to make a decision on  
2 potentially adverse information; and

3 “(vii) for security clearance determinations  
4 completed or ongoing during the preceding fis-  
5 cal year that have taken longer than 1 year to  
6 complete—

7 “(I) the number of security clearance  
8 determinations for positions as employees  
9 of the Federal Government that required  
10 more than 1 year to complete;

11 “(II) the number of security clearance  
12 determinations for contractors that re-  
13 quired more than 1 year to complete;

14 “(III) the agencies that investigated  
15 and adjudicated such determinations; and

16 “(IV) the cause of significant delays  
17 in such determinations.

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

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

22 “(B) security clearances at the level of top se-  
23 cret or higher as one security clearance level.”.

24 (B) INITIAL AUDIT.—The first audit re-  
25 quired to be conducted under section 513(a)(1)

1 of the National Security Act of 1947 (as added  
2 by paragraph (1)) shall be completed not later  
3 than February 1, 2010.

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

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

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

15 (A) Federal Government wide adjudication  
16 guidelines and metrics for adjudication quality;

17 (B) a plan to improve the professional de-  
18 velopment of security clearance adjudicators;

19 (C) metrics to evaluate the effectiveness of  
20 interagency clearance reciprocity;

21 (D) Federal Government wide investigation  
22 standards and metrics for investigation quality;  
23 and

24 (E) the feasibility, counterintelligence risk,  
25 and cost effectiveness of—

1 (i) by not later than January 1, 2012,  
2 requiring the investigation and adjudica-  
3 tion of security clearances to be conducted  
4 by not more than two Federal agencies;  
5 and

6 (ii) by not later than January 1,  
7 2015, requiring the investigation and adju-  
8 dication of security clearances to be con-  
9 ducted by not more than one Federal agen-  
10 cy.

11 (b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY  
12 SECURITY CLEARANCES.—

13 (1) IN GENERAL.—Title I of the National Secu-  
14 rity Act of 1947 (50 U.S.C. 402 et seq.), as amend-  
15 ed by section 303 of this Act, is further amended by  
16 inserting after section 103G the following new sec-  
17 tion:

18 “OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY  
19 CLEARANCES

20 “SEC. 103H. (a) APPOINTMENT.—The Director of  
21 National Intelligence shall appoint an ombudsman for in-  
22 telligence community security clearances.

23 “(b) PROVISION OF INFORMATION.—The head of an  
24 element of the intelligence community shall provide a per-  
25 son applying for a security clearance through or in coordi-

1 nation with such element with contact information for the  
2 ombudsman appointed under subsection (a).

3 “(c) REPORT.—Not later than November 1 of each  
4 year, the ombudsman appointed under subsection (a) shall  
5 submit to the congressional intelligence committees a re-  
6 port containing—

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

10 “(2) a summary of the concerns, complaints,  
11 and questions received by the ombudsman from per-  
12 sons applying for security clearances.”.

13 (2) APPOINTMENT DATE.—The Director of Na-  
14 tional Intelligence shall appoint an ombudsman for  
15 intelligence community security clearances under  
16 section 103H(a) of the National Security Act of  
17 1947, as added by paragraph (1), not later than 120  
18 days after the date of the enactment of this Act.

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

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

25 (c) SECURITY CLEARANCE RECIPROCITY.—



1           (1) AUDIT.—The Inspector General of the In-  
2           telligence Community shall conduct an audit of the  
3           reciprocity of security clearances in the intelligence  
4           community.

5           (2) REPORT.—Not later than 120 days after  
6           the date of the enactment of this Act, the Inspector  
7           General of the Intelligence Community shall submit  
8           to the congressional intelligence committees a report  
9           containing the results of the audit conducted under  
10          paragraph (1). Such report shall include an assess-  
11          ment of the time required to obtain a reciprocal se-  
12          curity clearance for—

13                   (A) an employee of an element of the intel-  
14                   ligence community detailed to another element  
15                   of the intelligence community;

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

20                   (C) a contractor seeking permanent em-  
21                   ployment with an element of the intelligence  
22                   community.

23          (d) EDUCATION ON COMBAT-RELATED INJURIES.—  
24          Section 3001 of the Intelligence Reform and Terrorism  
25          Prevention Act of 2004 (50 U.S.C. 435b) is amended—

1           (1) by redesignating subsection (i) as subsection  
2           (j); and

3           (2) by inserting after subsection (h) the fol-  
4           lowing new subsection:

5           “(i) EDUCATION ON COMBAT-RELATED INJURIES.—

6           ““(1) IN GENERAL.—The head of the entity se-  
7           lected pursuant to subsection (b) shall take such ac-  
8           tions as such head considers necessary to educate  
9           each authorized adjudicative agency that is an ele-  
10          ment of the intelligence community on the nature of  
11          combat-related injuries as they relate to determina-  
12          tions of eligibility for access to classified information  
13          for veterans who were deployed in support of a con-  
14          tingency operation.

15          “(2) DEFINITIONS.—In this subsection:

16          “(A) CONTINGENCY OPERATION.—The  
17          term ‘contingency operation’ has the meaning  
18          given the term in section 101(a)(13) of title 10,  
19          United States Code.

20          “(B) INTELLIGENCE COMMUNITY.—The  
21          term ‘intelligence community’ has the meaning  
22          given the term in section 3(4) of the National  
23          Security Act of 1947 (50 U.S.C. 401a(4)).

1           “(C) VETERAN.—The term ‘veteran’ has  
2           the meaning given the term in section 101(2) of  
3           title 38, United States Code.”.

4 **SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANS-**  
5 **FER OR RELEASE OF INDIVIDUALS DETAINED**  
6 **AT UNITED STATES NAVAL STATION, GUAN-**  
7 **TANAMO BAY, CUBA.**

8           (a) IN GENERAL.—The Director of National Intel-  
9           ligence may not use any of the amounts authorized to be  
10           appropriated in this Act for fiscal year 2010 or any subse-  
11           quent fiscal year to release or transfer any individual de-  
12           scribed in subsection (d) to the United States, its terri-  
13           tories, or possessions, until 120 days after the President  
14           has submitted to Congress the plan described in sub-  
15           section (b).

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

19                   (1) an assessment of the risk that the indi-  
20                   vidual described in subsection (d) poses to the na-  
21                   tional security of the United States, its territories,  
22                   or possessions;

23                   (2) a proposal for the disposition for each such  
24                   individual;

1           (3) a plan to mitigate any risks described in  
2 paragraph (1) should the proposed disposition re-  
3 quired by paragraph (2) include the release or trans-  
4 fer to the United States, its territories, or posses-  
5 sions of any such individual; and

6           (4) a summary of the consultation required in  
7 subsection (c).

8           (c) CONSULTATION REQUIRED.—The President shall  
9 consult with the chief executive of the State, the District  
10 of Columbia, or the territory or possession of the United  
11 States to which the disposition in subsection (b) includes  
12 a release or transfer to that State, District of Columbia,  
13 or territory or possession.

14          (d) DETAINEES DESCRIBED.—An individual de-  
15 scribed in this subsection is any individual who is located  
16 at United States Naval Station, Guantanamo Bay, Cuba,  
17 as of the date of the enactment of this Act, who—

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

19           (2) is—

20           (A) in the custody or under the effective  
21 control of the Department of Defense; or

22           (B) otherwise under detention at United  
23 States Naval Station, Guantanamo Bay, Cuba.

1 **SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IM-**  
2 **PROVEMENT AND AUDIT READINESS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) it is imperative that intelligence community-  
6 wide auditability be achieved as soon as possible;

7 (2) the Business Transformation Office of the  
8 Office of the Director of National Intelligence has  
9 made substantial progress and must be of sufficient  
10 standing within the Office of the Director of Na-  
11 tional Intelligence to move the plan for core financial  
12 system requirements to reach intelligence commu-  
13 nity-wide auditability forward;

14 (3) as of the date of the enactment of this Act,  
15 the National Reconnaissance Office is the only ele-  
16 ment of the intelligence community to have received  
17 a clean audit; and

18 (4) the National Reconnaissance Office should  
19 be commended for the long hours and hard work in-  
20 vested by the Office to achieve a clean audit.

21 (b) REVIEW; PLAN.—Not later than 180 days after  
22 the date of the enactment of this Act, the Director of Na-  
23 tional Intelligence shall—

24 (1) conduct a review of the status of the  
25 auditability compliance of each element of the intel-  
26 ligence community; and

1           (2) develop a plan and timeline to achieve a  
2 full, unqualified audit of each element of the intel-  
3 ligence community not later than September 30,  
4 2013.

5 **SEC. 369. SENSE OF CONGRESS ON MONITORING OF**  
6 **NORTHERN BORDER OF THE UNITED STATES.**

7           (a) FINDING.—Congress finds that suspected terror-  
8 ists have attempted to enter the United States through  
9 the international land and maritime border of the United  
10 States and Canada.

11          (b) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that—

13           (1) the intelligence community should devote  
14 sufficient resources, including technological and  
15 human resources, to identifying and thwarting po-  
16 tential threats at the international land and mari-  
17 time border of the United States and Canada; and

18           (2) the intelligence community should work  
19 closely with the Government of Canada to identify  
20 and apprehend suspected terrorists before such ter-  
21 rorists enter the United States.

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. CLARIFICATION OF LIMITATION ON COLOCATION**  
7 **OF THE OFFICE OF THE DIRECTOR OF NA-**  
8 **TIONAL INTELLIGENCE.**

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

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

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

16 (B) by striking “Commencing as of Octo-  
17 ber 1, 2008, the” and inserting “(1) Except as  
18 provided in paragraph (2), the”;

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

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

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

3 “(2) The President may waive the limitation in para-  
4 graph (1) if the President determines that—

5 “(A) a waiver is in the interests of national se-  
6 curity; or

7 “(B) the costs of a headquarters of the Office  
8 of the Director of National Intelligence that is sepa-  
9 rate from the headquarters of the other elements of  
10 the intelligence community outweighs the potential  
11 benefits of the separation.”; and

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

14 “(g) LOCATION OF THE OFFICE OF THE DIRECTOR  
15 OF NATIONAL INTELLIGENCE.—The headquarters of the  
16 Office of the Director of National Intelligence may be lo-  
17 cated in the Washington metropolitan region (as defined  
18 in section 8301 of title 40, United States Code).”.

19 **SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**  
20 **INTELLIGENCE ON THE TRANSPORTATION**  
21 **SECURITY OVERSIGHT BOARD.**

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

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



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

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

5 (1) in subsection (c)—

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

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

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

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

16 “(6) submit to the congressional intelligence  
17 committees an annual report on the science and  
18 technology strategy of the Director that shows re-  
19 sources mapped to the goals of the intelligence com-  
20 munity; and”;

21 (2) in subsection (d)(3)—

22 (A) in subparagraph (A)—

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

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

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

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

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

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

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

18 (b) REPORT.—

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

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

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

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

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

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

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

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

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

22          (a) ESTABLISHMENT.—

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

1 inserting after section 103H (as added by such sec-  
2 tion 366) the following new section:

3 “INSPECTOR GENERAL OF THE INTELLIGENCE  
4 COMMUNITY

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

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

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

16 “(2) recommend policies designed—

17 “(A) to promote economy, efficiency, and  
18 effectiveness in the administration and imple-  
19 mentation of matters within the responsibility  
20 and authority of the Director of National Intel-  
21 ligence; and

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

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

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

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

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

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

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

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

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

23           “(A) without regard to political affiliation;

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

1 and prior experience in the field of intelligence or  
2 national security;

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

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

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

9 “(4) The Inspector General may be removed from of-  
10 fice only by the President. The President shall commu-  
11 nicate in writing to the congressional intelligence commit-  
12 tees the reasons for the removal of any individual from  
13 the position of Inspector General not later than 30 days  
14 before the date on which the Inspector General is removed  
15 from office. Nothing in this paragraph shall prohibit a per-  
16 sonnel action with respect to the Inspector General other-  
17 wise authorized by law, other than transfer or removal.

18 “(d) DUTIES AND RESPONSIBILITIES.—Subject to  
19 subsections (g) and (h), the Inspector General of the Intel-  
20 ligence Community shall—

21 “(1) provide policy direction for, and plan, con-  
22 duct, supervise, and coordinate independently, the  
23 investigations, inspections, and audits relating to  
24 matters within the responsibility and authority of  
25 the Director of National Intelligence to ensure they

1 are conducted efficiently and in accordance with ap-  
2 plicable law and regulations;

3 “(2) keep the Director of National Intelligence  
4 and Congress fully and currently informed con-  
5 cerning violations of law and regulations, violations  
6 of civil liberties and privacy, fraud and other serious  
7 problems, abuses, and deficiencies that may occur in  
8 matters within the responsibility and authority of  
9 the Director, and report the progress made in imple-  
10 menting corrective action;

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

18 “(4) in the execution of the duties and respon-  
19 sibilities under this section, comply with generally  
20 accepted Federal Government auditing standards.

21 “(e) LIMITATIONS ON ACTIVITIES.—(1)(A) Subject  
22 to subparagraph (B), the Director of National Intelligence  
23 may prohibit the Inspector General of the Intelligence  
24 Community from initiating, carrying out, or completing  
25 any investigation, inspection, or audit if the Director de-

1 terminates that such prohibition is necessary to protect vital  
2 national security interests of the United States.

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

9 “(2) If the Director exercises the authority under  
10 paragraph (1), the Director shall submit to the congress-  
11 sional intelligence committees an appropriately classified  
12 statement of the reasons for the exercise of such authority  
13 within 7 days.

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

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

24 “(f) AUTHORITIES.—(1) The Inspector General of  
25 the Intelligence Community shall have direct and prompt



1 access to the Director of National Intelligence when nec-  
2 essary for any purpose pertaining to the performance of  
3 the duties of the Inspector General.

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

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

14 “(C) The Director or, on the recommendation of the  
15 Director, another appropriate official of the intelligence  
16 community, shall take appropriate administrative action  
17 against an employee, or employee of a contractor, of an  
18 element of the intelligence community that fails to cooper-  
19 ate with the Inspector General. Such administrative action  
20 may include loss of employment or termination of an exist-  
21 ing contractual relationship.

22 “(3) The Inspector General shall, in accordance with  
23 subsection (g), receive and investigate complaints or infor-  
24 mation from any person concerning the existence of an  
25 activity within the authorities and responsibilities of the

1 Director of National Intelligence constituting a violation  
2 of laws, rules, or regulations, or mismanagement, gross  
3 waste of funds, abuse of authority, or a substantial and  
4 specific danger to the public health and safety. Once such  
5 complaint or information has been received from an em-  
6 ployee of the Federal Government—

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

15           “(B) no action constituting a reprisal, or threat  
16 of reprisal, for making such complaint may be taken  
17 by any employee, unless the complaint was made or  
18 the information was disclosed with the knowledge  
19 that it was false or with willful disregard for its  
20 truth or falsity.

21           “(4) The Inspector General shall administer to or  
22 take from any person an oath, affirmation, or affidavit,  
23 whenever necessary in the performance of the duties of  
24 the Inspector General, which oath, affirmation, or affi-  
25 davit when administered or taken by or before an em-

1 ployee of the Office of the Inspector General of the Intel-  
2 ligence Community designated by the Inspector General  
3 shall have the same force and effect as if administered  
4 or taken by, or before, an officer having a seal.

5       “(5)(A) Except as provided in subparagraph (B), the  
6 Inspector General may require by subpoena the production  
7 of all information, documents, reports, answers, records,  
8 accounts, papers, and other data and documentary evi-  
9 dence necessary in the performance of the duties and re-  
10 sponsibilities of the Inspector General.

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

17       “(C) The Inspector General may not issue a subpoena  
18 for, or on behalf of, any element of the intelligence com-  
19 munity, including the Office of the Director of National  
20 Intelligence.

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

1       “(6) The Inspector General may obtain services as  
2 authorized under section 3109 of title 5, United States  
3 Code, at rates for individuals not to exceed the daily equiv-  
4 alent of the maximum annual rate of basic pay payable  
5 for grade GS–15 of the General Schedule under section  
6 5332 of title 5, United States Code.

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

14       “(g) COORDINATION AMONG THE INSPECTORS GEN-  
15 ERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a  
16 matter within the jurisdiction of the Inspector General of  
17 the Intelligence Community that may be subject to an in-  
18 vestigation, inspection, review, or audit by both the In-  
19 spector General of the Intelligence Community and an in-  
20 spector general with oversight responsibility for an ele-  
21 ment of the intelligence community, the Inspector General  
22 of the Intelligence Community and such other inspector  
23 general shall expeditiously resolve the question of which  
24 inspector general shall conduct such investigation, inspec-

1 tion, review, or audit to avoid unnecessary duplication of  
2 the activities of the inspectors general.

3       “(B) In attempting to resolve a question under sub-  
4 paragraph (A), the inspectors general concerned may re-  
5 quest the assistance of the Intelligence Community Inspec-  
6 tors General Forum established under subparagraph (C).  
7 If a dispute between an inspector general within an agency  
8 or department of the United States Government and the  
9 Inspector General of the Intelligence Community has not  
10 been resolved with the assistance of the Forum, the in-  
11 spectors general shall submit the question to the Director  
12 of National Intelligence and the head of the affected agen-  
13 cy or department for resolution.

14       “(C) There is established the Intelligence Community  
15 Inspectors General Forum which shall consist of all statu-  
16 tory or administrative inspectors general with oversight re-  
17 sponsibility for an element of the intelligence community.  
18 The Inspector General of the Intelligence Community shall  
19 serve as the chair of the Forum. The Forum shall have  
20 no administrative authority over any inspector general,  
21 but shall serve as a mechanism for informing its members  
22 of the work of individual members of the Forum that may  
23 be of common interest and discussing questions about ju-  
24 risdiction or access to employees, employees of a con-  
25 tractor, records, audits, reviews, documents, recommenda-

1 tions, or other materials that may involve or be of assist-  
2 ance to more than one of its members.

3 “(2) The inspector general conducting an investiga-  
4 tion, inspection, review, or audit referred to in paragraph  
5 (1) shall submit the results of such investigation, inspec-  
6 tion, review, or audit to any other inspector general, in-  
7 cluding the Inspector General of the Intelligence Commu-  
8 nity, with jurisdiction to conduct such investigation, in-  
9 spection, review, or audit who did not conduct such inves-  
10 tigation, inspection, review, or audit.

11 “(h) STAFF AND OTHER SUPPORT.—(1) The Direc-  
12 tor of National Intelligence shall provide the Inspector  
13 General of the Intelligence Community with appropriate  
14 and adequate office space at central and field office loca-  
15 tions and with such equipment, office supplies, mainte-  
16 nance services, and communications facilities and services  
17 as may be necessary for the operation of such offices.

18 “(2)(A) The Inspector General shall select, appoint,  
19 and employ such officers and employees as may be nec-  
20 essary to carry out the functions, powers, and duties of  
21 the Inspector General. The Inspector General shall ensure  
22 that any officer or employee selected, appointed, or em-  
23 ployed has a security clearance appropriate for the as-  
24 signed duties of such officer or employee.

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

6       “(C) In meeting the requirements of this paragraph,  
7 the Inspector General shall recommend policies to the Di-  
8 rector of National Intelligence to create within the intel-  
9 ligence community a career cadre of sufficient size to pro-  
10 vide appropriate continuity and objectivity needed for the  
11 effective performance of the duties of the Inspector Gen-  
12 eral.

13       “(3)(A) The Inspector General may, in consultation  
14 with the Director, request such information or assistance  
15 as may be necessary for carrying out the duties and re-  
16 sponsibilities of the Inspector General from any depart-  
17 ment, agency, or other element of the United States Gov-  
18 ernment.

19       “(B) Upon request of the Inspector General for infor-  
20 mation or assistance under subparagraph (A), the head  
21 of the department, agency, or element concerned shall fur-  
22 nish to the Inspector General, or to an authorized des-  
23 ignee, such information or assistance.

24       “(C) The Inspector General of the Intelligence Com-  
25 munity may, upon reasonable notice to the head of any

1 element of the intelligence community and in coordination  
2 with the inspector general of that element pursuant to  
3 subsection (g), conduct an inspection, review, or audit of  
4 such element and may enter into any place occupied by  
5 such element for purposes of the performance of the duties  
6 of the Inspector General.

7       “(i) REPORTS.—(1)(A) Not later than January 31  
8 and July 31 of each year, the Inspector General of the  
9 Intelligence Community shall prepare and submit to the  
10 Director of National Intelligence a report summarizing the  
11 activities of the Office of the Inspector General of the In-  
12 telligence Community during the preceding six-month pe-  
13 riod. The Inspector General of the Intelligence Community  
14 shall provide any portion of the report involving a compo-  
15 nent of a department of the United States Government  
16 to the head of that department simultaneously with sub-  
17 mission of the report to the Director of National Intel-  
18 ligence.

19       “(B) Each report under this paragraph shall include  
20 the following:

21               “(i) A list of the titles or subjects of each inves-  
22 tigation, inspection, review, or audit conducted dur-  
23 ing the period covered by such report, including a  
24 summary of the progress of each particular inves-



1       tigation, inspection, or audit since the preceding re-  
2       port of the Inspector General under this paragraph.

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

10          “(iii) A description of the recommendations for  
11       disciplinary action made by the Inspector General  
12       during the period covered by such report with re-  
13       spect to significant problems, abuses, or deficiencies  
14       described in clause (ii).

15          “(iv) A statement of whether or not corrective  
16       or disciplinary action has been completed on each  
17       significant recommendation described in previous  
18       semiannual reports, and, in a case where corrective  
19       action has been completed, a description of such cor-  
20       rective action.

21          “(v) A certification of whether or not the In-  
22       spector General has had full and direct access to all  
23       information relevant to the performance of the func-  
24       tions of the Inspector General.

1           “(vi) A description of the exercise of the sub-  
2           poena authority under subsection (f)(5) by the In-  
3           spector General during the period covered by such  
4           report.

5           “(vii) Any recommendations that the Inspector  
6           General considers appropriate for legislation to pro-  
7           mote economy, efficiency, and effectiveness in the  
8           administration and implementation of matters within  
9           the responsibility and authority of the Director of  
10          National Intelligence, and to detect and eliminate  
11          fraud and abuse in such matters.

12          “(C) Not later than 30 days after the date of receipt  
13          of a report under subparagraph (A), the Director shall  
14          submit the report to the congressional intelligence commit-  
15          tees together with any comments the Director considers  
16          appropriate.

17          “(D) Each report submitted under subparagraphs  
18          (A) and (C) shall be submitted in unclassified form, but  
19          may include a classified annex.

20          “(2)(A) The Inspector General shall report imme-  
21          diately to the Director whenever the Inspector General be-  
22          comes aware of particularly serious or flagrant problems,  
23          abuses, or deficiencies relating to matters within the re-  
24          sponsibility and authority of the Director of National In-  
25          telligence.

1           “(B) The Director shall submit to the congressional  
2 intelligence committees each report under subparagraph  
3 (A) within 7 days of the receipt of such report, together  
4 with such comments as the Director considers appropriate.  
5 The Director shall submit to the committees of the Senate  
6 and of the House of Representatives with jurisdiction over  
7 a department of the United States Government any por-  
8 tion of each report under subparagraph (A) that involves  
9 a problem, abuse, or deficiency related to a component of  
10 such department simultaneously with transmission of the  
11 report to the congressional intelligence committees.

12           “(3) The Inspector General shall immediately notify  
13 and submit a report to the congressional intelligence com-  
14 mittees on an investigation, inspection, review, or audit  
15 if—

16           “(A) the Inspector General is unable to resolve  
17 any significant differences with the Director affect-  
18 ing the execution of the duties or responsibilities of  
19 the Inspector General;

20           “(B) the investigation, inspection, review, or  
21 audit carried out by the Inspector General focuses  
22 on any current or former intelligence community of-  
23 ficial who—

24           “(i) holds or held a position in an element  
25 of the intelligence community that is subject to

1 appointment by the President, whether or not  
2 by and with the advice and consent of the Sen-  
3 ate, including such a position held on an acting  
4 basis;

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

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

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

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

22 “(E) the Inspector General, after exhausting all  
23 possible alternatives, is unable to obtain significant  
24 documentary information in the course of such in-  
25 vestigation, inspection, review, or audit.

1       “(4)(A) An employee of an element of the intelligence  
2 community, an employee assigned or detailed to an ele-  
3 ment of the intelligence community, or an employee of a  
4 contractor of the intelligence community who intends to  
5 report to Congress a complaint or information with respect  
6 to an urgent concern may report such complaint or infor-  
7 mation to the Inspector General.

8       “(B) Not later than the end of the 14-day period be-  
9 ginning on the date of receipt from an employee of a com-  
10 plaint or information under subparagraph (A), the Inspec-  
11 tor General shall determine whether the complaint or in-  
12 formation appears credible. Upon making such a deter-  
13 mination, the Inspector General shall submit to the Direc-  
14 tor a notice of that determination, together with the com-  
15 plaint or information.

16       “(C) Upon receipt of a submittal from the Inspector  
17 General under subparagraph (B), the Director shall, not  
18 later than 7 days after such receipt, forward such trans-  
19 mittal to the congressional intelligence committees, to-  
20 gether with any comments the Director considers appro-  
21 priate.

22       “(D)(i) If the Inspector General does not find cred-  
23 ible under subparagraph (B) a complaint or information  
24 submitted under subparagraph (A), or does not submit the  
25 complaint or information to the Director in accurate form

1 under subparagraph (B), the employee (subject to clause  
2 (ii)) may submit the complaint or information to Congress  
3 by contacting either or both of the congressional intel-  
4 ligence committees directly.

5 “(ii) An employee may contact the congressional in-  
6 telligence committees directly as described in clause (i)  
7 only if the employee—

8 “(I) before making such a contact, furnishes to  
9 the Director, through the Inspector General, a state-  
10 ment of the employee’s complaint or information and  
11 notice of the employee’s intent to contact the con-  
12 gressional intelligence committees directly; and

13 “(II) obtains and follows from the Director,  
14 through the Inspector General, direction on how to  
15 contact the intelligence committees in accordance  
16 with appropriate security practices.

17 “(iii) A member or employee of one of the congres-  
18 sional intelligence committees who receives a complaint or  
19 information under clause (ii) does so in that member or  
20 employee’s official capacity as a member or employee of  
21 such committee.

22 “(E) The Inspector General shall notify an employee  
23 who reports a complaint or information to the Inspector  
24 General under this paragraph of each action taken under  
25 this paragraph with respect to the complaint or informa-

1 tion. Such notice shall be provided not later than 3 days  
2 after any such action is taken.

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

6 “(G) Nothing in this paragraph shall be construed  
7 to limit the protections afforded an employee of or con-  
8 tractor to the Central Intelligence Agency under section  
9 17(e)(3) of the Central Intelligence Agency Act of 1949  
10 (50 U.S.C. 403q(e)(3)).

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

13 “(i) A serious or flagrant problem, abuse, viola-  
14 tion of law or Executive order, or deficiency relating  
15 to the funding, administration, or operation of an in-  
16 telligence activity involving classified information,  
17 but does not include differences of opinions con-  
18 cerning public policy matters.

19 “(ii) A false statement to Congress, or a willful  
20 withholding from Congress, on an issue of material  
21 fact relating to the funding, administration, or oper-  
22 ation of an intelligence activity.

23 “(iii) An action, including a personnel action  
24 described in section 2302(a)(2)(A) of title 5, United  
25 States Code, constituting reprisal or threat of re-

1        prisal prohibited under subsection (f)(3)(B) of this  
2        section.

3        “(5) In accordance with section 535 of title 28,  
4        United States Code, the Inspector General shall report to  
5        the Attorney General any information, allegation, or com-  
6        plaint received by the Inspector General relating to viola-  
7        tions of Federal criminal law that involves a program or  
8        operation of an element of the intelligence community, or  
9        in the relationships between the elements of the intel-  
10        ligence community, consistent with such guidelines as may  
11        be issued by the Attorney General pursuant to subsection  
12        (b)(2) of such section. A copy of each such report shall  
13        be furnished to the Director.

14        “(j) SEPARATE BUDGET ACCOUNT.—The Director of  
15        National Intelligence shall, in accordance with procedures  
16        to be issued by the Director in consultation with the con-  
17        gressional intelligence committees, include in the National  
18        Intelligence Program budget a separate account for the  
19        Office of Inspector General of the Intelligence Community.

20        “(k) CONSTRUCTION OF DUTIES REGARDING ELE-  
21        MENTS OF INTELLIGENCE COMMUNITY.—Except as re-  
22        solved pursuant to subsection (g), the performance by the  
23        Inspector General of the Intelligence Community of any  
24        duty, responsibility, or function regarding an element of  
25        the intelligence community shall not be construed to mod-



1 ify or affect the duties and responsibilities of any other  
2 inspector general having duties and responsibilities relat-  
3 ing to such element.”.

4 (2) CLERICAL AMENDMENT.—The table of con-  
5 tents in the first section of the National Security  
6 Act of 1947 (50 U.S.C. 401 note), as amended by  
7 section 366 of this Act, is further amended by in-  
8 serting after the item relating to section 103H the  
9 following new item:

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

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

13 (c) 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 “Inspector General of the Intelligence Commu-  
17 nity.”.

18 (d) APPLICABILITY DATE; TRANSITION.—

19 (1) APPLICABILITY.—The amendment made by  
20 subsection (b) shall apply on the earlier of—

21 (A) the date of the appointment by the  
22 President and confirmation by the Senate of an  
23 individual to serve as Inspector General of the  
24 Intelligence Community; or

1 (B) the date of the cessation of the per-  
2 formance of the duties of the Inspector General  
3 of the Intelligence Community by the individual  
4 serving as the Inspector General of the Office  
5 of the Director of National Intelligence as of  
6 the date of the enactment of this Act.

7 (2) TRANSITION.—The individual serving as the  
8 Inspector General of the Office of the Director of  
9 National Intelligence as of the date of the enactment  
10 of this Act shall perform the duties of the Inspector  
11 General of the Intelligence Community until the in-  
12 dividual appointed to the position of Inspector Gen-  
13 eral of the Intelligence Community assumes the du-  
14 ties of such position.

15 **SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUP-**  
16 **PORT FOR REVIEWS OF INTERNATIONAL**  
17 **TRAFFIC IN ARMS REGULATIONS AND EX-**  
18 **PORT ADMINISTRATION REGULATIONS.**

19 The Director of National Intelligence may provide  
20 support for any review conducted by a department or  
21 agency of the Federal Government of the International  
22 Traffic in Arms Regulations or Export Administration  
23 Regulations, including a review of technologies and goods  
24 on the United States Munitions List and Commerce Con-  
25 trol List that may warrant controls that are different or

1 additional to the controls such technologies and goods are  
2 subject to at the time of such review.

3       **Subtitle B—Central Intelligence**  
4                                   **Agency**

5       **SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY IN-**  
6                                   **SPECTOR GENERAL OF THE CENTRAL INTEL-**  
7                                   **LIGENCE AGENCY.**

8       Section 17 of the Central Intelligence Agency Act of  
9 1949 (50 U.S.C. 403q) is amended—

10                   (1) in subsection (b)(4)—

11                               (A) by striking “(4) If” and inserting  
12                               “(4)(A) If”; and

13                               (B) by adding at the end the following new  
14                   subparagraph:

15                   “(B) The Director may waive the requirement to sub-  
16                   mit the statement required under subparagraph (A) within  
17                   seven days of prohibiting an audit, inspection, or inves-  
18                   tigation under paragraph (3) if such audit, inspection, or  
19                   investigation is related to a covert action program. If the  
20                   Director waives such requirement in accordance with this  
21                   subparagraph, the Director shall submit the statement re-  
22                   quired under subparagraph (A) as soon as practicable,  
23                   along with an explanation of the reasons for delaying the  
24                   submission of such statement.”;

25                   (2) in subsection (d)(1)—

1 (A) by redesignating subparagraphs (E)  
2 and (F) as subsections (F) and (G), respec-  
3 tively; and

4 (B) by inserting after subparagraph (D)  
5 the following new subparagraph:

6 “(E) a list of the covert actions for which the  
7 Inspector General has not completed an audit within  
8 the preceding three-year period;” and

9 (3) by adding at the end the following new sub-  
10 section:

11 “(h) COVERT ACTION DEFINED.—In this section, the  
12 term ‘covert action’ has the meaning given the term in  
13 section 503(e) of the National Security Act of 1947 (50  
14 U.S.C. 413b(e)).”.

15 **SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRAC-**  
16 **TORS FOR INTERROGATIONS INVOLVING**  
17 **PERSONS IN THE CUSTODY OF THE CENTRAL**  
18 **INTELLIGENCE AGENCY.**

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

22 “PROHIBITION ON THE USE OF PRIVATE CONTRACTORS  
23 FOR INTERROGATIONS INVOLVING PERSONS IN THE  
24 CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

25 “SEC. 24. (a) PROHIBITION.—Notwithstanding any  
26 other provision of law, the Director of the Central Intel-

1 ligence Agency shall not expend or obligate funds for pay-  
2 ment to any contractor to conduct the interrogation of a  
3 detainee or prisoner in the custody of the Central Intel-  
4 ligence Agency.

5 “(b) EXCEPTION.—

6 “(1) IN GENERAL.—The Director of the Central  
7 Intelligence Agency may request, and the Director of  
8 National Intelligence may grant, a written waiver of  
9 the requirement under subsection (a) if the Director  
10 of the Central Intelligence Agency determines that—

11 “(A) no employee of the Federal Govern-  
12 ment is—

13 “(i) capable of performing such inter-  
14 rogation; and

15 “(ii) available to perform such interro-  
16 gation; and

17 “(B) such interrogation is in the national  
18 interest of the United States and requires the  
19 use of a contractor.

20 “(2) CLARIFICATION OF APPLICABILITY OF  
21 CERTAIN LAWS.—Any contractor conducting an in-  
22 terrogation pursuant to a waiver under paragraph  
23 (1) shall be subject to all laws on the conduct of in-  
24 terrogations that would apply if an employee of the

1 Federal Government were conducting the interroga-  
2 tion.”.

3 **SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTEL-**  
4 **LIGENCE AGENCY CONTRACTING OFFICERS.**

5 Section 8(d) of the Contract Disputes Act of 1978  
6 (41 U.S.C. 607(d)) is amended by inserting before the  
7 sentence beginning with “In exercising” the following new  
8 sentence: “Notwithstanding any other provision of law, an  
9 appeal from a decision of a contracting officer of the Cen-  
10 tral Intelligence Agency relative to a contract made by  
11 that agency may be filed with whichever of the Armed  
12 Services Board or the Civilian Board is specified by the  
13 contracting officer as the Board to which such an appeal  
14 may be made and the Board so specified shall have juris-  
15 diction to decide that appeal.”.

16 **SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTEL-**  
17 **LIGENCE AGENCY.**

18 (a) ESTABLISHMENT AND DUTIES OF DEPUTY DI-  
19 RECTOR OF CIA.—Title I of the National Security Act of  
20 1947 (50 U.S.C. 402 et seq.) is amended by inserting  
21 after section 104A the following new section:

22 “DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE  
23 AGENCY

24 “SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL  
25 INTELLIGENCE AGENCY.—There is a Deputy Director of

1 the Central Intelligence Agency who shall be appointed by  
2 the President.

3 “(b) DUTIES.—The Deputy Director of the Central  
4 Intelligence Agency shall—

5 “(1) assist the Director of the Central Intel-  
6 ligence Agency in carrying out the duties and re-  
7 sponsibilities of the Director of the Central Intel-  
8 ligence Agency; and

9 “(2) during the absence or disability of the Di-  
10 rector of the Central Intelligence Agency, or during  
11 a vacancy in the position of Director of the Central  
12 Intelligence Agency, act for and exercise the powers  
13 of the Director of the Central Intelligence Agency.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) EXECUTIVE SCHEDULE III.—Section 5314  
16 of title 5, United States Code, is amended by strik-  
17 ing “Deputy Directors of Central Intelligence (2)”  
18 and inserting “Deputy Director of the Central Intel-  
19 ligence Agency”.

20 (2) TABLE OF CONTENTS.—The table of con-  
21 tents in the first section of the National Security  
22 Act of 1947 (50 U.S.C. 401 note) is amended by in-  
23 sserting after the item relating to section 104A the  
24 following new item:

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

1 (c) APPLICABILITY.—The amendments made by this  
2 section shall apply on the earlier of—

3 (1) the date of the appointment by the Presi-  
4 dent of an individual to serve as Deputy Director of  
5 the Central Intelligence Agency, except that the indi-  
6 vidual administratively performing the duties of the  
7 Deputy Director of the Central Intelligence Agency  
8 as of the date of the enactment of this Act may con-  
9 tinue to perform such duties until the individual ap-  
10 pointed to the position of Deputy Director of the  
11 Central Intelligence Agency assumes the duties of  
12 such position; or

13 (2) the date of the cessation of the performance  
14 of the duties of the Deputy Director of the Central  
15 Intelligence Agency by the individual administra-  
16 tively performing such duties as of the date of the  
17 enactment of this Act.

18 **SEC. 415. PROTECTION AGAINST REPRISALS.**

19 Section 17(e)(3)(B) of the Central Intelligence Agen-  
20 cy Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by  
21 inserting “or providing such information” after “making  
22 such complaint”.



1 **SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF IN-**  
2 **TERROGATIONS OF PERSONS IN THE CUS-**  
3 **TODY OF THE CENTRAL INTELLIGENCE**  
4 **AGENCY.**

5 (a) IN GENERAL.—The Central Intelligence Agency  
6 Act of 1949 (50 U.S.C. 403a et seq.), as amended by sec-  
7 tion 412 of this Act, is further amended by adding at the  
8 end the following new section:

9 “REQUIREMENT FOR VIDEO RECORDING OF INTERROGA-  
10 TIONS OF PERSONS IN THE CUSTODY OF THE CEN-  
11 TRAL INTELLIGENCE AGENCY

12 “SEC. 25. (a) IN GENERAL.—Except as provided in  
13 subsection (b), the Director of the Central Intelligence  
14 Agency shall establish guidelines to ensure that each inter-  
15 rogation of a person who is in the custody of the Central  
16 Intelligence Agency is recorded in video form and that the  
17 video recording of such interrogation is maintained—

18 “(1) for not less than 10 years from the date  
19 on which such recording is made; and

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

24 “(b) EXCEPTION.—The requirement to record an in-  
25 terrogation in video form under subsection (a) shall not  
26 apply with respect to an interrogation incident to arrest

1 conducted by Agency personnel designated by the Director  
2 under section 15(a) that are assigned to the headquarters  
3 of the Central Intelligence Agency and acting in the offi-  
4 cial capacity of such personnel.

5 “(c) INTERROGATION DEFINED.—In this section, the  
6 term ‘interrogation’ means the systematic process of at-  
7 tempting to obtain information from an uncooperative de-  
8 tainee.”.

9 (b) SUBMISSION OF GUIDELINES.—Not later than 90  
10 days after the date of the enactment of this Act, the Direc-  
11 tor of the Central Intelligence Agency shall submit to the  
12 congressional intelligence committees the guidelines devel-  
13 oped under section 25(a) of the Central Intelligence Agen-  
14 cy Act of 1949, as added by subsection (a) of this section.  
15 Such guidelines shall be submitted in unclassified form,  
16 but may contain a classified annex.

## 17 **Subtitle C—Other Elements**

### 18 **SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.**

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

21 (1) in subparagraph (H), by inserting “the  
22 Coast Guard,” after “the Marine Corps,”; and

23 (2) in subparagraph (K), by striking “The ele-  
24 ments” and all that follows through “the Coast  
25 Guard” and inserting “The Office of Intelligence

1 and Analysis of the Department of Homeland Security”.

2  
3 **SEC. 422. CLARIFICATION OF INCLUSION OF DRUG EN-**  
4 **FORCEMENT ADMINISTRATION AS AN ELE-**  
5 **MENT OF THE INTELLIGENCE COMMUNITY.**

6 Section 3(4)(H) of the National Security Act of 1947  
7 (50 U.S.C. 401a(4)(H)), as amended by section 421 of  
8 this Act, is further amended by inserting “the Drug En-  
9 forcement Administration,” after “the Federal Bureau of  
10 Investigation,”.

11 **SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO**  
12 **THE OFFICE OF THE NATIONAL COUNTER-**  
13 **INTELLIGENCE EXECUTIVE.**

14 (a) REPEAL OF CERTAIN AUTHORITIES.—Section  
15 904 of the Counterintelligence Enhancement Act of 2002  
16 (title IX of Public Law 107–306; 50 U.S.C. 402e) is  
17 amended—

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

19 (2) by redesignating subsections (e), (f), (g),  
20 (k), (l), and (m) as subsections (d), (e), (f), (g), (h),  
21 and (i), respectively; and

22 (3) in subsection (f), as redesignated by para-  
23 graph (2) of this subsection, by striking paragraphs  
24 (3) and (4).

1 (b) CONFORMING AMENDMENTS.—Such section 904  
2 is further amended—

3 (1) in subsection (d), as redesignated by sub-  
4 section (a)(2) of this section—

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

7 (B) in paragraph (2), by striking “sub-  
8 section (f)” and inserting “subsection (e)”; and  
9 (2) in subsection (e), as so redesignated—

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

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

16 **SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF**  
17 **CERTAIN COMPONENTS OF THE INTEL-**  
18 **LIGENCE COMMUNITY.**

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

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

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

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

8       (b) DIRECTOR OF NATIONAL RECONNAISSANCE OF-  
9 FICE.—The Director of the National Reconnaissance Of-  
10 fice shall be appointed by the President, by and with the  
11 advice and consent of the Senate.

12       (c) CONFORMING AMENDMENT.—Section 106(b)(2)  
13 of the National Security Act of 1947 (50 U.S.C. 403-  
14 6(b)(2)) is amended—

15               (1) by striking subparagraphs (A) and (B);  
16               (2) by redesignating subparagraphs (C) through  
17               (I) as subparagraphs (A) through (G), respectively;  
18               and  
19               (3) by moving subparagraph (G), as redesignig-  
20               nated by paragraph (2) of this subsection, 2 ems to  
21               the left.

22       (d) EFFECTIVE DATE AND APPLICABILITY.—The  
23 amendment made by subsection (a) and the provisions of  
24 subsection (b) shall apply upon the earlier of—

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

9           (2) the date of the cessation of the performance  
10          of the duties of such position by the individual per-  
11          forming such duties as of the date of the enactment  
12          of this Act.

13 **SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECU-**  
14                   **RITY AGENCY FOR COMPLIANCE AND TRAIN-**  
15                   **ING.**

16          The National Security Agency Act of 1959 (50  
17 U.S.C. 402 note), as amended by section 424 of this Act,  
18 is further amended by inserting after section 2 (as added  
19 by such section 424) the following new section:

20          “SEC. 3. (a) There is an Associate Director of the  
21 National Security Agency for Compliance and Training,  
22 who shall be appointed by the Director of the National  
23 Security Agency.

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

1           “(1) all programs and activities of the National  
2 Security Agency are conducted in a manner con-  
3 sistent with all applicable laws, regulations, and poli-  
4 cies; and

5           “(2) the training of relevant personnel is suffi-  
6 cient to ensure that such programs and activities are  
7 conducted in such a manner.”.

8 **SEC. 426. CHARTER FOR THE NATIONAL RECONNAISSANCE**  
9 **OFFICE.**

10       Not later than 90 days after the date of the enact-  
11 ment of this Act, the Director of National Intelligence and  
12 the Secretary of Defense shall jointly submit to the con-  
13 gressional intelligence committees and the congressional  
14 defense committees (as defined in section 101(a)(16) of  
15 title 10, United States Code) a revised charter for the Na-  
16 tional Reconnaissance Office (in this section referred to  
17 as the “NRO”). The charter shall include the following:

18           (1) The organizational and governance struc-  
19 ture of the NRO.

20           (2) NRO participation in the development and  
21 generation of requirements and acquisition.

22           (3) The scope of NRO capabilities.

23           (4) The roles and responsibilities of the NRO  
24 and the relationship of the NRO to other elements

1 of the intelligence community and the defense com-  
2 munity.

3 **TITLE V—OTHER MATTERS**  
4 **Subtitle A—General Intelligence**  
5 **Matters**

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

10 (a) EXTENSION.—

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

16 (2) EFFECTIVE DATE.—Subject to paragraph  
17 (3), the amendment made by paragraph (1) shall  
18 take effect as if included in the enactment of such  
19 section 1007.

20 (3) COMMISSION MEMBERSHIP.—

21 (A) IN GENERAL.—The membership of the  
22 National Commission for the Review of the Re-  
23 search and Development Programs of the  
24 United States Intelligence Community estab-  
25 lished under subsection (a) of section 1002 of



1 such Act (Public Law 107–306; 116 Stat.  
2 2438) (referred to in this section as the “Com-  
3 mission”) shall be considered vacant and new  
4 members shall be appointed in accordance with  
5 such section 1002, as amended by subpara-  
6 graph (B).

7 (B) TECHNICAL AMENDMENT.—Paragraph  
8 (1) of section 1002(b) of such Act is amended  
9 by striking “The Deputy Director of Central  
10 Intelligence for Community Management.” and  
11 inserting “The Principal Deputy Director of  
12 National Intelligence.”.

13 (4) CLARIFICATION OF DUTIES.—Section  
14 1002(i) of such Act is amended in the matter pre-  
15 ceding paragraph (1) by striking “including—” and  
16 inserting “including advanced research and develop-  
17 ment programs and activities. Such review shall in-  
18 clude—”.

19 (b) FUNDING.—

20 (1) IN GENERAL.—Of the amounts authorized  
21 to be appropriated by this Act for the Intelligence  
22 Community Management Account, the Director of  
23 National Intelligence shall make \$2,000,000 avail-  
24 able to the Commission to carry out title X of the

1 Intelligence Authorization Act for Fiscal Year 2003  
2 (Public Law 107–306; 116 Stat. 2437).

3 (2) AVAILABILITY.—Amounts made available to  
4 the Commission pursuant to paragraph (1) shall re-  
5 main available until expended.

6 **SEC. 502. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH**  
7 **MATERIALS IN THE POSSESSION OF THE**  
8 **CONGRESSIONAL INTELLIGENCE COMMIT-**  
9 **TEES.**

10 The Director of National Intelligence shall, in accord-  
11 ance with procedures established by each of the congres-  
12 sional intelligence committees, conduct a classification re-  
13 view of materials in the possession of each of those com-  
14 mittees that—

15 (1) are not less than 25 years old; and

16 (2) were created, or provided to that committee,  
17 by the executive branch.

18 **SEC. 503. PROHIBITION ON USE OF FUNDS TO PROVIDE MI-**  
19 **RANDA WARNINGS TO CERTAIN PERSONS**  
20 **OUTSIDE OF THE UNITED STATES.**

21 None of the funds authorized to be appropriated by  
22 this Act may be used to provide the warnings of constitu-  
23 tional rights described in *Miranda v. Arizona*, 384 U.S.  
24 436 (U.S. 1966), to a person located outside of the United  
25 States who is not a United States person and is—

1           (1) suspected of terrorism, associated with ter-  
2           rorists, or believed to have knowledge of terrorists;  
3           or

4           (2) a detainee in the custody of the Armed  
5           Forces of the United States.

6 **SEC. 504. SENSE OF CONGRESS HONORING THE CONTRIBU-**  
7                   **TIONS OF THE CENTRAL INTELLIGENCE**  
8                   **AGENCY.**

9           It is the sense of Congress to—

10           (1) honor the Central Intelligence Agency for  
11           its contributions to the security of the United States  
12           and its allies;

13           (2) recognize the Central Intelligence Agency's  
14           unique role in combating terrorism;

15           (3) praise the Central Intelligence Agency for  
16           its success in foiling recent terrorist plots and cap-  
17           turing senior members of al-Qaeda;

18           (4) thank the Central Intelligence Agency for  
19           its crucial support of United States military oper-  
20           ations in Afghanistan and Iraq;

21           (5) commend the men and women who gave  
22           their lives defending the United States in the service  
23           of the Central Intelligence Agency, especially noting  
24           those individuals who remain unnamed; and

1           (6) urge the Central Intelligence Agency to con-  
2           tinue its dedicated work in the field of intelligence-  
3           gathering in order to protect the people of the  
4           United States.

5 **SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF**  
6                   **FOREIGN CONNECTION TO ANTHRAX AT-**  
7                   **TACKS EXISTS.**

8           (a) REVIEW.—The Inspector General of the Intel-  
9           ligence Community shall conduct a review of available in-  
10          telligence, including raw and unfinished intelligence, to de-  
11          termine if there is any credible evidence of a connection  
12          between a foreign entity and the attacks on the United  
13          States in 2001 involving anthrax.

14          (b) REPORT.—

15               (1) IN GENERAL.—The Inspector General shall  
16          submit to the Permanent Select Committee on Intel-  
17          ligence, the Committee on Homeland Security, and  
18          the Committee on the Judiciary of the House of  
19          Representatives and the Select Committee on Intel-  
20          ligence, the Committee on Homeland Security and  
21          Governmental Affairs, and the Committee on the Ju-  
22          diciary of the Senate a report containing the find-  
23          ings of the review conducted under subsection (a).

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

4 **SEC. 506. CYBERSECURITY TASK FORCE.**

5           (a) ESTABLISHMENT.—There is established a cyber-  
6           security task force (in this section referred to as the “Task  
7           Force”).

8           (b) MEMBERSHIP.—

9           (1) IN GENERAL.—The Task Force shall con-  
10          sist of the following members:

11                   (A) One member appointed by the Attor-  
12                   ney General.

13                   (B) One member appointed by the Director  
14                   of the National Security Agency.

15                   (C) One member appointed by the Director  
16                   of National Intelligence.

17                   (D) One member appointed by the White  
18                   House Cybersecurity Coordinator.

19                   (E) One member appointed by the head of  
20                   any other agency or department that is des-  
21                   ignated by the Attorney General to appoint a  
22                   member to the Task Force.

23           (2) CHAIR.—The member of the Task Force  
24           appointed pursuant to paragraph (1)(A) shall serve  
25           as the Chair of the Task Force.

1 (c) STUDY.—The Task Force shall conduct a study  
2 of existing tools and provisions of law used by the intel-  
3 ligence community and law enforcement agencies to pro-  
4 tect the cybersecurity of the United States.

5 (d) REPORT.—

6 (1) INITIAL.—Not later than 1 year after the  
7 date of the enactment of this Act, the Task Force  
8 shall submit to Congress a report containing guide-  
9 lines or legislative recommendations to improve the  
10 capabilities of the intelligence community and law  
11 enforcement agencies to protect the cybersecurity of  
12 the United States. Such report shall include guide-  
13 lines or legislative recommendations on—

14 (A) improving the ability of the intelligence  
15 community to detect hostile actions and at-  
16 tribute attacks to specific parties;

17 (B) the need for data retention require-  
18 ments to assist the intelligence community and  
19 law enforcement agencies;

20 (C) improving the ability of the intelligence  
21 community to anticipate nontraditional targets  
22 of foreign intelligence services; and

23 (D) the adequacy of existing criminal stat-  
24 utes to successfully deter cyber attacks, includ-  
25 ing statutes criminalizing the facilitation of

1 criminal acts, the scope of laws for which a  
2 cyber crime constitutes a predicate offense,  
3 trespassing statutes, data breach notification  
4 requirements, and victim restitution statutes.

5 (2) SUBSEQUENT.—Not later than 1 year after  
6 the date on which the initial report is submitted  
7 under paragraph (1), and annually thereafter for 2  
8 years, the Task Force shall submit to Congress an  
9 update of the report required under paragraph (1).

10 (e) TERMINATION.—The Task Force shall terminate  
11 on the date that is 60 days after the date on which the  
12 last update of a report required under subsection (d)(2)  
13 is submitted.

## 14 **Subtitle B—Technical Amendments**

### 15 **SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL IN-** 16 **TELLIGENCE AGENCY ACT OF 1949.**

17 The Central Intelligence Agency Act of 1949 (50  
18 U.S.C. 403a et seq.) is amended—

19 (1) in section 5(a)(1), by striking “authorized  
20 under paragraphs (2) and (3)” and all that follows  
21 through “(50 U.S.C. 403(a)(2), (3), 403–3(c)(7),  
22 (d), 403–4(a), (g), and 405)” and inserting “author-  
23 ized under section 104A of the National Security  
24 Act of 1947 (50 U.S.C. 403–4a)”;

25 (2) in section 17(d)(3)(B)—

- 1 (A) in clause (i), by striking “advise” and  
2 inserting “advice”; and
- 3 (B) in clause (ii)—
- 4 (i) in subclause (I), by striking “Exec-  
5 utive Director” and inserting “Associate  
6 Deputy Director”;
- 7 (ii) in subclause (II), by striking  
8 “Deputy Director for Operations” and in-  
9 serting “Director of the National Clandes-  
10 tine Service”;
- 11 (iii) in subclause (III), by striking  
12 “Deputy Director for Intelligence” and in-  
13 serting “Director of Intelligence”;
- 14 (iv) in subclause (IV), by striking  
15 “Deputy Director for Administration” and  
16 inserting “Director of Support”; and
- 17 (v) in subclause (V), by striking  
18 “Deputy Director for Science and Tech-  
19 nology” and inserting “Director of Science  
20 and Technology”.



1 **SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RE-**  
2 **TIREMENT PROVISION OF CENTRAL INTEL-**  
3 **LIGENCE AGENCY RETIREMENT ACT.**

4 Section 235(b)(1)(A) of the Central Intelligence  
5 Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is  
6 amended to read as follows:

7 “(A) Upon reaching age 65, in the case of  
8 a participant in the system who is at the Senior  
9 Intelligence Service rank of level 4 or above;  
10 and”.

11 **SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE**  
12 **SCHEDULE.**

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

17 “Director of the Central Intelligence Agency.”.

18 (b) EXECUTIVE SCHEDULE LEVEL IV.—Section  
19 5315 of title 5, United States Code is amended by striking  
20 the item relating to the General Counsel of the Office of  
21 the National Intelligence Director and inserting the fol-  
22 lowing new item:

23 “General Counsel of the Office of the Director of Na-  
24 tional Intelligence.”.

1 **SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN IN-**  
2 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

3 The Foreign Intelligence Surveillance Act of 1978  
4 (50 U.S.C. 1801 et seq.) is amended—

5 (1) in section 101—

6 (A) in subsection (a), by moving paragraph

7 (7) 2 ems to the right; and

8 (B) by moving subsections (b) through (p)

9 2 ems to the right;

10 (2) in section 103, by redesignating subsection

11 (i) as subsection (h);

12 (3) in section 109(a)—

13 (A) in paragraph (1), by striking “section

14 112.,” and inserting “section 112;” and

15 (B) in paragraph (2), by striking the sec-

16 ond period;

17 (4) in section 301(1), by striking “‘United

18 States’” and all that follows through “and ‘State’”

19 and inserting “‘United States’, ‘person’, ‘weapon of

20 mass destruction’, and ‘State’”;

21 (5) in section 304(b), by striking “subsection

22 (a)(3)” and inserting “subsection (a)(2)”;

23 (6) in section 502(a), by striking “a annual”

24 and inserting “an annual”.

1 **SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF**  
2 **THE INTELLIGENCE AUTHORIZATION ACT**  
3 **FOR FISCAL YEAR 2004.**

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

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

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

12 **SEC. 516. TECHNICAL AMENDMENTS TO THE INTEL-**  
13 **LIGENCE REFORM AND TERRORISM PREVEN-**  
14 **TION ACT OF 2004.**

15 The Intelligence Reform and Terrorism Prevention  
16 Act of 2004 (Public Law 108–458; 118 Stat. 3638) is  
17 amended—

18 (1) in section 1016(e)(10)(B) (6 U.S.C.  
19 485(e)(10)(B)), by striking “Attorney General” the  
20 second place it appears and inserting “Department  
21 of Justice”;

22 (2) in section 2001 (28 U.S.C. 532 note)—

23 (A) in subsection (c)(1)—

24 (i) by striking “shall,” and inserting  
25 “shall”; and

1 (ii) by inserting “of” before “an insti-  
2 tutional culture”;

3 (B) in subsection (e)(2), by striking “the  
4 National Intelligence Director in a manner con-  
5 sistent with section 112(e)” and inserting “the  
6 Director of National Intelligence in a manner  
7 consistent with applicable law”; and

8 (C) in subsection (f) in the matter pre-  
9 ceeding paragraph (1), by striking “shall,” and  
10 inserting “shall”; and

11 (3) in section 2006 (28 U.S.C. 509 note)—

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

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

16 **SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE**  
17 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**  
18 **GRAM.**

19 Section 1403 of the National Defense Authorization  
20 Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

21 (1) in the heading, by striking “**FOREIGN**”;

22 (2) in subsection (a)—

23 (A) in the heading, by striking “FOR-  
24 EIGN”;

1 (B) by striking “foreign” each place it ap-  
2 pears; and

3 (C) by striking “Director of Central Intel-  
4 ligence” and inserting “Director of National In-  
5 telligence”;

6 (3) in subsection (b), by striking “The Direc-  
7 tor” and inserting “The Director of National Intel-  
8 ligence”; and

9 (4) in subsection (c)—

10 (A) by striking “Director of Central Intel-  
11 ligence” and inserting “Director of National In-  
12 telligence”; and

13 (B) by striking “section 114a” and insert-  
14 ing “section 221”.

15 **SEC. 518. 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 further amended—

19 (1) section 3(4)(L), by striking “other” the sec-  
20 ond place it appears;

21 (2) in section 102A—

22 (A) in subsection (c)(3)(A), by striking  
23 “annual budgets for the Joint Military Intel-  
24 ligence Program and for Tactical Intelligence  
25 and Related Activities” and inserting “annual

1 budget for the Military Intelligence Program or  
2 any successor program”;

3 (B) in subsection (d)—

4 (i) in paragraph (1)(B), by striking  
5 “Joint Military Intelligence Program” and  
6 inserting “Military Intelligence Program or  
7 any successor program”;

8 (ii) in paragraph (3) in the matter  
9 preceding subparagraph (A), by striking  
10 “subparagraph (A)” and inserting “para-  
11 graph (1)(A)”;

12 (iii) in paragraph (5)—

13 (I) in subparagraph (A), by strik-  
14 ing “or personnel” in the matter pre-  
15 ceding clause (i); and

16 (II) in subparagraph (B), by  
17 striking “or agency involved” in the  
18 second sentence and inserting “in-  
19 volved or the Director of the Central  
20 Intelligence Agency (in the case of the  
21 Central Intelligence Agency)”;

22 (C) in subsection (1)(2)(B), by striking  
23 “section” and inserting “paragraph”; and

24 (D) in subsection (n), by inserting “AND  
25 OTHER” after “ACQUISITION”;

1           (3) in section 103(b), by striking “, the Na-  
2           tional Security Act of 1947 (50 U.S.C. 401 et  
3           seq.),”;

4           (4) in section 104A(g)(1) in the matter pre-  
5           ceding subparagraph (A), by striking “Directorate of  
6           Operations” and inserting “National Clandestine  
7           Service”;

8           (5) in section 119(c)(2)(B) (50 U.S.C.  
9           404o(c)(2)(B)), by striking “subsection (h)” and in-  
10          serting “subsection (i)”;

11          (6) in section 701(b)(1), by striking “Direc-  
12          torate of Operations” and inserting “National Clan-  
13          destine Service”;

14          (7) in section 705(e)(2)(D)(i) (50 U.S.C.  
15          432c(e)(2)(D)(i)), by striking “responsible” and in-  
16          serting “responsive”; and

17          (8) in the table of contents in the first sec-  
18          tion—

19                  (A) by striking the item relating to section  
20                  1002; and

21                  (B) by inserting after the item relating to  
22                  section 1001 the following new item:

“Sec. 1002. Framework for cross-disciplinary education and training.”.

1 **SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**  
2 **STATES CODE.**

3 Section 528(e) of title 10, United States Code, is  
4 amended—

5 (1) in the heading, by striking “ASSOCIATE DI-  
6 RECTOR OF CIA FOR MILITARY AFFAIRS” and in-  
7 serting “ASSOCIATE DIRECTOR OF MILITARY AF-  
8 FAIRS, CIA”; and

9 (2) by striking “Associate Director of the Cen-  
10 tral Intelligence Agency for Military Affairs” and in-  
11 serting “Associate Director of Military Affairs, Cen-  
12 tral Intelligence Agency, or any successor position”.

Passed the House of Representatives February 26,  
2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*