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111TH CONGRESS
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H. R. 2701

[Report No. 111-]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

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

JUNE --, 2009

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

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

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

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Prohibition on earmarks.

Sec. 106. Restriction on conduct of intelligence activities.

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

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

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

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

*Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the
intelligence community.*

*Sec. 304. Provisions relating to the Defense Civilian Intelligence Personnel
System.*

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 languages.

Subtitle C—Congressional Oversight of Covert Actions

Sec. 321. Reporting on covert actions.

Subtitle D—Reports and Other Congressional Oversight

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

Subtitle E—Other Matters

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

Sec. 368. Intelligence community financial improvement and audit readiness.

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.

Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 403. Additional duties of the Director of Science and Technology.

Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.

Sec. 405. Title of Chief Information Officer of the Intelligence Community.

Sec. 406. Inspector General of the Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 411. Review of covert action programs by Inspector General of the Central Intelligence Agency.

Sec. 412. Prohibition on the use of private contractors for interrogations involving persons in the custody of the Central Intelligence Agency.

Sec. 413. Appeals from decisions of Central Intelligence Agency contracting officers.

Sec. 414. Deputy Director of the Central Intelligence Agency.

Sec. 415. Protection against reprisals.

Sec. 416. Requirement for video recording of interrogations of persons in the custody of the Central Intelligence Agency.

Subtitle C—Other Elements

Sec. 421. Homeland Security intelligence elements.

Sec. 422. Clarification of inclusion of Drug Enforcement Administration as an element of the intelligence community.

Sec. 423. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Sec. 424. Confirmation of appointment of heads of certain components of the intelligence community.

Sec. 425. Associate Director of the National Security Agency for Compliance and Training.

Sec. 426. General Counsel of the National Security Agency.

Sec. 427. Inspector General of the National Security Agency.

Sec. 428. Charter for the National Reconnaissance Office.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 502. Expansion and clarification of the duties of the program manager for the information sharing environment.

Sec. 503. Classification review of executive branch materials in the possession of the congressional intelligence committees.

Sec. 504. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.

Subtitle B—Technical Amendments

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

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

Sec. 513. Technical amendments to the Executive Schedule.

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

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

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

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

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

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

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

3 (1) CONGRESSIONAL INTELLIGENCE
4 COMMITTEES.—*The term “congressional intelligence*
5 *committees” means—*

6 (A) *the Permanent Select Committee on*
7 *Intelligence of the House of Representatives; and*

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

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

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

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

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

8 (1) *The Office of the Director of National*
9 *Intelligence.*

10 (2) *The Central Intelligence Agency.*

11 (3) *The Department of Defense.*

12 (4) *The Defense Intelligence Agency.*

13 (5) *The National Security Agency.*

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

17 (7) *The Coast Guard.*

18 (8) *The Department of State.*

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

20 (10) *The Department of Energy.*

21 (11) *The Department of Justice.*

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

23 (13) *The Drug Enforcement Administration.*

24 (14) *The National Reconnaissance Office.*

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

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

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

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

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

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

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

1 *employment of civilian personnel in excess of the number*
2 *authorized for fiscal year 2010 by the classified Schedule*
3 *of Authorizations referred to in section 102(a) if the*
4 *Director of National Intelligence determines that such ac-*
5 *tion is necessary to the performance of important*
6 *intelligence functions, except that the number of personnel*
7 *employed in excess of the number authorized under such*
8 *section may not, for any element of the intelligence*
9 *community, exceed 3 percent of the number of civilian*
10 *personnel authorized under such Schedule for such element.*

11 *(b) NOTICE TO CONGRESSIONAL INTELLIGENCE*
12 *COMMITTEES.—The Director of National Intelligence shall*
13 *notify the congressional intelligence committees in writing*
14 *at least 15 days prior to each exercise of an authority*
15 *described in subsection (a).*

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **TITLE II—CENTRAL**
13 **INTELLIGENCE AGENCY**
14 **RETIREMENT AND DISABILITY**
15 **SYSTEM**

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

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

1 **TITLE** **III—GENERAL**
2 **INTELLIGENCE COMMUNITY**
3 **MATTERS**

4 **Subtitle A—Personnel Matters**

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

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

12 **SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES**
13 **IN PRESIDENTIALLY APPOINTED AND**
14 **SENATE CONFIRMED POSITIONS IN THE**
15 **OFFICE OF THE DIRECTOR OF NATIONAL**
16 **INTELLIGENCE.**

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

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

20 *and*

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

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

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

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

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

23 “(3) *notwithstanding paragraph (1), the*
24 *Director of National Intelligence shall recommend to*
25 *the President, and the President may direct, a person*

1 to perform the functions and duties of the vacant
2 office temporarily in an acting capacity subject to the
3 time limitations of such section 3346, if—

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

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

14 “(C) in the case of a person who is
15 employed by an element of the intelligence
16 community—

17 “(i) the Director of National
18 Intelligence shall consult with the head of
19 such element; and

20 “(ii) if the head of such element objects
21 to the recommendation, the Director of
22 National Intelligence may make the
23 recommendation to the President over the
24 objection of the head of such element after
25 informing the President of such objection.”.

1 **SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**
2 **DETAILS TO ELEMENTS OF THE**
3 **INTELLIGENCE COMMUNITY.**

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

7 *“DETAIL OF OTHER PERSONNEL*

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

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

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

1 **SEC. 304. PROVISIONS RELATING TO THE DEFENSE**
2 **CIVILIAN INTELLIGENCE PERSONNEL**
3 **SYSTEM.**

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

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

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

19 (3) *the term “Defense Civilian Intelligence*
20 *Personnel System” means the personnel system*
21 *established under chapter 83 of title 10, United States*
22 *Code; and*

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

1 (A) *the system under which, as of*
2 *September 30, 2007, the rate of salary or basic*
3 *pay for such position was determined; or*

4 (B) *if subparagraph (A) does not apply, the*
5 *system under which, as of September 30, 2007,*
6 *the rate of salary or basic pay was determined*
7 *for the positions within the Department of*
8 *Defense most similar to the position involved,*
9 *excluding any provisions relating to bonuses, awards,*
10 *or any other amounts which are not in the nature of*
11 *salary or basic pay.*

12 (b) *REQUIREMENT THAT APPOINTMENTS TO COVERED*
13 *POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE*
14 *APPROPRIATE PAY SYSTEM.—Notwithstanding any other*
15 *provision of law—*

16 (1) *the DCIPS pay system—*

17 (A) *shall not apply to any individual*
18 *holding a covered position who is not subject to*
19 *such system as of June 16, 2009; and*

20 (B) *shall not apply to any covered position*
21 *which is not subject to such system as of June*
22 *16, 2009; and*

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

1 (c) *TERMINATION OF DCIPS PAY SYSTEM FOR COV-*
2 *ERED POSITIONS AND CONVERSION OF EMPLOYEES*
3 *HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY*
4 *SYSTEM.—*

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

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

1 (A) *the Secretary's opinion as to whether*
2 *the DCIPS pay system should be continued, with*
3 *or without changes, with respect to covered*
4 *positions; and*

5 (B) *if, in the opinion of the Secretary, the*
6 *DCIPS pay system should be continued with*
7 *respect to covered positions, with changes—*

8 (i) *a detailed description of the*
9 *proposed changes; and*

10 (ii) *a description of any administra-*
11 *tive action or legislation which may be*
12 *necessary.*

13 *The requirements of this paragraph shall be carried*
14 *out by the Secretary of Defense in conjunction with*
15 *the Director of the Office of Personnel Management.*

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

18 (1) *the provisions of the Defense Civilian*
19 *Intelligence Personnel System governing aspects of*
20 *compensation apart from salary or basic pay; or*

21 (2) *the application of such provisions with*
22 *respect to a covered position or any individual*
23 *holding a covered position, including after June 16,*
24 *2009.*

1 ***Subtitle B—Education***
2 ***SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT***
3 ***ROBERTS INTELLIGENCE SCHOLARS***
4 ***PROGRAM.***

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

9 “*PROGRAM ON RECRUITMENT AND TRAINING OF*
10 *INTELLIGENCE ANALYSTS*

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

22 “(2) *A student or former student selected for*
23 *participation in the program shall commit to employment*
24 *with an element of the intelligence community, following*

1 *completion of appropriate academic training, under such*
2 *terms and conditions as the Director considers appropriate.*

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 professionals;*
11 *and*

12 “(2) *periodically review the areas of*
13 *specialization of the elements of the intelligence*
14 *community to determine the areas in which such ele-*
15 *ments are, or 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 student*
23 *or former student requires or required to complete*
24 *such course of study;*

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

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

7 **(b) CONFORMING AMENDMENTS.—**

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

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

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

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

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

22 “**INTELLIGENCE OFFICER TRAINING PROGRAM**

23 “**SEC. 1023. (a) PROGRAMS.—***(1) The Director of*
24 *National Intelligence may carry out a grant program in*
25 *accordance with subsection (b) to enhance the recruitment*

1 *and retention of an ethnically and culturally diverse*
2 *intelligence community workforce with capabilities critical*
3 *to the national security interests of the United 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*
7 *community and the educational disciplines that will*
8 *provide individuals with such skills.*

9 “(b) *INSTITUTIONAL GRANT PROGRAM.—(1) The*
10 *Director of National Intelligence may provide grants to*
11 *institutions of higher education to support the establishment*
12 *or continued development of programs of study in*
13 *educational disciplines identified under subsection (a)(2).*

14 “(2) *A grant provided under paragraph (1) may, with*
15 *respect to the educational disciplines identified under*
16 *subsection (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 “(3) *An institution of higher education seeking a grant*
22 *under this section shall submit an application describing*
23 *the proposed use of the grant at such time and in such*
24 *manner as the Director may require.*

1 “(4) *An institution of higher education that receives*
2 *a grant under this section shall submit to the Director*
3 *regular reports regarding the use of such grant, including—*

4 “(A) *a description of the benefits to students who*
5 *participate in the course of study funded by such*
6 *grant;*

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

9 “(C) *any other information that the Director*
10 *may require.*

11 “(c) *REGULATIONS.—The Director of National*
12 *Intelligence shall prescribe such regulations as may be*
13 *necessary to carry out this section.*

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

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

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

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

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

1 (A) *Section 319 of the Intelligence Author-*
2 *ization Act for Fiscal Year 2004 (Public Law*
3 *108–177; 50 U.S.C. 403 note).*

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

6 (C) *Section 922 of the Ronald W. Reagan*
7 *National Defense Authorization Act for Fiscal*
8 *Year 2005 (Public Law 108–375; 50 U.S.C. 402*
9 *note).*

10 (2) *EXISTING AGREEMENTS.—Notwithstanding*
11 *the repeals made by paragraph (1), nothing in this*
12 *subsection shall be construed to amend, modify, or ab-*
13 *rogate any agreement, contract, or employment*
14 *relationship that was in effect in relation to the*
15 *provisions repealed under paragraph (1) on the day*
16 *prior to the date of the enactment of this Act.*

17 (c) *CONFORMING AMENDMENTS.—The table of contents*
18 *in the first section of the National Security Act of 1947*
19 *(50 U.S.C. 401 note), as amended by section 311 of this*
20 *Act, is further amended by—*

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

22 *and*

23 (2) *inserting after the item relating to section*
24 *1022 the following new item:*

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

1 **SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL**
2 **SCHOLARSHIP PROGRAM.**

3 (a) *EXPANSION OF PROGRAM TO GRADUATE*
4 *STUDENTS.*—Section 16 of the National Security Agency
5 Act of 1959 (50 U.S.C. 402 note) is amended—

6 (1) in subsection (a)—

7 (A) by striking “undergraduate” and
8 inserting “undergraduate and graduate”; and

9 (B) by striking “the baccalaureate” and
10 inserting “a baccalaureate or graduate”; and

11 (2) in subsection (e)(2), by striking
12 “undergraduate” and inserting “undergraduate and
13 graduate”.

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

17 “(i) the Agency due to misconduct by the
18 person;

19 “(ii) the person voluntarily; or

20 “(iii) by the Agency for the failure of the
21 person to maintain such level of academic
22 standing in the educational course of training as
23 the Director of the National Security Agency
24 specifies in the agreement under this paragraph;
25 and”.

1 (c) *AUTHORITY TO WITHHOLD DISCLOSURE OF AF-*
2 *FILIATION WITH NSA.*—Section 16(e) of the National
3 *Security Agency Act of 1959 (50 U.S.C. 402 note) is amend-*
4 *ed by striking “(1) When an employee” and all that follows*
5 *through “(2) Agency efforts” and inserting “Agency efforts”.*

6 (d) *OTHER ELEMENTS OF THE INTELLIGENCE*
7 *COMMUNITY.*—

8 (1) *AUTHORIZATION.*—Subtitle C of title X of the
9 *National Security Act of 1947 (50 U.S.C. 441g et*
10 *seq.), as amended by section 312 of this Act, is further*
11 *amended by adding at the end the following new*
12 *section:*

13 “*STOKES SCHOLARSHIP PROGRAM*

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

21 (2) *CONFORMING AMENDMENT.*—The table of
22 *contents in the first section of such Act (50 U.S.C.*
23 *401 note), as amended by section 312 of this Act, is*
24 *further amended by inserting after the item relating*
25 *to section 1023 the following new item:*

“*Sec. 1024. Stokes scholarship program.*”.

1 **SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE**
2 **INSTRUCTION IN AFRICAN LANGUAGES.**

3 (a) *ESTABLISHMENT.*—*The Director of National*
4 *Intelligence, in consultation with the National Security*
5 *Education Board established under section 803(a) of the*
6 *David L. Boren National Security Education Act of 1991*
7 *(50 U.S.C. 1903(a)), may establish a pilot program for*
8 *intensive language instruction in African languages.*

9 (b) *PROGRAM.*—*A pilot program established under*
10 *subsection (a) shall provide scholarships for programs that*
11 *provide intensive language instruction—*

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

16 (2) *both in the United States and in a country*
17 *in which the language is the native language of a*
18 *significant portion of the population, as determined*
19 *by the Director of National Intelligence.*

20 (c) *TERMINATION.*—*A pilot program established in ac-*
21 *cordance with subsection (a) shall terminate on the date*
22 *that is 5 years after the date on which such pilot program*
23 *is established.*

24 (d) *AUTHORIZATION OF APPROPRIATIONS.*—

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

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

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

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

8 (a) *GENERAL CONGRESSIONAL OVERSIGHT.*—*Section*
9 *501(a) of the National Security Act of 1947 (50 U.S.C.*
10 *413(a)) is amended by adding at the end the following new*
11 *paragraph:*

12 “(3) *In carrying out paragraph (1), the President shall*
13 *provide to the congressional intelligence committees all*
14 *information necessary to assess the lawfulness, effectiveness,*
15 *cost, benefit, intelligence gain, budgetary authority, and*
16 *risk of an intelligence activity, including—*

17 “(A) *the legal authority under which the*
18 *intelligence activity is being or was conducted;*

19 “(B) *any legal issues upon which guidance was*
20 *sought in carrying out or planning the intelligence*
21 *activity, including dissenting legal views;*

22 “(C) *any specific operational concerns arising*
23 *from the intelligence activity, including the risk of*
24 *disclosing intelligence sources or methods;*

1 “(D) *the likelihood that the intelligence activity*
2 *will exceed the planned or authorized expenditure of*
3 *funds or other resources; and*

4 “(E) *the likelihood that the intelligence activity*
5 *will fail.*”.

6 (b) *PROCEDURES.*—Section 501(c) of such Act (50
7 *U.S.C. 413(c)) is amended by striking “such procedures”*
8 *and inserting “such written procedures”.*

9 (c) *INTELLIGENCE ACTIVITIES.*—Section 502(a)(2) of
10 *such Act (50 U.S.C. 413a(a)(2)) is amended by inserting*
11 *“(including any information or material relating to the*
12 *legal authority under which an intelligence activity is being*
13 *or was conducted, and any information or material relating*
14 *to legal issues upon which guidance was sought in carrying*
15 *out or planning the intelligence activity, including*
16 *dissenting legal views)” after “concerning intelligence ac-*
17 *tivities”.*

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

20 (1) *in subsection (b)(2), by inserting “(including*
21 *any information or material relating to the legal au-*
22 *thority under which a covert action is being or was*
23 *conducted, and any information or material relating*
24 *to legal issues upon which guidance was sought in*
25 *carrying out or planning the covert action, including*

1 *dissenting legal views)” after “concerning covert ac-*
2 *tions”;*

3 *(2) in subsection (c)—*

4 *(A) by striking paragraph (2) and inserting*
5 *the following new paragraph:*

6 *“(2) If, pursuant to the procedures established by each*
7 *of the congressional intelligence committees under section*
8 *501(c), one of the congressional intelligence committees*
9 *determines that not all members of that committee are*
10 *required to have access to a finding under this subsection,*
11 *the President may limit access to such finding or such*
12 *notice as provided in such procedures.”; and*

13 *(B) in paragraph (4), by striking “is*
14 *limited to the Members of Congress specified in*
15 *paragraph (2)” and inserting “is not provided to*
16 *all members of one of the congressional*
17 *intelligence committees in accordance with*
18 *paragraph (2)”;*

19 *(3) in subsection (d)—*

20 *(A) by striking “(d) The President” and*
21 *inserting “(d)(1) The President”;*

22 *(B) in paragraph (1), as designated by*
23 *subparagraph (A) of this paragraph, by striking*
24 *“specified in” and inserting “informed in ac-*
25 *cordance with”; and*

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

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

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

6 “(B) requires an expansion of existing authori-
7 ties, including authorities relating to research,
8 development, or operations;

9 “(C) results in the expenditure of significant
10 funds or other resources;

11 “(D) requires notification under section 504;

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

14 “(F) could cause serious damage to the
15 diplomatic relations of the United States if such ac-
16 tivity were disclosed without authorization.”; and

17 (4) by adding at the end the following new
18 subsections:

19 “(g)(1) A Member of Congress to which a finding is
20 reported under subsection (c) or notice is provided under
21 subsection (d)(1) may submit to the Director of National
22 Intelligence an objection to any part of such finding or such
23 notice. Not later than 48 hours after such an objection is
24 submitted to the Director of National Intelligence, the

1 *Director shall report such objection in writing to the*
2 *President and such Member of Congress.*

3 “(2) *In any case where access to a finding reported*
4 *under subsection (c) or notice provided under subsection*
5 *(d)(1) is not made available to all members of a*
6 *congressional intelligence committee in accordance with*
7 *subsection (c)(2), the President shall provide such members*
8 *with general information on the content of the finding or*
9 *notice.*

10 “(3) *The President shall—*

11 “(A) *maintain a record of the Members of*
12 *Congress to which a finding is reported under*
13 *subsection (c) or notice is provided under subsection*
14 *(d)(1) and the date on which each Member of*
15 *Congress receives such finding or notice; and*

16 “(B) *not later than 30 days after the date on*
17 *which such finding is reported or such notice is*
18 *provided, provide such record to—*

19 “(i) *in the case of a finding reported or*
20 *notice provided to a Member of the House of*
21 *Representatives, the Permanent Select Committee*
22 *on Intelligence of the House of Representatives;*
23 *and*

1 “(i) in the case of a finding reported or
2 notice provided to a Member of the Senate, the
3 Select Committee on Intelligence of the Senate.

4 “(h) Any requirement under section 501, 502, or this
5 section to provide information to the congressional
6 intelligence committees shall be construed to require the
7 submission of such information to all members of such
8 committees, unless such information is specifically author-
9 ized not to be submitted to all members of one of such
10 committees in accordance with subsection (c)(2).”.

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

13 ***SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON***
14 ***TERRORIST ASSETS.***

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

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

19 (2) *in subsection (a)—*

20 (A) *in the heading, by striking*
21 *“SEMIANNUAL” and inserting “ANNUAL”;*

22 (B) *in the matter preceding paragraph*

23 (1)—

24 (i) *by striking “semiannual basis” and*
25 *inserting “annual basis”; and*

1 *following the fiscal year in which the assessment is*
2 *submitted.*

3 “(b) *SCHEDULE.—Each assessment required by*
4 *subsection (a) shall be submitted to the congressional*
5 *intelligence committees each year along with the budget*
6 *submitted by the President in accordance with section 1105*
7 *of title 31, United States Code.*

8 “(c) *CONTENTS.—Each assessment required by*
9 *subsection (a) shall include, for the element of the*
10 *intelligence community concerned, the following*
11 *information:*

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

14 “(2) *The dollar and percentage increase or*
15 *decrease of such costs as compared to the personnel*
16 *costs of the current fiscal year.*

17 “(3) *The dollar and percentage increase or*
18 *decrease of such costs as compared to the personnel*
19 *costs during the preceding five fiscal years.*

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

22 “(5) *The numerical and percentage increase or*
23 *decrease of such number as compared to the number*
24 *of personnel positions of such element of the current*
25 *fiscal year.*

1 “(6) *The numerical and percentage increase or*
2 *decrease of such number as compared to the number*
3 *of personnel positions of such element during the*
4 *preceding five fiscal years.*

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

8 “(8) *The numerical and percentage increase or*
9 *decrease of such costs of contractors as compared to*
10 *the best estimate of the costs of contractors to be*
11 *funded by such element during the current fiscal year.*

12 “(9) *The numerical and percentage increase or*
13 *decrease of such costs of contractors as compared to*
14 *the cost of contractors, and the number of contractors,*
15 *of such element during the preceding five fiscal years.*

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

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

20 “(12) *A list of all contractors that have been the*
21 *subject of an investigation completed by the inspector*
22 *general of such element during the preceding fiscal*
23 *year, or are or have been the subject of an*
24 *investigation by such inspector general during the*
25 *current fiscal year.*

1 “(13) *A statement by the Director of National*
2 *Intelligence of whether, based on current and*
3 *projected funding, such element will have sufficient—*

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

6 “(B) *training resources to support the*
7 *requested personnel levels; and*

8 “(C) *funding to support the administrative*
9 *and operational activities of the requested*
10 *personnel levels.”.*

11 **SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS**
12 **PROGRAMS OF IRAN, SYRIA, AND NORTH**
13 **KOREA.**

14 (a) *IN GENERAL.—Title V of the National Security*
15 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by section*
16 *332, is further amended by adding at the end the following*
17 *new section:*

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

20 “*SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not*
21 *less frequently than every 180 days, the Director of National*
22 *Intelligence shall submit to the appropriate congressional*
23 *committees a report on the intentions and capabilities of*
24 *the Islamic Republic of Iran, the Syrian Arab Republic,*
25 *and the Democratic People’s Republic of Korea, with regard*
26 *to the nuclear weapons programs of each such country.*

1 “(b) *CONTENT.*—*Each report submitted under*
2 *subsection (a) shall include, with respect to the Islamic*
3 *Republic of Iran, the Syrian Arab Republic, and the*
4 *Democratic People’s Republic of Korea—*

5 “(1) *an assessment of nuclear weapons programs*
6 *of each country;*

7 “(2) *an evaluation of the sources upon which the*
8 *intelligence used to prepare the assessment referred to*
9 *in paragraph (1) is based, including the number of*
10 *such sources and an assessment of the reliability of*
11 *each source;*

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

17 “(4) *a discussion of any dissents, caveats, gaps*
18 *in knowledge, or other information that would reduce*
19 *confidence in the assessment referred to in paragraph*
20 *(1).*

21 “(c) *NATIONAL INTELLIGENCE ESTIMATE.*—*The*
22 *Director of National Intelligence may submit a National*
23 *Intelligence Estimate on the intentions and capabilities of*
24 *the Islamic Republic of Iran, the Syrian Arab Republic,*

1 *or the Democratic People's Republic of Korea in lieu of a*
2 *report required by subsection (a) for that country.*

3 “(d) *APPROPRIATE CONGRESSIONAL COMMITTEES*
4 *DEFINED.—In this section, the term ‘appropriate*
5 *congressional committees’ means—*

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

7 “(2) *the Committee on Armed Services and the*
8 *Committee on Foreign Affairs of the House of*
9 *Representatives; and*

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

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

17 **SEC. 334. ANNUAL REPORT ON FOREIGN LANGUAGE**
18 **PROFICIENCY IN THE INTELLIGENCE**
19 **COMMUNITY.**

20 *Title V of the National Security Act of 1947 (50 U.S.C.*
21 *413 et seq.), as amended by section 333 of this Act, is*
22 *further amended by adding at the end the following new*
23 *section:*

1 *foreign language proficiency, including the foreign*
2 *language indicated and the proficiency level;*

3 “(5) *the number of persons hired by such element*
4 *with foreign language proficiency, including the*
5 *foreign language and proficiency level;*

6 “(6) *the number of personnel of such element*
7 *currently attending foreign language training,*
8 *including the provider of such training;*

9 “(7) *a description of the efforts of such element*
10 *to recruit, hire, train, and retain personnel that are*
11 *proficient in a foreign language;*

12 “(8) *an assessment of methods and models for*
13 *basic, advanced, and intensive foreign language*
14 *training;*

15 “(9) *for each foreign language and, as appro-*
16 *priate, dialect of a foreign language—*

17 “(A) *the number of positions of such ele-*
18 *ment that require proficiency in the foreign*
19 *language or dialect;*

20 “(B) *the number of personnel of such ele-*
21 *ment that are serving in a position that requires*
22 *proficiency in the foreign language or dialect to*
23 *perform the primary duty of the position;*

24 “(C) *the number of personnel of such ele-*
25 *ment that are serving in a position that does not*

1 *require proficiency in the foreign language or*
2 *dialect to perform the primary duty of the*
3 *position;*

4 “(D) *the number of personnel of such ele-*
5 *ment rated at each level of proficiency of the*
6 *Interagency Language Roundtable;*

7 “(E) *whether the number of personnel at*
8 *each level of proficiency of the Interagency*
9 *Language Roundtable meets the requirements of*
10 *such element;*

11 “(F) *the number of personnel serving or*
12 *hired to serve as linguists for such element that*
13 *are not qualified as linguists under the*
14 *standards of the Interagency Language*
15 *Roundtable;*

16 “(G) *the number of personnel hired to serve*
17 *as linguists for such element during the*
18 *preceding calendar year;*

19 “(H) *the number of personnel serving as*
20 *linguists that discontinued serving such element*
21 *during the preceding calendar year;*

22 “(I) *the percentage of work requiring*
23 *linguistic skills that is fulfilled by an ally of the*
24 *United States; and*

1 *ensure that personnel of the Government Accountability*
2 *Office designated by the Comptroller General are provided*
3 *with access to all information in the possession of an ele-*
4 *ment of the intelligence community that the Comptroller*
5 *General determines is necessary for such personnel to*
6 *conduct an analysis, evaluation, or investigation of a*
7 *program or activity of an element of the intelligence*
8 *community that is requested by one of the congressional*
9 *intelligence committees.*

10 “(b) *EXCEPTION.—(1)(A) Subject to subparagraph*
11 *(B), the Director of National Intelligence may restrict ac-*
12 *cess to information referred to in subsection (a) by*
13 *personnel designated in such subsection if the Director*
14 *determines that the restriction is necessary to protect vital*
15 *national security interests of the United States.*

16 “(B) *The Director of National Intelligence may not*
17 *restrict access under subparagraph (A) solely on the basis*
18 *of the level of classification or compartmentation of*
19 *information that the personnel designated in subsection (a)*
20 *may seek access to while conducting an analysis,*
21 *evaluation, or investigation.*

22 “(2) *If the Director exercises the authority under*
23 *paragraph (1), the Director shall submit to the*
24 *congressional intelligence committees an appropriately*

1 “(A) the head of such element of the
2 intelligence community is in full compliance
3 with the requirements of this title; and

4 “(B) any information required to be
5 submitted by such head of such element under
6 this Act before the date of the submission of such
7 certification has been properly submitted; or

8 “(2) if such head of such element is unable to
9 submit a certification under paragraph (1), a
10 statement—

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

13 “(B) describing any information required to
14 be submitted by such head of such element under
15 this Act before the date of the submission of such
16 statement that has not been properly submitted;
17 and

18 “(C) that the head of such element will
19 submit such information as soon as possible after
20 the submission of such statement.”.

21 (b) *APPLICABILITY DATE.*—The first certification or
22 statement required to be submitted by the head of each ele-
23 ment of the intelligence community under section 512 of
24 the National Security Act of 1947, as added by subsection

1 (a) of this section, shall be submitted not later than 90 days
2 after the date of the enactment of this Act.

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

4 (a) *IN GENERAL.*—Section 809(b) of the Intelligence
5 Authorization Act for Fiscal Year 1995 (50 U.S.C. app.
6 2170b(b)) is amended—

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

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

11 “(1) *SUBMISSION TO CONGRESS.*—The President
12 shall biannually submit to the congressional
13 intelligence committees, the Committees on Armed
14 Services of the House of Representatives and the
15 Senate, and congressional leadership a report
16 updating the information referred to in subsection
17 (a)(1)(D).”;

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

19 (4) by redesignating paragraph (3) as
20 paragraph (2).

21 (b) *INITIAL REPORT.*—The first report required under
22 section 809(b)(1) of such Act, as amended by subsection
23 (a)(2) of this section, shall be submitted not later than
24 February 1, 2010.

1 **SEC. 338. REPORT ON INTELLIGENCE COMMUNITY**
2 **CONTRACTORS.**

3 (a) *REQUIREMENT FOR REPORT.*—Not later than
4 November 1, 2010, the Director of National Intelligence
5 shall submit to the congressional intelligence committees
6 and the Committees on Armed Services of the House of
7 Representatives and the Senate a report describing the use
8 of personal services contracts across the intelligence
9 community, the impact of the use of such contracts on the
10 intelligence community workforce, plans for conversion of
11 contractor employment into Federal Government
12 employment, and the accountability mechanisms that
13 govern the performance of such personal services contracts.

14 (b) *CONTENT.*—

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

17 (A) a description of any relevant
18 regulations or guidance issued by the Director of
19 National Intelligence or the head of an element
20 of the intelligence community relating to
21 minimum standards required regarding the
22 hiring, training, security clearance, and assign-
23 ment of contract personnel and how those
24 standards may differ from those for Federal
25 Government employees performing substantially
26 similar functions;

1 (B) an identification of contracts where the
2 contractor is performing substantially similar
3 functions to a Federal Government employee;

4 (C) an assessment of costs incurred or
5 savings achieved by awarding contracts for the
6 performance of such functions referred to in
7 subparagraph (B) instead of using full-time
8 employees of the elements of the intelligence
9 community to perform such functions;

10 (D) an assessment of the appropriateness of
11 using contractors to perform the activities
12 described in paragraph (2);

13 (E) an estimate of the number of contracts,
14 and the number of personnel working under such
15 contracts, related to the performance of activities
16 described in paragraph (2);

17 (F) a comparison of the compensation of
18 contract employees and Federal Government
19 employees performing substantially similar
20 functions;

21 (G) an analysis of the attrition of Federal
22 Government personnel for contractor positions
23 that provide substantially similar functions;

1 (H) a description of positions that will be
2 converted from contractor employment to Federal
3 Government employment;

4 (I) an analysis of the oversight and ac-
5 countability mechanisms applicable to personal
6 services contracts awarded for intelligence activi-
7 ties by each element of the intelligence
8 community during fiscal years 2008 and 2009;

9 (J) an analysis of procedures in use in the
10 intelligence community for conducting oversight
11 of contractors to ensure identification and
12 prosecution of criminal violations, financial
13 waste, fraud, or other abuses committed by
14 contractors or contract personnel; and

15 (K) an identification of best practices for
16 oversight and accountability mechanisms appli-
17 cable to personal services contracts.

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

20 (A) Intelligence collection.

21 (B) Intelligence analysis.

22 (C) Covert actions, including rendition,
23 detention, and interrogation activities.

1 **SEC. 339. REPORT ON TRANSFORMATION OF THE**
2 **INTELLIGENCE CAPABILITIES OF THE**
3 **FEDERAL BUREAU OF INVESTIGATION.**

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

13 *(1) the direction, strategy, and goals for*
14 *transforming the intelligence capabilities of the*
15 *Bureau;*

16 *(2) a description of what the fully functional*
17 *intelligence and national security functions of the*
18 *Bureau should entail;*

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

24 *(4) an assessment of how well the Bureau*
25 *performs tasks that are critical to the effective*

1 *functioning of the Bureau as an intelligence agency,*
2 *including—*

3 *(A) identifying new intelligence targets*
4 *within the scope of the national security*
5 *functions of the Bureau, outside the parameters*
6 *of an existing case file or ongoing investigation;*

7 *(B) collecting intelligence domestically,*
8 *including collection through human and*
9 *technical sources;*

10 *(C) recruiting human sources;*

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

13 *(E) working collaboratively with other*
14 *Federal departments and agencies to jointly*
15 *collect intelligence on domestic counterterrorism*
16 *and counterintelligence targets;*

17 *(F) producing a common intelligence*
18 *picture of domestic threats to the national*
19 *security of the United States;*

20 *(G) producing high quality and timely*
21 *intelligence analysis;*

22 *(H) integrating intelligence analysts into*
23 *its intelligence collection operations; and*

24 *(I) sharing intelligence information with*
25 *intelligence community partners.*

1 **SEC. 340. REPORT ON INTELLIGENCE RESOURCES**
2 **DEDICATED TO IRAQ AND AFGHANISTAN.**

3 *Not later than 120 days after the date of the enactment*
4 *of this Act, the Director of National Intelligence and the*
5 *Secretary of Defense shall jointly submit to the*
6 *congressional intelligence committees and the Committees*
7 *on Armed Services of the House of Representatives and the*
8 *Senate a report on intelligence collection and analysis*
9 *resources (1) dedicated to Iraq and Afghanistan during*
10 *fiscal years 2008 and 2009, and (2) planned to be dedicated*
11 *during fiscal year 2010. Such report shall include detailed*
12 *information on fiscal, human, technical, and other*
13 *intelligence collection and analysis resources.*

14 **SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS**
15 **REGULATIONS.**

16 *(a) REPORT.—Not later than February 1, 2011, the*
17 *Director of National Intelligence shall submit to the*
18 *congressional intelligence committees, the Committee on*
19 *Foreign Affairs of the House of Representatives, and the*
20 *Committee on Foreign Relations of the Senate a report as-*
21 *sessing the threat to national security presented by the*
22 *efforts of foreign countries to acquire, through espionage,*
23 *diversion, or other means, sensitive equipment and*
24 *technology, and the degree to which United States export*
25 *controls (including the International Traffic in Arms*
26 *Regulations) are adequate to defeat such efforts.*

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

4 (c) *INTERNATIONAL TRAFFIC IN ARMS REGULATIONS*
5 *DEFINED.*—*The term “International Traffic in Arms*
6 *Regulations” means those regulations contained in parts*
7 *120 through 130 of title 22, Code of Federal Regulations*
8 *(or successor regulations).*

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

10 (a) *REPORT.*—*Not later than February 1, 2010, the*
11 *Director of National Intelligence shall submit to the*
12 *congressional intelligence committees, the Committee on*
13 *Armed Services and the Committee on Foreign Affairs of*
14 *the House of Representatives, and the Committee on Armed*
15 *Services and the Committee on Foreign Relations of the*
16 *Senate a report on the illicit trade of nuclear and*
17 *radiological material and equipment.*

18 (b) *CONTENTS.*—*The report submitted under*
19 *subsection (a) shall include, for a period of time including*
20 *at least the preceding three years—*

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

23 (A) *nuclear or radiological material;*

24 (B) *equipment useful for the production of*
25 *nuclear or radiological material; or*

1 (C) *nuclear explosive devices;*
2 (2) *an assessment of the countries that represent*
3 *the greatest risk of nuclear trafficking activities; and*
4 (3) *a discussion of any dissents, caveats, gaps in*
5 *knowledge, or other information that would reduce*
6 *confidence in the assessment referred to in paragraph*
7 (2).

8 (c) *FORM.*—*The report under subsection (a) may be*
9 *submitted in classified form, but shall include an*
10 *unclassified summary.*

11 **SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS**
12 **WHO COMMIT UNAUTHORIZED DISCLOSURES**
13 **OF CLASSIFIED INFORMATION.**

14 (a) *STUDY.*—*The Director of National Intelligence*
15 *shall conduct a study on the feasibility of revoking the*
16 *pensions of personnel of the intelligence community who*
17 *commit unauthorized disclosures of classified information,*
18 *including whether revoking such pensions is feasible under*
19 *existing law or under the administrative authority of the*
20 *Director of National Intelligence or any other head of an*
21 *element of the intelligence community.*

22 (b) *REPORT.*—*Not later than 90 days after the date*
23 *of the enactment of this Act, the Director of National*
24 *Intelligence shall submit to the congressional intelligence*

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

3 **SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION**
4 **PRACTICES OF THE INTELLIGENCE**
5 **COMMUNITY.**

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

10 *(1) the security of the electronic waste disposal*
11 *practices of the intelligence community, including the*
12 *potential for counterintelligence exploitation of*
13 *destroyed, discarded, or recycled materials;*

14 *(2) the environmental impact of such disposal*
15 *practices; and*

16 *(3) methods to improve the security and*
17 *environmental impact of such disposal practices,*
18 *including steps to prevent the forensic exploitation of*
19 *electronic waste.*

20 *(b) REPORT.—Not later than one year after the date*
21 *of the enactment of this Act, the Inspector General of the*
22 *Intelligence Community shall submit to the congressional*
23 *intelligence committees a report containing the results of*
24 *the study conducted under subsection (a).*

1 **SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER**
2 **EMPLOYEES OF AIR AMERICA.**

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

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

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

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

22 (B) *the workforce of Air America and the*
23 *associated companies;*

24 (C) *the missions performed by Air America,*
25 *the associated companies, and their employees*
26 *for the United States; and*

1 (D) the casualties suffered by employees of
2 Air America and the associated companies in the
3 course of their employment.

4 (2) A description of—

5 (A) the retirement benefits contracted for or
6 promised to the employees of Air America and
7 the associated companies prior to 1977;

8 (B) the contributions made by such
9 employees for such benefits;

10 (C) the retirement benefits actually paid
11 such employees;

12 (D) the entitlement of such employees to the
13 payment of future retirement benefits; and

14 (E) the likelihood that such employees will
15 receive any future retirement benefits.

16 (3) An assessment of the difference between—

17 (A) the retirement benefits that former
18 employees of Air America and the associated
19 companies have received or will receive by virtue
20 of their employment with Air America and the
21 associated companies; and

22 (B) the retirement benefits that such
23 employees would have received or be eligible to
24 receive if such employment was deemed to be
25 employment by the United States Government

1 *and their service during such employment was*
2 *credited as Federal service for the purpose of*
3 *Federal retirement benefits.*

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

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

15 (6) *The opinions of the Director of the Central*
16 *Intelligence Agency, if any, on any matters covered*
17 *by the report that the Director of the Central*
18 *Intelligence Agency considers appropriate.*

19 (c) *FORM.—The report required by subsection (a) shall*
20 *be submitted in unclassified form, but may include a*
21 *classified annex.*

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

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

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

9 **SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR**
10 **EMPLOYEES OF THE INTELLIGENCE**
11 **COMMUNITY.**

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

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

17 (2) *establishing a program to pay the college*
18 *tuition of each child of an employee of an element of*
19 *the intelligence community that has died in the*
20 *performance of the official duties of such employee.*

21 (b) *REPORT.*—*Not later than 180 days after the date*
22 *of the enactment of this Act, the Director of National*
23 *Intelligence shall submit to Congress a report containing*
24 *the results of the study conducted under subsection (a).*

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

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

5 (2) *a Coverdell education savings account, as*
6 *defined in section 530 of the Internal Revenue Code*
7 *of 1986; and*

8 (3) *any other appropriate program providing*
9 *tax incentives for saving funds to pay for college*
10 *tuition, as determined by the Director of National*
11 *Intelligence.*

12 **SEC. 347. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL**
13 **SUPPLY CHAIN VULNERABILITIES.**

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

23 (b) *REVIEW OF MITIGATION.*—

24 (1) *NCIX REVIEW.*—*The National*
25 *Counterintelligence Executive shall conduct a review*

1 *of the adequacy of the mechanisms to identify and*
2 *mitigate vulnerabilities in the global supply chain*
3 *that pose a risk to defense and intelligence systems*
4 *due to counterfeit components that may be defective or*
5 *deliberately manipulated by a foreign government or*
6 *a criminal organization.*

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

12 **SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL**
13 **HEALTH RISKS AMONG DESERT STORM**
14 **VETERANS.**

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

22 (b) *REPORT.*—*Not later than one year after the date*
23 *of the enactment of this Act, the Director of the Central*
24 *Intelligence Agency shall submit to Congress the results of*
25 *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. REVIEW OF PENSIONS OF EMPLOYEES AFFECTED**
7 **BY “FIVE AND OUT” PROGRAM OF THE**
8 **FEDERAL BUREAU OF INVESTIGATION.**

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

1 **SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO**
2 **TERRORIST RECIDIVISM OF DETAINEES HELD**
3 **AT UNITED STATES NAVAL STATION,**
4 **GUANTANAMO BAY, CUBA.**

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

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

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

17 **SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR**
18 **DETAINEES HELD AT UNITED STATES NAVAL**
19 **STATION, GUANTANAMO BAY, CUBA.**

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

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

1 *States Naval Station, Guantanamo Bay, Cuba, by the*
2 *Department of Defense; and*

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

6 **SEC. 352. REPORT ON INTERROGATION RESEARCH AND**
7 **TRAINING.**

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

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

18 (1) *an assessment of—*

19 (A) *the quality and value of scientific and*
20 *technical research in interrogation and*
21 *debriefing practices that has been conducted*
22 *independently or in affiliation with the Federal*
23 *Government and the identification of areas in*
24 *which additional research could potentially*
25 *improve interrogation practices;*

1 (B) the state of interrogation and debriefing
2 training in the intelligence community,
3 including the character and adequacy of the
4 ethical component of such training, and the
5 identification of any gaps in training;

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

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

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

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

22 (a) *REQUIREMENT FOR REPORT.*—Not later than
23 November 1, 2010, the Director of National Intelligence, in
24 coordination with the heads of the elements of the
25 intelligence community, shall submit to the congressional

1 *intelligence committees a report on the plans of each ele-*
2 *ment to increase diversity within the intelligence*
3 *community.*

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

8 (1) *specific implementation plans for each such*
9 *element designed to achieve the goals articulated in*
10 *the strategic plan of the Director of National*
11 *Intelligence on equal employment opportunity and*
12 *diversity;*

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

16 (3) *specific plans and initiatives for each such*
17 *element to improve retention of diverse Federal*
18 *employees at the junior, midgrade, senior, and*
19 *management levels;*

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

23 (5) *a description of performance metrics to*
24 *measure the success of carrying out the plans,*

1 *initiatives, and programs described in paragraphs (1)*
2 *through (4).*

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

6 *Not later than 60 days after the date of the enactment*
7 *of this Act, the Director of the Federal Bureau of*
8 *Investigation shall submit to the appropriate committees of*
9 *Congress a review of constraints under international law*
10 *and the laws of foreign nations to the assertion of*
11 *enforcement jurisdiction with respect to criminal*
12 *investigations of terrorism offenses under the laws of the*
13 *United States conducted by agents of the Federal Bureau*
14 *of Investigation in foreign nations and using funds made*
15 *available for the National Intelligence Program, including*
16 *constraints identified in section 432 of the Restatement*
17 *(Third) of the Foreign Relations Law of the United States.*

18 **SEC. 355. REPEAL OF CERTAIN REPORTING**
19 **REQUIREMENTS.**

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

23 *(b) ANNUAL CERTIFICATION ON*
24 *COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of*

1 *the National Security Act of 1947 (50 U.S.C. 442a(b)) is*
2 *amended—*

3 *(1) by striking “(1) The Director” and inserting*
4 *“The Director” ; and*
5 *(2) by striking paragraph (2).*

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

10 *(1) by striking subsection (d); and*
11 *(2) by redesignating subsections (e), (f), (g), and*
12 *(h) as subsections (d), (e), (f), and (g), respectively.*

13 *(d) ANNUAL REPORT ON COUNTERDRUG*
14 *INTELLIGENCE MATTERS.—Section 826 of the Intelligence*
15 *Authorization Act for Fiscal Year 2003 (Public Law 107–*
16 *306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.*

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

18 *Each requirement to submit a report to the*
19 *congressional intelligence committees that is included in the*
20 *classified annex to this Act is hereby incorporated into this*
21 *Act and is hereby made a requirement in law.*

22 **SEC. 357. CONFORMING AMENDMENTS.**

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

1 (1) *in subsection (a)—*

2 (A) *in paragraph (1)—*

3 (i) *by striking subparagraphs (A) and*
4 (G);

5 (ii) *by redesignating subparagraphs*
6 (B), (C), (D), (E), (F), (H), (I), and (N) as
7 subparagraphs (A), (B), (C), (D), (E), (F),
8 (G), and (H), respectively; and

9 (iii) *by adding at the end the following*
10 new subparagraphs:

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

13 “(J) *The annual report on foreign language*
14 *proficiency in the intelligence community required by*
15 *section 510.*”; and

16 (B) *in paragraph (2), by striking*
17 subparagraph (D); and

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

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

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

23 (2) *inserting after the item relating to section*
24 507 *the following new items:*

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

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

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

“Sec. 511. Government Accountability Office analyses, evaluations, and investigations.

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

1 ***Subtitle E—Other Matters***

2 ***SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR***

3 ***DIFFERENT INTELLIGENCE ACTIVITIES.***

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

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

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

11 ***INFORMATION.***

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

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

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

1 (b) *MODIFICATIONS TO ANNUAL REPORT ON*
2 *PROTECTION OF INTELLIGENCE IDENTITIES.*—*The first*
3 *sentence of section 603(a) of the National Security Act of*
4 *1947 (50 U.S.C. 423(a)) is amended by inserting*
5 *“including an assessment of the need for any modification*
6 *of this title for the purpose of improving legal protections*
7 *for covert agents,” after “measures to protect the identities*
8 *of covert agents.”.*

9 **SEC. 363. EXTENSION OF AUTHORITY TO DELETE**
10 **INFORMATION ABOUT RECEIPT AND**
11 **DISPOSITION OF FOREIGN GIFTS AND**
12 **DECORATIONS.**

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

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

23 “(B) *Any information not provided to the Secretary*
24 *of State pursuant to the authority in subparagraph (A)*

1 *shall be transmitted to the Director of National Intelligence*
2 *who shall keep a record of such information.*

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

6 **SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST**
7 **IDENTITY INFORMATION FROM FREEDOM OF**
8 **INFORMATION ACT.**

9 *Section 119 of the National Security Act of 1947 (50*
10 *U.S.C. Section 404o) is amended by adding at the end the*
11 *following new subsection:*

12 “(k) **EXEMPTION OF DISSEMINATION OF TERRORIST**
13 **IDENTITY INFORMATION FROM FREEDOM OF INFORMATION**
14 **ACT.—(1) Terrorist identity information disseminated for**
15 *terrorist screening purposes or other authorized*
16 *counterterrorism purposes shall be exempt from disclosure*
17 *under section 552 of title 5, United States Code.*

18 “(2) *In this section:*

19 “(A) **AUTHORIZED COUNTERTERRORISM**
20 **PURPOSE.—The term ‘authorized counterterrorism**
21 *purpose’ includes disclosure to and appropriate use*
22 *by an element of the Federal Government of terrorist*
23 *identifiers of persons reasonably suspected to be*
24 *terrorists or supporters of terrorists.*

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

3 “(i) *information from a database*
4 *maintained by any element of the Federal*
5 *Government that would reveal whether an*
6 *individual has or has not been determined to be*
7 *a known or suspected terrorist or has or has not*
8 *been determined to be within the networks of*
9 *contacts and support of a known or suspected*
10 *terrorist; and*

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

17 “(C) *TERRORIST IDENTIFIERS.*—*The term*
18 *‘terrorist identifiers’—*

19 “(i) *includes—*

20 “(I) *names and aliases;*

21 “(II) *dates or places of birth;*

22 “(III) *unique identifying numbers or*
23 *information;*

24 “(IV) *physical identifiers or*
25 *biometrics; and*

1 “(V) any other identifying information
2 provided for watchlisting purposes; and
3 “(ii) does not include derogatory
4 information or information that would reveal or
5 compromise intelligence or law enforcement
6 sources or methods.”.

7 **SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND**
8 **OFFICE OF THE DIRECTOR OF NATIONAL**
9 **INTELLIGENCE NAME, INITIALS, OR SEAL.**

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

13 “*MISUSE OF THE INTELLIGENCE COMMUNITY NAME,*
14 *INITIALS, OR SEAL*

15 “*SEC. 1103. (a) PROHIBITED ACTS*.—No person may,
16 except with the written permission of the Director of
17 National Intelligence or a designee of the Director,
18 knowingly use the words ‘intelligence community’, the
19 initials ‘IC’, the seal of the intelligence community, or any
20 colorable imitation of such words, initials, or seal in
21 connection with any merchandise, impersonation,
22 solicitation, or commercial activity in a manner reasonably
23 calculated to convey the impression that such use is ap-
24 proved, endorsed, or authorized by the Director of National
25 Intelligence, except that employees of the intelligence
26 community may use the intelligence community name,

1 *initials, and seal in accordance with regulations*
2 *promulgated by the Director of National Intelligence.*

3 “(b) *INJUNCTION.—Whenever it appears to the Attor-*
4 *ney General that any person is engaged or is about to*
5 *engage in an act or practice which constitutes or will*
6 *constitute conduct prohibited by subsection (a), the Attorney*
7 *General may initiate a civil proceeding in a district court*
8 *of the United States to enjoin such act or practice. Such*
9 *court shall proceed as soon as practicable to the hearing*
10 *and determination of such action and may, at any time*
11 *before final determination, enter such restraining orders or*
12 *prohibitions, or take such other action as is warranted, to*
13 *prevent injury to the United States or to any person or*
14 *class of persons for whose protection the action is brought.”.*

15 (b) *OFFICE OF THE DIRECTOR OF NATIONAL*
16 *INTELLIGENCE.—Title XI of the National Security Act of*
17 *1947 (50 U.S.C. 442 et seq.), as amended by subsection (a)*
18 *of this section, is further amended by adding at the end*
19 *the following new section:*

20 “*MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL*
21 *INTELLIGENCE NAME, INITIALS, OR SEAL*

22 “*SEC. 1104. (a) PROHIBITED ACTS.—No person may,*
23 *except with the written permission of the Director of*
24 *National Intelligence or a designee of the Director,*
25 *knowingly use the words ‘Office of the Director of National*
26 *Intelligence’, the initials ‘ODNI’, the seal of the Office of*

1 *the Director of National Intelligence, or any colorable*
2 *imitation of such words, initials, or seal in connection with*
3 *any merchandise, impersonation, solicitation, or commer-*
4 *cial activity in a manner reasonably calculated to convey*
5 *the impression that such use is approved, endorsed, or au-*
6 *thorized by the Director of National Intelligence.*

7 “(b) *INJUNCTION.*—Whenever it appears to the Attor-
8 *ney General that any person is engaged or is about to*
9 *engage in an act or practice which constitutes or will*
10 *constitute conduct prohibited by subsection (a), the Attorney*
11 *General may initiate a civil proceeding in a district court*
12 *of the United States to enjoin such act or practice. Such*
13 *court shall proceed as soon as practicable to the hearing*
14 *and determination of such action and may, at any time*
15 *before final determination, enter such restraining orders or*
16 *prohibitions, or take such other action as is warranted, to*
17 *prevent injury to the United States or to any person or*
18 *class of persons for whose protection the action is brought.”.*

19 “(c) *CONFORMING AMENDMENT.*—The table of contents
20 *in the first section of such Act (50 U.S.C. 401 note), as*
21 *amended by section 357 of this Act, is further amended by*
22 *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.”.*

1 **SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN;**
2 **RECIPROCITY.**

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

4 *(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE*
5 *DETERMINATIONS.—*

6 *(A) IN GENERAL.—Title V of the National*
7 *Security Act of 1947 (50 U.S.C. 413 et seq.), as*
8 *amended by section 336 of this Act, is further*
9 *amended by adding at the end the following new*
10 *section:*

11 *“REPORTS ON SECURITY CLEARANCES*

12 *“SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION*
13 *REQUIREMENTS.—(1) The President shall every four years*
14 *conduct an audit of how the executive branch determines*
15 *whether a security clearance is required for a particular*
16 *position in the Federal Government.*

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

20 *“(b) REPORT ON SECURITY CLEARANCE*
21 *DETERMINATIONS.—(1) Not later than February 1 of each*
22 *year, the President shall submit to Congress a report on*
23 *the security clearance process. Such report shall include, for*
24 *each security clearance level—*

25 *“(A) the number of Federal Government*
26 *employees who—*

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

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

5 “(B) the number of contractors to the Federal
6 Government who—

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

9 “(ii) were approved for a security clearance
10 at such level during the preceding fiscal year;
11 and

12 “(C) for each element of the intelligence
13 community—

14 “(i) the amount of time it took to process
15 the fastest 80 percent of security clearance
16 determinations for such level;

17 “(ii) the amount of time it took to process
18 the fastest 90 percent of security clearance
19 determinations for such level;

20 “(iii) the number of open security clearance
21 investigations for such level that have remained
22 open for—

23 “(I) 4 months or less;

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

1 “(III) between 8 months and 12
2 months; and

3 “(IV) more than a year;

4 “(iv) the percentage of reviews during the
5 preceding fiscal year that resulted in a denial or
6 revocation of a security clearance;

7 “(v) the percentage of investigations during
8 the preceding fiscal year that resulted in
9 incomplete information;

10 “(vi) the percentage of investigations during
11 the preceding fiscal year that did not result in
12 enough information to make a decision on
13 potentially adverse information; and

14 “(vii) for security clearance determinations
15 completed or ongoing during the preceding fiscal
16 year that have taken longer than one year to
17 complete—

18 “(I) the number of security clearance
19 determinations for positions as employees of
20 the Federal Government that required more
21 than one year to complete;

22 “(II) the number of security clearance
23 determinations for contractors that required
24 more than one year to complete;

1 “(III) the agencies that investigated
2 and adjudicated such determinations; and

3 “(IV) the cause of significant delays in
4 such determinations.

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

7 “(A) security clearances at the level of
8 confidential and secret as one security clearance level;
9 and

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

12 (B) INITIAL AUDIT.—The first audit
13 required to be conducted under section 513(a)(1)
14 of the National Security Act of 1947 (as added
15 by paragraph (1)) shall be completed not later
16 than February 1, 2010.

17 (C) CLERICAL AMENDMENT.—The table of
18 contents in the first section of such Act (50
19 U.S.C. 401 note), as amended by section 365 of
20 this Act, is further amended by inserting after
21 the item relating to section 512 the following new
22 item:

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

23 (2) REPORT ON METRICS FOR ADJUDICATION
24 QUALITY.—Not later than 180 days after the date of
25 enactment of this Act, the President shall submit to

1 *Congress a report on security clearance investigations*
2 *and adjudications. Such report shall include—*

3 *(A) Federal Government wide adjudication*
4 *guidelines and metrics for adjudication quality;*

5 *(B) a plan to improve the professional*
6 *development of security clearance adjudicators;*

7 *(C) metrics to evaluate the effectiveness of*
8 *interagency clearance reciprocity;*

9 *(D) Federal Government wide investigation*
10 *standards and metrics for investigation quality;*
11 *and*

12 *(E) the feasibility, counterintelligence risk,*
13 *and cost effectiveness of—*

14 *(i) by not later than January 1, 2012,*
15 *requiring the investigation and adjudica-*
16 *tion of security clearances to be conducted*
17 *by not more than two Federal agencies; and*

18 *(ii) by not later than January 1, 2015,*
19 *requiring the investigation and adjudica-*
20 *tion of security clearances to be conducted*
21 *by not more than one Federal agency.*

22 ***(b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY***
23 ***SECURITY CLEARANCES.—***

24 ***(1) IN GENERAL.—Title I of the National***
25 ***Security Act of 1947 (50 U.S.C. 402 et seq.), as***

1 *section 103H(a) of the National Security Act of 1947,*
2 *as added by paragraph (1), not later than 120 days*
3 *after the date of the enactment of this Act.*

4 (3) *CONFORMING AMENDMENT.—The table of*
5 *contents in the first section of such Act (50 U.S.C.*
6 *401 note), as amended by subsection (a)(1)(C) of this*
7 *section, is further amended by inserting after the item*
8 *relating to section 103G the following new item:*

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

9 (c) *SECURITY CLEARANCE RECIPROCITY.—*

10 (1) *AUDIT.—The Inspector General of the*
11 *Intelligence Community shall conduct an audit of the*
12 *reciprocity of security clearances in the intelligence*
13 *community.*

14 (2) *REPORT.—Not later than 120 days after the*
15 *date of the enactment of this Act, the Inspector*
16 *General of the Intelligence Community shall submit to*
17 *the congressional intelligence committees a report*
18 *containing the results of the audit conducted under*
19 *paragraph (1). Such report shall include an assess-*
20 *ment of the time required to obtain a reciprocal*
21 *security clearance for—*

22 (A) *an employee of an element of the*
23 *intelligence community detailed to another ele-*
24 *ment of the intelligence community;*

1 (B) an employee of an element of the
2 intelligence community seeking permanent
3 employment with another element of the
4 intelligence community; and

5 (C) a contractor seeking permanent
6 employment with an element of the intelligence
7 community.

8 **SEC. 367. LIMITATION ON USE OF FUNDS FOR THE**
9 **TRANSFER OR RELEASE OF INDIVIDUALS**
10 **DETAINED AT UNITED STATES NAVAL**
11 **STATION, GUANTANAMO BAY, CUBA.**

12 (a) *IN GENERAL.*—The Director of National
13 Intelligence may not use any of the amounts authorized to
14 be appropriated in this Act for fiscal year 2010 or any
15 subsequent fiscal year to release or transfer any individual
16 described in subsection (d) to the United States, its
17 territories, or possessions, until 120 days after the President
18 has submitted to the congressional defense committees the
19 plan described in subsection (b).

20 (b) *PLAN REQUIRED.*—The President shall submit to
21 Congress a plan on the disposition of each individual
22 described in subsection (d). Such plan shall include—

23 (1) an assessment of the risk that the individual
24 described in subsection (d) poses to the national

1 *security of the United States, its territories, or*
2 *possessions;*

3 (2) *a proposal for the disposition for each such*
4 *individual;*

5 (3) *a plan to mitigate any risks described in*
6 *paragraph (1) should the proposed disposition*
7 *required by paragraph (2) include the release or*
8 *transfer to the United States, its territories, or*
9 *possessions of any such individual; and*

10 (4) *a summary of the consultation required in*
11 *subsection (c).*

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

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

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

23 (2) *is—*

24 (A) *in the custody or under the effective*
25 *control of the Department of Defense, or*

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

3 **SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL**
4 **IMPROVEMENT AND AUDIT READINESS.**

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

7 (1) *it is no longer excusable to allow poor*
8 *business systems, a deficiency of resources, or a lack*
9 *of commitment from senior leadership of the*
10 *intelligence community to foster waste or nonaccount-*
11 *ability to the United States taxpayer;*

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

15 (3) *the Director of National Intelligence should*
16 *require each element of the intelligence community to*
17 *develop and implement a specific plan to become*
18 *compliant with the law.*

19 (b) *REVIEW; PLAN.*—*Not later than 180 days after the*
20 *date of the enactment of this Act, the Director of National*
21 *Intelligence shall—*

22 (1) *conduct a review of the status of the*
23 *auditability compliance of each element of the*
24 *intelligence community; and*

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

4 ***TITLE IV—MATTERS RELATING***
5 ***TO ELEMENTS OF THE***
6 ***INTELLIGENCE COMMUNITY***

7 ***Subtitle A—Office of the Director of***
8 ***National Intelligence***

9 ***SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION***
10 ***OF THE OFFICE OF THE DIRECTOR OF***
11 ***NATIONAL INTELLIGENCE.***

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

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

16 (A) *in the heading, by striking “WITH” and*
17 *inserting “OF HEADQUARTERS WITH*
18 *HEADQUARTERS OF”;*

19 (B) *by striking “Commencing as of October*
20 *1, 2008, the” and inserting “(1) Except as*
21 *provided in paragraph (2), the”;*

22 (C) *in paragraph (1), as designated by*
23 *paragraph (2) of this section, by inserting “the*
24 *headquarters of” before “the Office”;*

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

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

6 “(2) The President may waive the limitation in
7 paragraph (1) if the President determines that—

8 “(A) a waiver is in the interests of national
9 security; or

10 “(B) the costs of a headquarters of the Office of
11 the Director of National Intelligence that is separate
12 from the headquarters of the other elements of the
13 intelligence community outweighs the potential
14 benefits of the separation.”; and

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

17 “(g) LOCATION OF THE OFFICE OF THE DIRECTOR OF
18 NATIONAL INTELLIGENCE.—The headquarters of the Office
19 of the Director of National Intelligence may be located in
20 the Washington metropolitan region (as defined in section
21 8301 of title 40, United States Code).”.

1 **SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
2 **INTELLIGENCE ON THE TRANSPORTATION**
3 **SECURITY OVERSIGHT BOARD.**

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

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

8 **SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF**
9 **SCIENCE AND TECHNOLOGY.**

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

12 *(1) in subsection (c)—*

13 *(A) by redesignating paragraph (5) as*
14 *paragraph (7);*

15 *(B) in paragraph (4), by striking “; and”*
16 *and inserting “;”; and*

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

19 *“(5) assist the Director of National Intelligence*
20 *in establishing goals for basic, applied, and advanced*
21 *research to meet the technology needs of the*
22 *intelligence community;*

23 *“(6) submit to the congressional intelligence*
24 *committees an annual report on the science and*
25 *technology strategy of the Director that shows*

1 *resources mapped to the goals of the intelligence*
2 *community; and”;* and

3 (2) *in subsection (d)(3)—*

4 (A) *in subparagraph (A)—*

5 (i) *by inserting “and prioritize” after*
6 *“coordinate”;* and

7 (ii) *by striking “; and” and inserting*
8 *“;”;*

9 (B) *by redesignating subparagraph (B) as*
10 *subparagraph (C); and*

11 (C) *by inserting after subparagraph (A) the*
12 *following new subparagraph:*

13 *“(B) identify basic, advanced, and applied*
14 *research programs to be executed by elements of*
15 *the intelligence community; and”.*

16 **SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
17 **THE DATA CENTER ENERGY EFFICIENCY**
18 **REPORTS.**

19 (a) *PLAN.—The Director of National Intelligence shall*
20 *develop a plan to implement the recommendations of the*
21 *report submitted to Congress under section 1 of the Act*
22 *entitled “An Act to study and promote the use of energy*
23 *efficient computer servers in the United States” (Public*
24 *Law 109–431; 120 Stat. 2920) across the intelligence*
25 *community.*

1 **(b) REPORT.**—

2 **(1) IN GENERAL.**—Not later than 180 days after
3 the date of the enactment of this Act, the Director of
4 National Intelligence shall submit to the congressional
5 intelligence committees a report containing the plan
6 developed under subsection (a).

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

10 **SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE**
11 **INTELLIGENCE COMMUNITY.**

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

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

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

20 **(3)** in subsection (c) in the matter preceding
21 paragraph (1), by inserting “of the Intelligence
22 Community” after “Chief Information Officer”; and

23 **(4)** in subsection (d), by inserting “of the
24 Intelligence Community” after “Chief Information
25 Officer”.

1 **SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE**
2 **COMMUNITY.**

3 (a) *ESTABLISHMENT.*—

4 (1) *IN GENERAL.*—*Title I of the National*
5 *Security Act of 1947 (50 U.S.C. 402 et seq.), as*
6 *amended by section 366 of this Act, is further amend-*
7 *ed by inserting after section 103H (as added by such*
8 *section 366) the following new section:*

9 “*INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY*

10 “*SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF*
11 *INTELLIGENCE COMMUNITY.*—*There is within the Office of*
12 *the Director of National Intelligence an Office of the*
13 *Inspector General of the Intelligence Community.*

14 “(b) *PURPOSE.*—*The purpose of the Office of the*
15 *Inspector General of the Intelligence Community is to—*

16 “(1) *be an independent and objective office ap-*
17 *propriately accountable to Congress and to initiate*
18 *and conduct investigations, inspections, and audits*
19 *on matters within the responsibility and authority of*
20 *the Director of National Intelligence;*

21 “(2) *recommend policies designed—*

22 “(A) *to promote economy, efficiency, and*
23 *effectiveness in the administration and*
24 *implementation of matters within the*
25 *responsibility and authority of the Director of*
26 *National Intelligence; and*

1 “(B) to prevent and detect fraud and abuse
2 in such matters;

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

6 “(A) problems and deficiencies relating to
7 matters within the responsibility and authority
8 of the Director of National Intelligence; and

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

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

14 “(A) significant problems and deficiencies
15 relating to matters within the responsibility and
16 authority of the Director of National Intelligence;
17 and

18 “(B) the necessity for, and the progress of,
19 corrective actions.

20 “(c) INSPECTOR GENERAL OF INTELLIGENCE
21 COMMUNITY.—(1) There is an Inspector General of the
22 Intelligence Community, who shall be the head of the Office
23 of the Inspector General of the Intelligence Community, who
24 shall be appointed by the President, by and with the advice
25 and consent of the Senate.

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

3 “(A) *without regard to political affiliation;*

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

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

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

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

14 “(4) *The Inspector General may be removed from office*
15 *only by the President. The President shall communicate in*
16 *writing to the congressional intelligence committees the*
17 *reasons for the removal of any individual from the position*
18 *of Inspector General not later than 30 days before the date*
19 *on which the Inspector General is removed from office.*

20 “(d) *DUTIES AND RESPONSIBILITIES.—Subject to*
21 *subsections (g) and (h), the Inspector General of the*
22 *Intelligence Community shall—*

23 “(1) *provide policy direction for, and plan,*
24 *conduct, supervise, and coordinate independently, the*
25 *investigations, inspections, and audits relating to*

1 *matters within the responsibility and authority of the*
2 *Director of National Intelligence to ensure they are*
3 *conducted efficiently and in accordance with applica-*
4 *ble law and regulations;*

5 *“(2) keep the Director of National Intelligence*
6 *and Congress fully and currently informed concerning*
7 *violations of law and regulations, violations of civil*
8 *liberties and privacy, fraud and other serious*
9 *problems, abuses, and deficiencies that may occur in*
10 *matters within the responsibility and authority of the*
11 *Director, and report the progress made in*
12 *implementing corrective action;*

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

20 *“(4) in the execution of the duties and*
21 *responsibilities under this section, comply with*
22 *generally accepted Federal Government auditing*
23 *standards.*

24 *“(e) LIMITATIONS ON ACTIVITIES.—(1)(A) Subject to*
25 *subparagraph (B), the Director of National Intelligence*

1 *may prohibit the Inspector General of the Intelligence*
2 *Community from initiating, carrying out, or completing*
3 *any investigation, inspection, or audit if the Director*
4 *determines that such prohibition is necessary to protect*
5 *vital national security interests of the United States.*

6 “(B) *The Director of National Intelligence may not*
7 *prohibit an investigation, inspection, or audit under*
8 *subparagraph (A) solely on the basis of the level of*
9 *classification or compartmentation of information that the*
10 *Inspector General may seek access to while conducting such*
11 *investigation, inspection, or audit.*

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

17 “(3) *The Director shall notify the Inspector General*
18 *at the time a report under paragraph (2) is submitted, and,*
19 *to the extent consistent with the protection of intelligence*
20 *sources and methods, provide the Inspector General with a*
21 *copy of such report.*

22 “(4) *The Inspector General shall submit to the*
23 *congressional intelligence committees any comments on a*
24 *report of which the Inspector General has notice under*

1 *paragraph (3) that the Inspector General considers appro-*
2 *priate.*

3 “(f) *AUTHORITIES.—(1) The Inspector General of the*
4 *Intelligence Community shall have direct and prompt ac-*
5 *cess to the Director of National Intelligence when necessary*
6 *for any purpose pertaining to the performance of the duties*
7 *of the Inspector General.*

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

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

17 “(C) *The Director or, on the recommendation of the*
18 *Director, another appropriate official of the intelligence*
19 *community, shall take appropriate administrative action*
20 *against an employee, or employee of a contractor, of an ele-*
21 *ment of the intelligence community that fails to cooperate*
22 *with the Inspector General. Such administrative action*
23 *may include loss of employment or termination of an*
24 *existing contractual relationship.*

1 “(3) *The Inspector General shall, in accordance with*
2 *subsection (g), receive and investigate complaints or*
3 *information from any person concerning the existence of an*
4 *activity within the authorities and responsibilities of the*
5 *Director of National Intelligence constituting a violation of*
6 *laws, rules, or regulations, or mismanagement, gross waste*
7 *of funds, abuse of authority, or a substantial and specific*
8 *danger to the public health and safety. Once such complaint*
9 *or information has been received from an employee of the*
10 *Federal Government—*

11 “(A) *the Inspector General shall not disclose the*
12 *identity of the employee without the consent of the*
13 *employee, unless the Inspector General determines*
14 *that such disclosure is unavoidable during the course*
15 *of the investigation or the disclosure is made to an*
16 *official of the Department of Justice responsible for*
17 *determining whether a prosecution should be under-*
18 *taken; and*

19 “(B) *no action constituting a reprisal, or threat*
20 *of reprisal, for making such complaint may be taken*
21 *by any employee, unless the complaint was made or*
22 *the information was disclosed with the knowledge that*
23 *it was false or with willful disregard for its truth or*
24 *falsity.*

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

10 “(5)(A) *Except as provided in subparagraph (B), the*
11 *Inspector General may require by subpoena the production*
12 *of all information, documents, reports, answers, records, ac-*
13 *counts, papers, and other data and documentary evidence*
14 *necessary in the performance of the duties and*
15 *responsibilities of the Inspector General.*

16 “(B) *In the case of departments, agencies, and other*
17 *elements of the United States Government, the Inspector*
18 *General shall obtain information, documents, reports, an-*
19 *swers, records, accounts, papers, and other data and*
20 *evidence for the purpose specified in subparagraph (A)*
21 *using procedures other than by subpoenas.*

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

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

5 “(6) *The Inspector General may obtain services as au-*
6 *thorized under section 3109 of title 5, United States Code,*
7 *at rates for individuals not to exceed the daily equivalent*
8 *of the maximum annual rate of basic pay payable for grade*
9 *GS-15 of the General Schedule under section 5332 of title*
10 *5, United States Code.*

11 “(7) *The Inspector may, to the extent and in such*
12 *amounts as may be provided in advance by appropriations*
13 *Acts, enter into contracts and other arrangements for au-*
14 *dits, studies, analyses, and other services with public agen-*
15 *cies and with private persons, and to make such payments*
16 *as may be necessary to carry out the provisions of this*
17 *section.*

18 “(g) *COORDINATION AMONG THE INSPECTORS*
19 *GENERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If*
20 *a matter within the jurisdiction of the Inspector General*
21 *of the Intelligence Community that may be subject to an*
22 *investigation, inspection, review, or audit by both the*
23 *Inspector General of the Intelligence Community and an*
24 *inspector general with oversight responsibility for an ele-*
25 *ment of the intelligence community, the Inspector General*

1 *of the Intelligence Community and such other inspector*
2 *general shall expeditiously resolve the question of which*
3 *inspector general shall conduct such investigation,*
4 *inspection, review, or audit to avoid unnecessary*
5 *duplication of the activities of the inspectors general.*

6 “(B) *In attempting to resolve a question under*
7 *subparagraph (A), the inspectors general concerned may*
8 *request the assistance of the Intelligence Community*
9 *Inspectors General Forum established under subparagraph*
10 *(C). If a dispute between an inspector general within an*
11 *agency or department of the United States Government and*
12 *the Inspector General of the Intelligence Community has not*
13 *been resolved with the assistance of the Forum, the*
14 *inspectors general shall submit the question to the Director*
15 *of National Intelligence and the head of the affected agency*
16 *or department for resolution.*

17 “(C) *There is established the Intelligence Community*
18 *Inspectors General Forum which shall consist of all*
19 *statutory or administrative inspectors general with*
20 *oversight responsibility for an element of the intelligence*
21 *community. The Inspector General of the Intelligence*
22 *Community shall serve as the chair of the Forum. The*
23 *Forum shall have no administrative authority over any*
24 *inspector general, but shall serve as a mechanism for*
25 *informing its members of the work of individual members*

1 *of the Forum that may be of common interest and*
2 *discussing questions about jurisdiction or access to*
3 *employees, employees of a contractor, records, audits,*
4 *reviews, documents, recommendations, or other materials*
5 *that may involve or be of assistance to more than one of*
6 *its members.*

7 “(2) *The inspector general conducting an*
8 *investigation, inspection, review, or audit referred to in*
9 *paragraph (1) shall submit the results of such investigation,*
10 *inspection, review, or audit to any other inspector general,*
11 *including the Inspector General of the Intelligence*
12 *Community, with jurisdiction to conduct such*
13 *investigation, inspection, review, or audit who did not*
14 *conduct such investigation, inspection, review, or audit.*

15 “(h) *STAFF AND OTHER SUPPORT.—(1) The Director*
16 *of National Intelligence shall provide the Inspector General*
17 *of the Intelligence Community with appropriate and ade-*
18 *quate office space at central and field office locations and*
19 *with such equipment, office supplies, maintenance services,*
20 *and communications facilities and services as may be*
21 *necessary for the operation of such offices.*

22 “(2)(A) *The Inspector General shall select, appoint,*
23 *and employ such officers and employees as may be*
24 *necessary to carry out the functions, powers, and duties of*
25 *the Inspector General. The Inspector General shall ensure*

1 *that any officer or employee selected, appointed, or*
2 *employed has a security clearance appropriate for the as-*
3 *signed duties of such officer or employee.*

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

9 “(C) *In meeting the requirements of this paragraph,*
10 *the Inspector General shall recommend policies to the*
11 *Director of National Intelligence to create within the*
12 *intelligence community a career cadre of sufficient size to*
13 *provide appropriate continuity and objectivity needed for*
14 *the effective performance of the duties of the Inspector*
15 *General.*

16 “(3)(A) *The Inspector General may, in consultation*
17 *with the Director, request such information or assistance*
18 *as may be necessary for carrying out the duties and*
19 *responsibilities of the Inspector General from any*
20 *department, agency, or other element of the United States*
21 *Government.*

22 “(B) *Upon request of the Inspector General for*
23 *information or assistance under subparagraph (A), the head*
24 *of the department, agency, or element concerned shall*

1 *furnish to the Inspector General, or to an authorized*
2 *designee, such information or assistance.*

3 “(C) *The Inspector General of the Intelligence*
4 *Community may, upon reasonable notice to the head of any*
5 *element of the intelligence community and in coordination*
6 *with the inspector general of that element pursuant to*
7 *subsection (g), conduct an inspection, review, or audit of*
8 *such element and may enter into any place occupied by*
9 *such element for purposes of the performance of the duties*
10 *of the Inspector General.*

11 “(i) *REPORTS.—(1)(A) Not later than January 31 and*
12 *July 31 of each year, the Inspector General of the*
13 *Intelligence Community shall prepare and submit to the*
14 *Director of National Intelligence a report summarizing the*
15 *activities of the Office of the Inspector General of the*
16 *Intelligence Community during the preceding six-month*
17 *period. The Inspector General of the Intelligence*
18 *Community shall provide any portion of the report*
19 *involving a component of a department of the United States*
20 *Government to the head of that department simultaneously*
21 *with submission of the report to the Director of National*
22 *Intelligence.*

23 “(B) *Each report under this paragraph shall include*
24 *the following:*

1 “(i) A list of the titles or subjects of each
2 investigation, inspection, review, or audit conducted
3 during the period covered by such report, including a
4 summary of the progress of each particular
5 investigation, inspection, or audit since the preceding
6 report of the Inspector General under this paragraph.

7 “(ii) A description of significant problems,
8 abuses, and deficiencies relating to the administration
9 and implementation of programs and operations of
10 the intelligence community, and in the relationships
11 between elements of the intelligence community,
12 identified by the Inspector General during the period
13 covered by such report.

14 “(iii) A description of the recommendations for
15 disciplinary action made by the Inspector General
16 during the period covered by such report with respect
17 to significant problems, abuses, or deficiencies
18 described in clause (ii).

19 “(iv) A statement of whether or not corrective or
20 disciplinary action has been completed on each
21 significant recommendation described in previous
22 semiannual reports, and, in a case where corrective
23 action has been completed, a description of such
24 corrective action.

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

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

9 “(vii) Any recommendations that the Inspector
10 General considers appropriate for legislation to
11 promote economy, efficiency, and effectiveness in the
12 administration and implementation of matters within
13 the responsibility and authority of the Director of
14 National Intelligence, and to detect and eliminate
15 fraud and abuse in such matters.

16 “(C) Not later than 30 days after the date of receipt
17 of a report under subparagraph (A), the Director shall
18 submit the report to the congressional intelligence
19 committees together with any comments the Director con-
20 siders appropriate.

21 “(D) Each report submitted under subparagraphs (A)
22 and (C) shall be submitted in unclassified form, but may
23 include a classified annex.

24 “(2)(A) The Inspector General shall report
25 immediately to the Director whenever the Inspector General

1 *becomes aware of particularly serious or flagrant problems,*
2 *abuses, or deficiencies relating to matters within the*
3 *responsibility and authority of the Director of National*
4 *Intelligence.*

5 “(B) *The Director shall submit to the congressional*
6 *intelligence committees each report under subparagraph (A)*
7 *within 7 days of the receipt of such report, together with*
8 *such comments as the Director considers appropriate. The*
9 *Director shall submit to the committees of the Senate and*
10 *of the House of Representatives with jurisdiction over a*
11 *department of the United States Government any portion*
12 *of each report under subparagraph (A) that involves a*
13 *problem, abuse, or deficiency related to a component of such*
14 *department simultaneously with transmission of the report*
15 *to the congressional intelligence committees.*

16 “(3) *The Inspector General shall immediately notify*
17 *and submit a report to the congressional intelligence*
18 *committees on an investigation, inspection, review, or audit*
19 *if—*

20 “(A) *the Inspector General is unable to resolve*
21 *any significant differences with the Director affecting*
22 *the execution of the duties or responsibilities of the*
23 *Inspector General;*

24 “(B) *the investigation, inspection, review, or*
25 *audit carried out by the Inspector General focuses on*

1 *any current or former intelligence community official*
2 *who—*

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

9 “(ii) holds or held a position in an element
10 of the intelligence community, including a
11 position held on an acting basis, that is ap-
12 pointed by the Director of National Intelligence;
13 or

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

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

22 “(D) the Inspector General receives notice from
23 the Department of Justice declining or approving
24 prosecution of possible criminal conduct of any

1 *current or former official described in subparagraph*
2 *(B); or*

3 *“(E) the Inspector General, after exhausting all*
4 *possible alternatives, is unable to obtain significant*
5 *documentary information in the course of such*
6 *investigation, inspection, review, or audit.*

7 *“(4)(A) An employee of an element of the intelligence*
8 *community, an employee assigned or detailed to an element*
9 *of the intelligence community, or an employee of a*
10 *contractor of the intelligence community who intends to*
11 *report to Congress a complaint or information with respect*
12 *to an urgent concern may report such complaint or*
13 *information to the Inspector General.*

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

22 *“(C) Upon receipt of a submittal from the Inspector*
23 *General under subparagraph (B), the Director shall, not*
24 *later than 7 days after such receipt, forward such trans-*

1 *mittal to the congressional intelligence committees, together*
2 *with any comments the Director considers appropriate.*

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

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

14 “(I) *before making such a contact, furnishes to*
15 *the Director, through the Inspector General, a*
16 *statement of the employee’s complaint or information*
17 *and notice of the employee’s intent to contact the*
18 *congressional intelligence committees directly; and*

19 “(II) *obtains and follows from the Director,*
20 *through the Inspector General, direction on how to*
21 *contact the intelligence committees in accordance with*
22 *appropriate security practices.*

23 “(iii) *A member or employee of one of the congressional*
24 *intelligence committees who receives a complaint or*
25 *information under clause (ii) does so in that member or*

1 *employee's official capacity as a member or employee of*
2 *such committee.*

3 “(E) *The Inspector General shall notify an employee*
4 *who reports a complaint or information to the Inspector*
5 *General under this paragraph of each action taken under*
6 *this paragraph with respect to the complaint or*
7 *information. Such notice shall be provided not later than*
8 *3 days after any such action is taken.*

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

12 “(G) *Nothing in this paragraph shall be construed to*
13 *limit the protections afforded an employee of or contractor*
14 *to the Central Intelligence Agency under section 17(e)(3)*
15 *of the Central Intelligence Agency Act of 1949 (50 U.S.C.*
16 *403q(e)(3)).*

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

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

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

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

9 “(5) *In accordance with section 535 of title 28, United*
10 *States Code, the Inspector General shall report to the Attor-*
11 *ney General any information, allegation, or complaint*
12 *received by the Inspector General relating to violations of*
13 *Federal criminal law that involves a program or operation*
14 *of an element of the intelligence community, or in the*
15 *relationships between the elements of the intelligence*
16 *community, consistent with such guidelines as may be*
17 *issued by the Attorney General pursuant to subsection*
18 *(b)(2) of such section. A copy of each such report shall be*
19 *furnished to the Director.*

20 “(j) *SEPARATE BUDGET ACCOUNT.—The Director of*
21 *National Intelligence shall, in accordance with procedures*
22 *to be issued by the Director in consultation with the*
23 *congressional intelligence committees, include in the*
24 *National Intelligence Program budget a separate account*

1 *for the Office of Inspector General of the Intelligence*
2 *Community.*

3 “(k) *CONSTRUCTION OF DUTIES REGARDING ELE-*
4 *MENTS OF INTELLIGENCE COMMUNITY.—Except as resolved*
5 *pursuant to subsection (g), the performance by the Inspector*
6 *General of the Intelligence Community of any duty,*
7 *responsibility, or function regarding an element of the*
8 *intelligence community shall not be construed to modify or*
9 *affect the duties and responsibilities of any other inspector*
10 *general having duties and responsibilities relating to such*
11 *element.”.*

12 (2) *CLERICAL AMENDMENT.—The table of*
13 *contents in the first section of the National Security*
14 *Act of 1947 (50 U.S.C. 401 note), as amended by*
15 *section 366 of this Act, is further amended by*
16 *inserting after the item relating to section 103H the*
17 *following new item:*

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

18 (b) *REPEAL OF SUPERSEDED AUTHORITY TO*
19 *ESTABLISH POSITION.—Section 8K of the Inspector*
20 *General Act of 1978 (5 U.S.C. App.) is repealed.*

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

24 “*Inspector General of the Intelligence*
25 *Community.*”.

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

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

4 (A) *the date of the appointment by the*
5 *President and confirmation by the Senate of an*
6 *individual to serve as Inspector General of the*
7 *Intelligence Community; or*

8 (B) *the date of the cessation of the*
9 *performance of the duties of the Inspector*
10 *General of the Intelligence Community by the*
11 *individual serving as the Inspector General of*
12 *the Office of the Director of National Intelligence*
13 *as of the date of the enactment of this Act.*

14 (2) *TRANSITION.*—*The individual serving as the*
15 *Inspector General of the Office of the Director of*
16 *National Intelligence as of the date of the enactment*
17 *of this Act shall perform the duties of the Inspector*
18 *General of the Intelligence Community until the*
19 *individual appointed to the position of Inspector*
20 *General of the Intelligence Community assumes the*
21 *duties of such position.*

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

3 ***SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY***
4 ***INSPECTOR GENERAL OF THE CENTRAL***
5 ***INTELLIGENCE AGENCY.***

6 (a) *IN GENERAL.*—Section 503 of the National
7 Security Act of 1947 (50 U.S.C. 413b), as amended by
8 section 321 of this Act, is further amended—

9 (1) *by redesignating subsection (e) as subsection*
10 *(i) and transferring such subsection to the end; and*
11 (2) *by inserting after subsection (d) the following*
12 *new subsection:*

13 “(e) *INSPECTOR GENERAL AUDITS OF COVERT AC-*
14 *TIONS.*—

15 “(1) *IN GENERAL.*—Subject to paragraph (2), the
16 *Inspector General of the Central Intelligence Agency*
17 *shall conduct an audit of each covert action at least*
18 *every 3 years. Such audits shall be conducted subject*
19 *to the provisions of paragraphs (3) and (4) of*
20 *subsection (b) of section 17 of the Central Intelligence*
21 *Agency Act of 1949 (50 U.S.C. 403q).*

22 “(2) *TERMINATED, SUSPENDED PROGRAMS.*—The
23 *Inspector General of the Central Intelligence Agency*
24 *is not required to conduct an audit under paragraph*
25 *(1) of a covert action that has been terminated or*

1 *suspended if such covert action was terminated or*
2 *suspended prior to the last audit of such covert action*
3 *conducted by the Inspector General and has not been*
4 *restarted after the date on which such audit was*
5 *completed.*

6 “(3) *REPORT.*—*Not later than 60 days after the*
7 *completion of an audit conducted pursuant to*
8 *paragraph (1), the Inspector General of the Central*
9 *Intelligence Agency shall submit to the congressional*
10 *intelligence committees a report containing the results*
11 *of such audit.”.*

12 “(b) *CONFORMING AMENDMENTS.*—*Title V of the*
13 *National Security Act of 1947 (50 U.S.C. 413 et seq.) is*
14 *amended—*

15 (1) *in section 501(f) (50 U.S.C. 413(f)), by*
16 *striking “503(e)” and inserting “503(i)”;*

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

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

1 **SEC. 412. PROHIBITION ON THE USE OF PRIVATE**
2 **CONTRACTORS FOR INTERROGATIONS**
3 **INVOLVING PERSONS IN THE CUSTODY OF**
4 **THE CENTRAL INTELLIGENCE AGENCY.**

5 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
6 *403a et seq.) is amended by adding at the end the following*
7 *new section:*

8 *“PROHIBITION ON THE USE OF PRIVATE CONTRACTORS*
9 *FOR INTERROGATIONS INVOLVING PERSONS IN THE*
10 *CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY*

11 *“SEC. 24. (a) PROHIBITION.—Notwithstanding any*
12 *other provision of law, the Director of the Central*
13 *Intelligence Agency shall not expend or obligate funds for*
14 *payment to any contractor to conduct the interrogation of*
15 *a detainee or prisoner in the custody of the Central*
16 *Intelligence Agency.*

17 *“(b) EXCEPTION.—*

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

23 *“(A) no employee of the Federal*
24 *Government is—*

25 *“(i) capable of performing such inter-*
26 *rogation; and*

1 “(ii) available to perform such interro-
2 gation; and

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

6 “(2) *CLARIFICATION OF APPLICABILITY OF*
7 *CERTAIN LAWS.—Any contractor conducting an inter-*
8 *rogation pursuant to a waiver under paragraph (1)*
9 *shall be subject to all laws on the conduct of interro-*
10 *gations that would apply if an employee of the*
11 *Federal Government were conducting the interroga-*
12 *tion.”.*

13 **SEC. 413. APPEALS FROM DECISIONS OF CENTRAL**
14 **INTELLIGENCE AGENCY CONTRACTING**
15 **OFFICERS.**

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

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

3 **SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL**
4 **INTELLIGENCE AGENCY.**

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

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

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

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

17 “(1) *assist the Director of the Central*
18 *Intelligence Agency in carrying out the duties and*
19 *responsibilities of the Director of the Central*
20 *Intelligence Agency; and*

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

26 (b) *CONFORMING AMENDMENTS.—*

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

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

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

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

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

23 (2) the date of the cessation of the performance
24 of the duties of the Deputy Director of the Central
25 Intelligence Agency by the individual administra-

1 *tively performing such duties as of the date of the*
2 *enactment of this Act.*

3 **SEC. 415. PROTECTION AGAINST REPRISALS.**

4 *Section 17(e)(3)(B) of the Central Intelligence Agency*
5 *Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by*
6 *inserting “or providing such information” after “making*
7 *such complaint”.*

8 **SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF INTER-**
9 **ROGATIONS OF PERSONS IN THE CUSTODY**
10 **OF THE CENTRAL INTELLIGENCE AGENCY.**

11 *(a) IN GENERAL.—The Central Intelligence Agency*
12 *Act of 1949 (50 U.S.C. 403a et seq.), as amended by section*
13 *412 of this Act, is further amended by adding at the end*
14 *the following new section:*

15 *“REQUIREMENT FOR VIDEO RECORDING OF INTERROGA-*
16 *TIONS OF PERSONS IN THE CUSTODY OF THE*
17 *CENTRAL INTELLIGENCE AGENCY*

18 *“SEC. 25. (a) IN GENERAL.—Except as provided in*
19 *subsection (b), the Director of the Central Intelligence Agen-*
20 *cy shall establish guidelines to ensure that each interroga-*
21 *tion of a person who is in the custody of the Central*
22 *Intelligence Agency is recorded in video form and that the*
23 *video recording of such interrogation is maintained—*

24 *“(1) for not less than 10 years from the date on*
25 *which such recording is made; and*

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

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

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

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

1 ***Subtitle C—Other Elements***

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

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

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

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

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

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

19 ***SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO***
20 ***THE OFFICE OF THE NATIONAL***
21 ***COUNTERINTELLIGENCE EXECUTIVE.***

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

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

2 *and*

3 (2) *by redesignating subsections (e), (f), (g), (k),*

4 *(l), and (m) as subsections (d), (e), (f), (g), (h), and*

5 *(i), respectively; and*

6 (3) *in subsection (f), as redesignated by*

7 *paragraph (2) of this subsection, by striking*

8 *paragraphs (3) and (4).*

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

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

13 (A) *in paragraph (1), by striking*

14 *“subsection (f)” and inserting “subsection (e)”;*

15 *and*

16 (B) *in paragraph (2), by striking*

17 *“subsection (f)” and inserting “subsection (e)”;*

18 *and*

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

20 (A) *in paragraph (1), by striking*

21 *“subsection (e)(1)” and inserting “subsection*

22 *(d)(1)”;* *and*

23 (B) *in paragraph (2), by striking*

24 *“subsection (e)(2)” and inserting “subsection*

25 *(d)(2)”.*

1 **SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF**
2 **CERTAIN COMPONENTS OF THE**
3 **INTELLIGENCE COMMUNITY.**

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL**
2 **SECURITY AGENCY FOR COMPLIANCE AND**
3 **TRAINING.**

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

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

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

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

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

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

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

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

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

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

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

16 ***SEC. 427. INSPECTOR GENERAL OF THE NATIONAL***
17 ***SECURITY AGENCY.***

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

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

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

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

2 **OFFICE.**

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

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

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

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

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

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

4 **SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE**
5 **REVIEW OF THE RESEARCH AND**
6 **DEVELOPMENT PROGRAMS OF THE UNITED**
7 **STATES INTELLIGENCE COMMUNITY.**

8 (a) *EXTENSION.*—

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

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

18 (3) *COMMISSION MEMBERSHIP.*—

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

1 “Commission”) shall be considered vacant and
2 new members shall be appointed in accordance
3 with such section 1002, as amended by
4 subparagraph (B).

5 (B) *TECHNICAL AMENDMENT.*—Paragraph
6 (1) of section 1002(b) of such Act is amended by
7 striking “The Deputy Director of Central
8 Intelligence for Community Management.” and
9 inserting “The Principal Deputy Director of
10 National Intelligence.”.

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

17 (b) *FUNDING.*—

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

1 (2) *AVAILABILITY.*—Amounts made available to
2 the Commission pursuant to paragraph (1) shall
3 remain available until expended.

4 **SEC. 502. EXPANSION AND CLARIFICATION OF THE DUTIES**
5 **OF THE PROGRAM MANAGER FOR THE**
6 **INFORMATION SHARING ENVIRONMENT.**

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

9 (1) in subsection (a)—

10 (A) in paragraph (3), by striking
11 “terrorism and homeland security information”
12 and inserting “national security information”;

13 (B) by redesignating paragraphs (4), (5),
14 and (6) as paragraphs (5), (6), and (7),
15 respectively; and

16 (C) by inserting after paragraph (3) the
17 following new paragraph:

18 “(4) *NATIONAL SECURITY INFORMATION.*—The
19 term ‘national security information’ includes
20 homeland security information and terrorism
21 information.”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)(A), by striking
24 “terrorism information” and inserting “national
25 security information”; and

1 (B) in paragraph (2) in the first sentence
2 of the matter preceding subparagraph (A), by
3 striking “terrorism information” and inserting
4 “national security information”; and
5 (3) in subsection (f)(1)—

6 (A) in the second sentence, by inserting “in
7 the Executive Office of the President and shall
8 serve” after “The individual designated as the
9 program manager shall serve”; and

10 (B) in the third sentence, by striking
11 “homeland security information, terrorism
12 information, and weapons of mass destruction
13 information” and inserting “national security
14 information”.

15 **SEC. 503. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH**
16 **MATERIALS IN THE POSSESSION OF THE**
17 **CONGRESSIONAL INTELLIGENCE**
18 **COMMITTEES.**

19 *The Director of National Intelligence shall, in accord-*
20 *ance with procedures established by each of the*
21 *congressional intelligence committees, conduct a*
22 *classification review of materials in the possession of each*
23 *of those committees that—*

24 (1) are not less than 25 years old; and

1 (2) *were created, or provided to that committee,*
2 *by the executive branch.*

3 **SEC. 504. PROHIBITION ON USE OF FUNDS TO PROVIDE**
4 **MIRANDA WARNINGS TO CERTAIN PERSONS**
5 **OUTSIDE OF THE UNITED STATES.**

6 *None of the funds authorized to be appropriated by this*
7 *Act may be used to provide the warnings of constitutional*
8 *rights described in *Miranda v. Arizona*, 384 U.S.436 (U.S.*
9 *1966), to a person located outside of the United States who*
10 *is not a United States person and is—*

11 (1) *suspected of terrorism, associated with*
12 *terrorists, or believed to have knowledge of terrorists;*
13 *or*

14 (2) *a detainee in the custody of the Armed Forces*
15 *of the United States.*

16 ***Subtitle B—Technical Amendments***

17 **SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL**
18 **INTELLIGENCE AGENCY ACT OF 1949.**

19 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
20 *403a et seq.) is amended—*

21 (1) *in section 5(a)(1), by striking “authorized*
22 *under paragraphs (2) and (3)” and all that follows*
23 *through “(50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d),*
24 *403–4(a), (g), and 405)” and inserting “authorized*

1 *under section 104A of the National Security Act of*
2 *1947 (50 U.S.C. 403–4a)”; and*
3 *(2) in section 17(d)(3)(B)—*
4 *(A) in clause (i), by striking “advise” and*
5 *inserting “advice”; and*
6 *(B) in clause (ii)—*
7 *(i) in subclause (I), by striking*
8 *“Executive Director” and inserting “Asso-*
9 *ciate Deputy Director”;*
10 *(ii) in subclause (II), by striking*
11 *“Deputy Director for Operations” and*
12 *inserting “Director of the National*
13 *Clandestine Service”;*
14 *(iii) in subclause (III), by striking*
15 *“Deputy Director for Intelligence” and*
16 *inserting “Director of Intelligence”;*
17 *(iv) in subclause (IV), by striking*
18 *“Deputy Director for Administration” and*
19 *inserting “Director of Support”; and*
20 *(v) in subclause (V), by striking*
21 *“Deputy Director for Science and*
22 *Technology” and inserting “Director of*
23 *Science and Technology”.*

1 **SEC. 512. TECHNICAL AMENDMENT TO MANDATORY**
2 **RETIREMENT PROVISION OF CENTRAL**
3 **INTELLIGENCE AGENCY RETIREMENT ACT.**

4 *Section 235(b)(1)(A) of the Central Intelligence Agency*
5 *Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to*
6 *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 5315*
19 *of title 5, United States Code is amended by striking the*
20 *item relating to the General Counsel of the Office of the*
21 *National Intelligence Director and inserting the following*
22 *new item:*

23 *“General Counsel of the Office of the Director of*
24 *National Intelligence.”.*

1 **SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN**
2 **INTELLIGENCE SURVEILLANCE ACT OF 1978.**

3 *The Foreign Intelligence Surveillance Act of 1978 (50*
4 *U.S.C. 1801 et seq.) is amended—*

5 (1) *in section 101—*

6 (A) *in subsection (a), by moving paragraph*

7 *(7) two ems to the right; and*

8 (B) *by moving subsections (b) through (p)*

9 *two 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 second*

16 *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)”;* and

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 for*
5 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;*
6 *31 U.S.C. 311 note) is amended—*

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

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

11 **SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
12 **REFORM AND TERRORISM PREVENTION ACT**
13 **OF 2004.**

14 *The Intelligence Reform and Terrorism Prevention Act*
15 *of 2004 (Public Law 108–458; 118 Stat. 3638) is amend-*
16 *ed—*

17 *(1) in section 1016(e)(10)(B) (6 U.S.C.*
18 *485(e)(10)(B)), by striking “Attorney General” the*
19 *second place it appears and inserting “Department of*
20 *Justice”;*

21 *(2) in section 2001 (28 U.S.C. 532 note)—*

22 *(A) in subsection (c)(1)—*

23 *(i) by striking “shall,” and inserting*
24 *“shall”; and*

25 *(ii) by inserting “of” before “an*
26 *institutional culture”;*

1 (B) in subsection (e)(2), by striking “the
2 National Intelligence Director in a manner con-
3 sistent with section 112(e)” and inserting “the
4 Director of National Intelligence in a manner
5 consistent with applicable law”; and

6 (C) in subsection (f) in the matter preceding
7 paragraph (1), by striking “shall,” and inserting
8 “shall”; and
9 (3) in section 2006 (28 U.S.C. 509 note)—

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

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

14 **SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE**
15 **MULTIYEAR NATIONAL INTELLIGENCE**
16 **PROGRAM.**

17 Section 1403 of the National Defense Authorization
18 Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

19 (1) in the heading, by striking “**FOREIGN**”;

20 (2) in subsection (a)—

21 (A) in the heading, by striking “**FOREIGN**”;

22 (B) by striking “foreign” each place it ap-
23 pears; and

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

4 (3) in subsection (b), by striking “The Director”
5 and inserting “The Director of National Intelligence”;
6 and

7 (4) in subsection (c)—

8 (A) by striking “Director of Central
9 Intelligence” and inserting “Director of National
10 Intelligence”; and

11 (B) by striking “section 114a” and
12 inserting “section 221”.

13 **SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL**
14 **SECURITY ACT OF 1947.**

15 *The National Security Act of 1947 (50 U.S.C. 401 et*
16 *seq.) is further amended—*

17 (1) section 3(4)(L), by striking “other” the
18 second place it appears;

19 (2) in section 102A—

20 (A) in subsection (c)(3)(A), by striking “an-
21 nual budgets for the Joint Military Intelligence
22 Program and for Tactical Intelligence and
23 Related Activities” and inserting “annual budget
24 for the Military Intelligence Program or any
25 successor program”;

1 (B) in subsection (d)—

2 (i) in paragraph (1)(B), by striking
3 “Joint Military Intelligence Program” and
4 inserting “Military Intelligence Program or
5 any successor program”;

6 (ii) in paragraph (3) in the matter
7 preceding subparagraph (A), by striking
8 “subparagraph (A)” and inserting
9 “paragraph (1)(A)”; and

10 (iii) in paragraph (5)—

11 (I) in subparagraph (A), by
12 striking “or personnel” in the matter
13 preceding clause (i); and

14 (II) in subparagraph (B), by
15 striking “or agency involved” in the
16 second sentence and inserting
17 “involved or the Director of the Central
18 Intelligence Agency (in the case of the
19 Central Intelligence Agency)”;

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

22 (D) in subsection (n), by inserting “AND
23 OTHER” after “ACQUISITION”;

24 (3) in section 103(b), by striking “, the National
25 Security Act of 1947 (50 U.S.C. 401 et seq.),”;

1 (4) in section 104A(g)(1) in the matter preceding
2 subparagraph (A), by striking “Directorate of
3 Operations” and inserting “National Clandestine
4 Service”;

5 (5) in section 119(c)(2)(B) (50 U.S.C.
6 4040(c)(2)(B)), by striking “subsection (h)” and
7 inserting “subsection (i)”;

8 (6) in section 701(b)(1), by striking “Directorate
9 of Operations” and inserting “National Clandestine
10 Service”;

11 (7) in section 705(e)(2)(D)(i) (50 U.S.C.
12 432c(e)(2)(D)(i)), by striking “responsible” and
13 inserting “responsive”; and

14 (8) in the table of contents in the first section—

15 (A) by striking the item relating to section
16 1002; and

17 (B) by inserting after the item relating to
18 section 1001 the following new item:

 “Sec. 1002. Framework for cross-disciplinary education and training.”.

19 **SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
20 **STATES CODE.**

21 Section 528(c) of title 10, United States Code, is
22 amended—

23 (1) in the heading, by striking “ASSOCIATE
24 DIRECTOR OF CIA FOR MILITARY AFFAIRS” and

1 *inserting “ASSOCIATE DIRECTOR OF MILITARY AF-*
2 *FAIRS, CIA”;* and
3 *(2) by striking “Associate Director of the Central*
4 *Intelligence Agency for Military Affairs” and*
5 *inserting “Associate Director of Military Affairs,*
6 *Central Intelligence Agency, or any successor*
7 *position”.*