

In the Senate of the United States,

October 3, 2007.

Resolved, That the bill from the House of Representatives (H.R. 2082) entitled “An Act to authorize appropriations for fiscal year 2008 for the 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
3 *telligence Authorization Act for Fiscal Year 2008”.*

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel level adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Incorporation of reporting requirements.

Sec. 106. Development and acquisition program.

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

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of Central Intelligence Agency Retirement Act.

**TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE
COMMUNITY MATTERS**

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

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.

Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.

Sec. 305. Modification of availability of funds for different intelligence activities.

Sec. 306. Increase in penalties for disclosure of undercover intelligence officers and agents.

Sec. 307. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.

Sec. 308. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.

Sec. 309. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

Sec. 310. Vulnerability assessments of major systems.

Sec. 311. Annual personnel level assessments for the intelligence community.

Sec. 312. Business enterprise architecture and business system modernization for the intelligence community.

Sec. 313. Reports on the acquisition of major systems.

Sec. 314. Excessive cost growth of major systems.

Sec. 315. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.

Sec. 316. Repeal of certain reporting requirements.

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Requirements for accountability reviews by the Director of National Intelligence.

Sec. 402. Additional authorities of the Director of National Intelligence on intelligence information sharing.

Sec. 403. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.

Sec. 404. Additional administrative authority of the Director of National Intelligence.

Sec. 405. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.

Sec. 406. Clarification of limitation on co-location of the Office of the Director of National Intelligence.

- Sec. 407. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.*
- Sec. 408. Title of Chief Information Officer of the Intelligence Community.*
- Sec. 409. Reserve for Contingencies of the Office of the Director of National Intelligence.*
- Sec. 410. Inspector General of the Intelligence Community.*
- Sec. 411. Leadership and location of certain offices and officials.*
- Sec. 412. National Space Intelligence Office.*
- Sec. 413. Operational files in the Office of the Director of National Intelligence.*
- Sec. 414. Repeal of certain authorities relating to the Office of the National Counter-intelligence Executive.*
- Sec. 415. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.*
- Sec. 416. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.*
- Sec. 417. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.*

Subtitle B—Central Intelligence Agency

- Sec. 421. Director and Deputy Director of the Central Intelligence Agency.*
- Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.*
- Sec. 423. Additional functions and authorities for protective personnel of the Central Intelligence Agency.*
- Sec. 424. Technical amendments relating to titles of certain Central Intelligence Agency positions.*
- Sec. 425. Director of National Intelligence report on retirement benefits for former employees of Air America.*

Subtitle C—Defense Intelligence Components

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

Subtitle D—Other Elements

- Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.*
- Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.*

TITLE V—OTHER MATTERS

- Sec. 501. Technical amendments to the National Security Act of 1947.*
- Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.*

Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 507. Technical amendments to the Executive Schedule.

Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

Sec. 509. Other technical amendments relating to responsibility of the Director of National Intelligence as head of the intelligence community.

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

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

4 *Funds are hereby authorized to be appropriated for fis-*
 5 *cal year 2008 for the conduct of the intelligence and intel-*
 6 *ligence-related activities of the following elements of the*
 7 *United States Government:*

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

10 (2) *The Central Intelligence Agency.*

11 (3) *The Department of Defense.*

12 (4) *The Defense Intelligence Agency.*

13 (5) *The National Security Agency.*

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

17 (7) *The Department of State.*

18 (8) *The Department of the Treasury.*

19 (9) *The Department of Energy.*

1 (10) *The Department of Justice.*

2 (11) *The Federal Bureau of Investigation.*

3 (12) *The National Reconnaissance Office.*

4 (13) *The National Geospatial-Intelligence Agen-*
5 *cy.*

6 (14) *The Coast Guard.*

7 (15) *The Department of Homeland Security.*

8 (16) *The Drug Enforcement Administration.*

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

10 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
11 *LEVELS.—The amounts authorized to be appropriated*
12 *under section 101, and the authorized personnel levels (ex-*
13 *pressed as full-time equivalent positions) as of September*
14 *30, 2008, for the conduct of the intelligence and intelligence-*
15 *related activities of the elements listed in such section, are*
16 *those specified in the classified Schedule of Authorizations*
17 *prepared to accompany the conference report on the bill*
18 *_____ of the One Hundred Tenth Congress.*

19 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
20 *THORIZATIONS.—The Schedule of Authorizations shall be*
21 *made available to the Committees on Appropriations of the*
22 *Senate and House of Representatives and to the President.*
23 *The President shall provide for suitable distribution of the*
24 *Schedule, or of appropriate portions of the Schedule, within*
25 *the executive branch.*

1 **SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.**

2 (a) *AUTHORITY FOR ADJUSTMENTS.*—With the ap-
3 proval of the Director of the Office of Management and
4 Budget, the Director of National Intelligence may authorize
5 employment of civilian personnel in excess of the number
6 of authorized full-time equivalent positions for fiscal year
7 2008 under section 102 when the Director of National Intel-
8 ligence determines that such action is necessary to the per-
9 formance of important intelligence functions, except that the
10 number of personnel employed in excess of the number au-
11 thorized under such section may not, for any element of
12 the intelligence community, exceed 5 percent of the number
13 of civilian personnel authorized under such section for such
14 element.

15 (b) *AUTHORITY FOR CONVERSION OF ACTIVITIES PER-*
16 *FORMED BY CONTRACTORS.*—In addition to the authority
17 in subsection (a), upon a determination by the head of an
18 element in the intelligence community that activities cur-
19 rently being performed by contractor employees should be
20 performed by government employees, the concurrence of the
21 Director of National Intelligence in such determination,
22 and the approval of the Director of the Office of Manage-
23 ment and Budget, the Director of National Intelligence may
24 authorize employment of additional full-time equivalent
25 personnel in such element of the intelligence community

1 *equal to the number of full-time equivalent contractor em-*
2 *ployees performing such activities.*

3 (c) *NOTICE TO INTELLIGENCE COMMITTEES.*—*The Di-*
4 *rector of National Intelligence shall notify the Select Com-*
5 *mittee on Intelligence of the Senate and the Permanent Se-*
6 *lect Committee on Intelligence of the House of Representa-*
7 *tives in writing at least 15 days before each exercise of the*
8 *authority in subsection (a) or (b).*

9 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
10 **COUNT.**

11 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
12 *authorized to be appropriated for the Intelligence Commu-*
13 *nity Management Account of the Director of National Intel-*
14 *ligence for fiscal year 2008 the sum of \$715,076,000. Within*
15 *such amount, funds identified in the classified Schedule of*
16 *Authorizations referred to in section 102(a) for advanced*
17 *research and development shall remain available until Sep-*
18 *tember 30, 2009.*

19 (b) *AUTHORIZED PERSONNEL LEVELS.*—*The elements*
20 *within the Intelligence Community Management Account of*
21 *the Director of National Intelligence are authorized 1768*
22 *full-time equivalent personnel as of September 30, 2008.*
23 *Personnel serving in such elements may be permanent em-*
24 *ployees of the Intelligence Community Management Account*

1 *or personnel detailed from other elements of the United*
2 *States Government.*

3 (c) *CONSTRUCTION OF AUTHORITIES.*—*The authorities*
4 *available to the Director of National Intelligence under sec-*
5 *tion 103 are also available to the Director for the adjust-*
6 *ment of personnel levels in elements within the Intelligence*
7 *Community Management Account.*

8 (d) *CLASSIFIED AUTHORIZATIONS.*—

9 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*In*
10 *addition to amounts authorized to be appropriated*
11 *for the Intelligence Community Management Account*
12 *by subsection (a), there are also authorized to be ap-*
13 *propriated for the Intelligence Community Manage-*
14 *ment Account for fiscal year 2008 such additional*
15 *amounts as are specified in the classified Schedule of*
16 *Authorizations referred to in section 102(a). Such ad-*
17 *ditional amounts for research and development shall*
18 *remain available until September 30, 2009.*

19 (2) *AUTHORIZATION OF PERSONNEL.*—*In addi-*
20 *tion to the personnel authorized by subsection (b) for*
21 *elements of the Intelligence Community Management*
22 *Account as of September 30, 2008, there are also au-*
23 *thorized such additional personnel for such elements*
24 *as of that date as are specified in the classified Sched-*
25 *ule of Authorizations.*

1 **SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.**

2 (a) *IN GENERAL.*—Each requirement to submit a re-
3 port to the congressional intelligence committees that is in-
4 cluded in the joint explanatory statement to accompany the
5 conference report on the bill _____ of the One Hundred
6 Tenth Congress, or in the classified annex to this Act, is
7 hereby incorporated into this Act, and is hereby made a
8 requirement in law.

9 (b) *CONGRESSIONAL INTELLIGENCE COMMITTEES DE-*
10 *FINED.*—In this section, the term “congressional intelligence
11 committees” means—

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

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

16 **SEC. 106. DEVELOPMENT AND ACQUISITION PROGRAM.**

17 (a) *TRANSFER OF FUNDS.*—Of the funds appropriated
18 for the National Intelligence Program for fiscal year 2008,
19 and of funds currently available for obligation for any prior
20 fiscal year, the Director of National Intelligence shall trans-
21 fer not less than the amount specified in the classified annex
22 to the Office of the Director of National Intelligence to fund
23 the development and acquisition of the program specified
24 in the classified annex.

25 (b) *AVAILABILITY OF FUNDS.*—The funds transferred
26 under subsection (a) shall be available as follows:

1 (1) *In the case of funds appropriated prior to the*
2 *date of the enactment of this section, for the time of*
3 *availability as originally appropriated.*

4 (2) *In the case of funds appropriated on or after*
5 *the date of the enactment of this section, without fis-*
6 *cal year limitation.*

7 **TITLE II—CENTRAL INTEL-**
8 **LIGENCE AGENCY RETIRE-**
9 **MENT AND DISABILITY SYS-**
10 **TEM**

11 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

12 *There is authorized to be appropriated for the Central*
13 *Intelligence Agency Retirement and Disability Fund for fis-*
14 *cal year 2008 the sum of \$262,500,000.*

15 **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RE-**
16 **TIREMENT PROVISION OF CENTRAL INTEL-**
17 **LIGENCE AGENCY RETIREMENT ACT.**

18 *Section 235(b)(1)(A) of the Central Intelligence Agency*
19 *Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by*
20 *striking “receiving compensation under the Senior Intel-*
21 *ligence Service pay schedule at the rate” and inserting*
22 *“who is at the Senior Intelligence Service rank”.*

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

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

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

11 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
12 **ACTIVITIES.**

13 *The authorization of appropriations by this Act shall*
14 *not be deemed to constitute authority for the conduct of any*
15 *intelligence activity which is not otherwise authorized by*
16 *the Constitution or the laws of the United States.*

17 **SEC. 303. CLARIFICATION OF DEFINITION OF INTEL-**
18 **LIGENCE COMMUNITY UNDER THE NATIONAL**
19 **SECURITY ACT OF 1947.**

20 *Subparagraph (L) of section 3(4) of the National Secu-*
21 *rity Act of 1947 (50 U.S.C. 401a(4)) is amended by striking*
22 *“other” the second place it appears.*

1 **SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON**
2 **COMMON CARRIERS FOR INTELLIGENCE COL-**
3 **LECTION PERSONNEL.**

4 (a) *DELEGATION OF AUTHORITY.*—Section 116(b) of
5 the National Security Act of 1947 (50 U.S.C. 404k(b)) is
6 amended—

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

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

12 (3) by adding at the end the following new para-
13 graph:

14 “(2) The head of an element of the intelligence commu-
15 nity to whom the authority in subsection (a) is delegated
16 pursuant to paragraph (1) may further delegate such au-
17 thority to such senior officials of such element as are speci-
18 fied in guidelines prescribed by the Director of National In-
19 telligence for purposes of this paragraph.”.

20 (b) *SUBMITTAL OF GUIDELINES TO CONGRESS.*—Not
21 later than six months after the date of the enactment of this
22 Act, the Director of National Intelligence shall prescribe
23 and submit to the congressional intelligence committees the
24 guidelines referred to in paragraph (2) of section 116(b)
25 of the National Security Act of 1947, as added by subsection
26 (a).

1 (c) *CONGRESSIONAL INTELLIGENCE COMMITTEES DE-*
2 *FINED.*—*In this section, the term “congressional intelligence*
3 *committees” means—*

4 (1) *the Select Committee on Intelligence of the*
5 *Senate; and*

6 (2) *the Permanent Select Committee on Intel-*
7 *ligence of the House of Representatives.*

8 **SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
9 **DIFFERENT INTELLIGENCE ACTIVITIES.**

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

13 “(B) *the use of such funds for such activity sup-*
14 *ports an emergent need, improves program effective-*
15 *ness, or increases efficiency; and”.*

16 **SEC. 306. INCREASE IN PENALTIES FOR DISCLOSURE OF**
17 **UNDERCOVER INTELLIGENCE OFFICERS AND**
18 **AGENTS.**

19 (a) *DISCLOSURE OF AGENT AFTER ACCESS TO INFOR-*
20 *MATION IDENTIFYING AGENT.*—*Subsection (a) of section*
21 *601 of the National Security Act of 1947 (50 U.S.C. 421)*
22 *is amended by striking “ten years” and inserting “15*
23 *years”.*

1 (b) *DISCLOSURE OF AGENT AFTER ACCESS TO CLASSI-*
2 *FIED INFORMATION.*—*Subsection (b) of such section is*
3 *amended by striking “five years” and inserting “ten years”.*

4 **SEC. 307. EXTENSION TO INTELLIGENCE COMMUNITY OF**
5 **AUTHORITY TO DELETE INFORMATION**
6 **ABOUT RECEIPT AND DISPOSITION OF FOR-**
7 **EIGN GIFTS AND DECORATIONS.**

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

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

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

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

1 **SEC. 308. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE**
2 **DETAILS TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 (a) *IN GENERAL.*—*Except as provided in section 113*
5 *of the National Security Act of 1947 (50 U.S.C. 404h) and*
6 *section 904(g)(2) of the Counterintelligence Enhancement*
7 *Act of 2002 (title IX of Public Law 107–306; 50 U.S.C.*
8 *402c(g)(2)) and notwithstanding any other provision of*
9 *law, in any fiscal year after fiscal year 2007 an officer or*
10 *employee of the United States or member of the Armed*
11 *Forces may be detailed to the staff of an element of the intel-*
12 *ligence community funded through the Community Man-*
13 *agement Account from another element of the United States*
14 *Government on a reimbursable or non-reimbursable basis,*
15 *as jointly agreed to by the Director of National Intelligence*
16 *and the head of the detailing element (or the designees of*
17 *such officials), for a period not to exceed three years.*

18 (b) *ELEMENT OF THE INTELLIGENCE COMMUNITY DE-*
19 *FINED.*—*In this section, the term “element of the intel-*
20 *ligence community” means an element of the intelligence*
21 *community listed in or designated under section 3(4) of the*
22 *National Security Act of 1947 (50 U.S.C. 401a(4)).*

1 **SEC. 309. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**
2 **ON COMPLIANCE WITH THE DETAINEE**
3 **TREATMENT ACT OF 2005 AND RELATED PRO-**
4 **VISIONS OF THE MILITARY COMMISSIONS**
5 **ACT OF 2006.**

6 (a) *REPORT REQUIRED.*—Not later than December 1,
7 2007, the Director of National Intelligence shall submit to
8 the congressional intelligence committees a comprehensive
9 report on all measures taken by the Office of the Director
10 of National Intelligence and by each element, if any, of the
11 intelligence community with relevant responsibilities to
12 comply with the provisions of the Detainee Treatment Act
13 of 2005 (title X of division A of Public Law 109–148) and
14 related provisions of the Military Commissions Act of 2006
15 (Public Law 109–366).

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

18 (1) *A description of the detention or interroga-*
19 *tion methods, if any, that have been determined to*
20 *comply with section 1003 of the Detainee Treatment*
21 *Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and*
22 *section 6 of the Military Commissions Act of 2006*
23 *(120 Stat. 2632; 18 U.S.C. 2441 note) (including the*
24 *amendments made by such section 6), and, with re-*
25 *spect to each such method—*

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

3 (B) a statement of the basis for such deter-
4 mination.

5 (2) A description of the detention or interroga-
6 tion methods, if any, whose use has been discontinued
7 pursuant to the Detainee Treatment Act of 2005 or
8 the Military Commission Act of 2006, and, with re-
9 spect to each such method—

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

13 (B) a statement of the basis for such deter-
14 mination.

15 (3) A description of any actions that have been
16 taken to implement section 1004 of the Detainee
17 Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.
18 2000dd-1), and, with respect to each such action—

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

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

22 (4) Any other matters that the Director considers
23 necessary to fully and currently inform the congress-
24 sional intelligence committees about the implementa-
25 tion of the Detainee Treatment Act of 2005 and re-

1 *lated provisions of the Military Commissions Act of*
2 *2006.*

3 *(5) An appendix containing—*

4 *(A) all guidelines for the application of the*
5 *Detainee Treatment Act of 2005 and related pro-*
6 *visions of the Military Commissions Act of 2006*
7 *to the detention or interrogation activities, if*
8 *any, of any element of the intelligence commu-*
9 *nity; and*

10 *(B) all legal justifications of any office or*
11 *official of the Department of Justice about the*
12 *meaning or application of Detainee Treatment*
13 *Act of 2005 or related provisions of the Military*
14 *Commissions Act of 2006 with respect to the de-*
15 *tention or interrogation activities, if any, of any*
16 *element of the intelligence community.*

17 *(c) FORM.—The report required by subsection (a) shall*
18 *be submitted in classified form.*

19 *(d) SUBMISSION TO THE CONGRESSIONAL ARMED*
20 *SERVICES COMMITTEES.—To the extent that the report re-*
21 *quired by subsection (a) addresses an element of the intel-*
22 *ligence community within the Department of Defense, that*
23 *portion of the report, and any associated material that is*
24 *necessary to make that portion understandable, shall also*

1 *be submitted by the Director of National Intelligence to the*
2 *congressional armed services committees.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) The term “congressional armed services com-*
5 *mittees” means—*

6 *(A) the Committee on Armed Services of the*
7 *Senate; and*

8 *(B) the Committee on Armed Services of the*
9 *House of Representatives.*

10 *(2) The term “congressional intelligence commit-*
11 *tees” means—*

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

14 *(B) the Permanent Select Committee on In-*
15 *telligence of the House of Representatives.*

16 *(3) The term “element of the intelligence commu-*
17 *nity” means the elements of the intelligence commu-*
18 *nity specified in or designated under section 3(4) of*
19 *the National Security Act of 1947 (50 U.S.C.*
20 *401a(4)).*

21 **SEC. 310. VULNERABILITY ASSESSMENTS OF MAJOR SYS-**
22 **TEMS.**

23 *(a) IN GENERAL.—Title V of the National Security*
24 *Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting*
25 *after section 506A the following new section:*

1 “*VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS*

2 “*SEC. 506B. (a) INITIAL VULNERABILITY ASSESS-*
3 *MENTS.—The Director of National Intelligence shall con-*
4 *duct an initial vulnerability assessment for any major sys-*
5 *tem and its items of supply, that is proposed for inclusion*
6 *in the National Intelligence Program. The initial vulner-*
7 *ability assessment of a major system and its items of supply*
8 *shall, at a minimum, use an analysis-based approach to—*

9 “(1) *identify applicable vulnerabilities;*

10 “(2) *define exploitation potential;*

11 “(3) *examine the system’s potential effectiveness;*

12 “(4) *determine overall vulnerability; and*

13 “(5) *make recommendations for risk reduction.*

14 “(b) *SUBSEQUENT VULNERABILITY ASSESSMENTS.—*

15 *(1) The Director of National Intelligence shall conduct sub-*
16 *sequent vulnerability assessments of each major system and*
17 *its items of supply within the National Intelligence*
18 *Program—*

19 “(A) *periodically throughout the life-span of the*
20 *major system;*

21 “(B) *whenever the Director determines that a*
22 *change in circumstances warrants the issuance of a*
23 *subsequent vulnerability assessment; or*

24 “(C) *upon the request of a congressional intel-*
25 *ligence committee.*

1 “(2) *Any subsequent vulnerability assessment of a*
2 *major system and its items of supply shall, at a minimum,*
3 *use an analysis-based approach and, if applicable, a test-*
4 *ing-based approach, to monitor the exploitation potential*
5 *of such system and reexamine the factors described in para-*
6 *graphs (1) through (5) of subsection (a).*

7 “(c) *MAJOR SYSTEM MANAGEMENT.—The Director of*
8 *National Intelligence shall give due consideration to the vul-*
9 *nerability assessments prepared for a given major system*
10 *when developing and determining the annual consolidated*
11 *National Intelligence Program budget.*

12 “(d) *CONGRESSIONAL OVERSIGHT.—(1) The Director*
13 *of National Intelligence shall provide to the congressional*
14 *intelligence committees a copy of each vulnerability assess-*
15 *ment conducted under subsection (a) or (b) not later than*
16 *10 days after the date of the completion of such assessment.*

17 “(2) *The Director of National Intelligence shall pro-*
18 *vide the congressional intelligence committees with a pro-*
19 *posed schedule for subsequent vulnerability assessments of*
20 *a major system under subsection (b) when providing such*
21 *committees with the initial vulnerability assessment under*
22 *subsection (a) of such system as required by subsection (d).*

23 “(e) *DEFINITIONS.—In this section:*

24 “(1) *The term ‘items of supply’—*

1 “(4) *The number of personnel positions requested*
2 *for the upcoming fiscal year.*

3 “(5) *The numerical and percentage increase or*
4 *decrease of such number as compared to the number*
5 *of personnel positions of the current fiscal year.*

6 “(6) *The numerical and percentage increase or*
7 *decrease of such number as compared to the number*
8 *of personnel positions during the prior 5 fiscal years.*

9 “(7) *The best estimate of the number and costs*
10 *of contractors to be funded by the element for the up-*
11 *coming fiscal year.*

12 “(8) *The numerical and percentage increase or*
13 *decrease of such costs of contractors as compared to*
14 *the best estimate of the costs of contractors of the cur-*
15 *rent fiscal year.*

16 “(9) *The numerical and percentage increase or*
17 *decrease of such costs of contractors as compared to*
18 *the cost of contractors, and the number of contractors,*
19 *during the prior 5 fiscal years.*

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

22 “(11) *A statement by the Director of National*
23 *Intelligence that, based on current and projected fund-*
24 *ing, the element concerned will have sufficient—*

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

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

5 “(C) *funding to support the administrative*
6 *and operational activities of the requested per-*
7 *sonnel levels.”.*

8 (b) *CLERICAL AMENDMENT.—The table of contents in*
9 *the first section of that Act, as amended by section 310(b),*
10 *is further amended by inserting after the item relating to*
11 *section 506B, as added by section 310(b), the following new*
12 *item:*

 “*Sec. 506C. Annual personnel levels assessment for the intelligence community.*”.

13 **SEC. 312. BUSINESS ENTERPRISE ARCHITECTURE AND**
14 **BUSINESS SYSTEM MODERNIZATION FOR THE**
15 **INTELLIGENCE COMMUNITY.**

16 (a) *BUSINESS ENTERPRISE ARCHITECTURE AND*
17 *BUSINESS SYSTEM MODERNIZATION.—*

18 (1) *IN GENERAL.—Title V of the National Secu-*
19 *rity Act of 1947 (50 U.S.C. 413 et seq.), as amended*
20 *by sections 310 and 311, is further amended by in-*
21 *serting after section 506C, as added by section 311(a),*
22 *the following new section:*

1 “INTELLIGENCE COMMUNITY BUSINESS SYSTEMS,
2 ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION
3 “SEC. 506D. (a) LIMITATION ON OBLIGATION OF
4 FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM
5 MODERNIZATION.—(1) After April 1, 2008, no funds appro-
6 priated to any element of the intelligence community may
7 be obligated for an intelligence community business system
8 modernization described in paragraph (2) unless—
9 “(A) the approval authority designated by the
10 Director of National Intelligence under subsection
11 (c)(2) makes the certification described in paragraph
12 (3) with respect to the intelligence community busi-
13 ness system modernization; and
14 “(B) the certification is approved by the Intel-
15 ligence Community Business Systems Management
16 Committee established under subsection (f).
17 “(2) An intelligence community business system mod-
18 ernization described in this paragraph is an intelligence
19 community business system modernization that—
20 “(A) will have a total cost in excess of
21 \$1,000,000; and
22 “(B) will receive more than 50 percent of the
23 funds for such cost from amounts appropriated for the
24 National Intelligence Program.

1 “(3) *The certification described in this paragraph for*
2 *an intelligence community business system modernization*
3 *is a certification, made by the approval authority des-*
4 *ignated by the Director under subsection (c)(2) to the Intel-*
5 *ligence Community Business Systems Management Com-*
6 *mittee, that the intelligence community business system*
7 *modernization—*

8 “(A) *complies with the enterprise architecture*
9 *under subsection (b); or*

10 “(B) *is necessary—*

11 “(i) *to achieve a critical national security*
12 *capability or address a critical requirement in*
13 *an area such as safety or security; or*

14 “(ii) *to prevent a significant adverse effect*
15 *on a project that is needed to achieve an essen-*
16 *tial capability, taking into consideration the al-*
17 *ternative solutions for preventing such adverse*
18 *effect.*

19 “(4) *The obligation of funds for an intelligence com-*
20 *munity business system modernization that does not comply*
21 *with the requirements of this subsection shall be treated as*
22 *a violation of section 1341(a)(1)(A) of title 31, United*
23 *States Code.*

24 “(b) *ENTERPRISE ARCHITECTURE FOR INTELLIGENCE*
25 *COMMUNITY BUSINESS SYSTEMS.—(1) The Director of Na-*

1 *tional Intelligence shall, acting through the Intelligence*
2 *Community Business Systems Management Committee es-*
3 *tablished under subsection (f), develop and implement an*
4 *enterprise architecture to cover all intelligence community*
5 *business systems, and the functions and activities supported*
6 *by such business systems. The enterprise architecture shall*
7 *be sufficiently defined to effectively guide, constrain, and*
8 *permit implementation of interoperable intelligence com-*
9 *munity business system solutions, consistent with applica-*
10 *ble policies and procedures established by the Director of*
11 *the Office of Management and Budget.*

12 “(2) *The enterprise architecture under paragraph (1)*
13 *shall include the following:*

14 “(A) *An information infrastructure that, at a*
15 *minimum, will enable the intelligence community*
16 *to—*

17 “(i) *comply with all Federal accounting, fi-*
18 *nancial management, and reporting require-*
19 *ments;*

20 “(ii) *routinely produce timely, accurate,*
21 *and reliable financial information for manage-*
22 *ment purposes;*

23 “(iii) *integrate budget, accounting, and pro-*
24 *gram information and systems; and*

1 “(iv) provide for the systematic measure-
2 ment of performance, including the ability to
3 produce timely, relevant, and reliable cost infor-
4 mation.

5 “(B) Policies, procedures, data standards, and
6 system interface requirements that apply uniformly
7 throughout the intelligence community.

8 “(c) *RESPONSIBILITIES FOR INTELLIGENCE COMMU-*
9 *NITY BUSINESS SYSTEM MODERNIZATION.*—(1) *The Direc-*
10 *tor of National Intelligence shall be responsible for review,*
11 *approval, and oversight of the planning, design, acquisi-*
12 *tion, deployment, operation, and maintenance of an intel-*
13 *ligence community business system modernization if more*
14 *than 50 percent of the cost of the intelligence community*
15 *business system modernization is funded by amounts ap-*
16 *propriated for the National Intelligence Program.*

17 “(2) *The Director shall designate one or more appro-*
18 *priate officials of the intelligence community to be respon-*
19 *sible for making certifications with respect to intelligence*
20 *community business system modernizations under sub-*
21 *section (a)(3).*

22 “(d) *INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
23 *INVESTMENT REVIEW.*—(1) *The approval authority des-*
24 *ignated under subsection (c)(2) shall establish and imple-*
25 *ment, not later than March 31, 2008, an investment review*

1 *process for the review of the planning, design, acquisition,*
2 *development, deployment, operation, maintenance, mod-*
3 *ernization, and project cost, benefits, and risks of the intel-*
4 *ligence community business systems for which the approval*
5 *authority is responsible.*

6 “(2) *The investment review process under paragraph*
7 *(1) shall—*

8 “(A) *meet the requirements of section 11312 of*
9 *title 40, United States Code; and*

10 “(B) *specifically set forth the responsibilities of*
11 *the approval authority under such review process.*

12 “(3) *The investment review process under paragraph*
13 *(1) shall include the following elements:*

14 “(A) *Review and approval by an investment re-*
15 *view board (consisting of appropriate representatives*
16 *of the intelligence community) of each intelligence*
17 *community business system as an investment before*
18 *the obligation of funds for such system.*

19 “(B) *Periodic review, but not less often than an-*
20 *nually, of every intelligence community business sys-*
21 *tem investment.*

22 “(C) *Thresholds for levels of review to ensure ap-*
23 *propriate review of intelligence community business*
24 *system investments depending on the scope, com-*
25 *plexity, and cost of the system involved.*

1 “(D) *Procedures for making certifications in ac-*
2 *cordance with the requirements of subsection (a)(3).*

3 “(E) *Mechanisms to ensure the consistency of the*
4 *investment review process with applicable guidance*
5 *issued by the Director of National Intelligence and the*
6 *Intelligence Community Business Systems Manage-*
7 *ment Committee established under subsection (f).*

8 “(F) *Common decision criteria, including stand-*
9 *ards, requirements, and priorities, for purposes of en-*
10 *sureing the integration of intelligence community busi-*
11 *ness systems.*

12 “(e) *BUDGET INFORMATION.—For each fiscal year*
13 *after fiscal year 2009, the Director of National Intelligence*
14 *shall include in the materials the Director submits to Con-*
15 *gress in support of the budget for such fiscal year that is*
16 *submitted to Congress under section 1105 of title 31, United*
17 *States Code, the following information:*

18 “(1) *An identification of each intelligence com-*
19 *munity business system for which funding is proposed*
20 *in such budget.*

21 “(2) *An identification of all funds, by appro-*
22 *priation, proposed in such budget for each such sys-*
23 *tem, including—*

24 “(A) *funds for current services to operate*
25 *and maintain such system; and*

1 “(B) funds for business systems moderniza-
2 tion identified for each specific appropriation.

3 “(3) For each such system, identification of ap-
4 proval authority designated for such system under
5 subsection (c)(2).

6 “(4) The certification, if any, made under sub-
7 section (a)(3) with respect to each such system.

8 “(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS
9 MANAGEMENT COMMITTEE.—(1) The Director of National
10 Intelligence shall establish an Intelligence Community
11 Business Systems Management Committee (in this sub-
12 section referred to as the ‘Committee’).

13 “(2) The Committee shall—

14 “(A) recommend to the Director policies and
15 procedures necessary to effectively integrate all busi-
16 ness activities and any transformation, reform, reor-
17 ganization, or process improvement initiatives under-
18 taken within the intelligence community;

19 “(B) review and approve any major update of—

20 “(i) the enterprise architecture developed
21 under subsection (b); and

22 “(ii) any plans for an intelligence commu-
23 nity business systems modernization;

24 “(C) manage cross-domain integration consistent
25 with such enterprise architecture;

1 “(D) be responsible for coordinating initiatives
2 for intelligence community business system mod-
3 ernization to maximize benefits and minimize costs
4 for the intelligence community, and periodically re-
5 port to the Director on the status of efforts to carry
6 out an intelligence community business system mod-
7 ernization;

8 “(E) ensure that funds are obligated for intel-
9 ligence community business system modernization in
10 a manner consistent with subsection (a); and

11 “(F) carry out such other duties as the Director
12 shall specify.

13 “(g) *RELATION TO ANNUAL REGISTRATION REQUIRE-*
14 *MENTS.—Nothing in this section shall be construed to alter*
15 *the requirements of section 8083 of the Department of De-*
16 *fense Appropriations Act, 2005 (Public Law 108–287; 118*
17 *Stat. 989), with regard to information technology systems*
18 *(as defined in subsection (d) of such section).*

19 “(h) *RELATION TO DEFENSE BUSINESS SYSTEMS AR-*
20 *CHITECTURE, ACCOUNTABILITY, AND MODERNIZATION RE-*
21 *QUIREMENTS.—An intelligence community business system*
22 *that receives more than 50 percent of its funds from*
23 *amounts available for the National Intelligence Program*
24 *shall be exempt from the requirements of section 2222 of*
25 *title 10, United States Code.*

1 “(i) *RELATION TO CLINGER-COHEN ACT.*—(1) *The Di-*
2 *rector of National Intelligence and the Chief Information*
3 *Officer of the Intelligence Community shall fulfill the execu-*
4 *tive agency responsibilities in chapter 113 of title 40,*
5 *United States Code, for any intelligence community busi-*
6 *ness system that receives more than 50 percent of its fund-*
7 *ing from amounts appropriated for National Intelligence*
8 *Program.*

9 “(2) *Any intelligence community business system cov-*
10 *ered by paragraph (1) shall be exempt from the require-*
11 *ments of such chapter 113 that would otherwise apply to*
12 *the executive agency that contains the element of the intel-*
13 *ligence community involved.*

14 “(j) *REPORTS.*—*Not later than March 15 of each of*
15 *2009 through 2014, the Director of National Intelligence*
16 *shall submit to the congressional intelligence committees a*
17 *report on the compliance of the intelligence community with*
18 *the requirements of this section. Each such report shall—*

19 “(1) *describe actions taken and proposed for*
20 *meeting the requirements of subsection (a),*
21 *including—*

22 “(A) *specific milestones and actual perform-*
23 *ance against specified performance measures,*
24 *and any revision of such milestones and per-*
25 *formance measures; and*

1 “(B) *specific actions on the intelligence*
2 *community business system modernizations sub-*
3 *mitted for certification under such subsection;*

4 “(2) *identify the number of intelligence commu-*
5 *nity business system modernizations that received a*
6 *certification described in subsection (a)(3)(B); and*

7 “(3) *describe specific improvements in business*
8 *operations and cost savings resulting from successful*
9 *intelligence community business systems moderniza-*
10 *tion efforts.*

11 “(k) *DEFINITIONS.—In this section:*

12 “(1) *The term ‘enterprise architecture’ has the*
13 *meaning given that term in section 3601(4) of title*
14 *44, United States Code.*

15 “(2) *The terms ‘information system’ and ‘infor-*
16 *mation technology’ have the meanings given those*
17 *terms in section 11101 of title 40, United States Code.*

18 “(3) *The term ‘intelligence community business*
19 *system’ means an information system, other than a*
20 *national security system, that is operated by, for, or*
21 *on behalf of the intelligence community, including fi-*
22 *nancial systems, mixed systems, financial data feeder*
23 *systems, the business infrastructure capabilities*
24 *shared by the systems of the business enterprise archi-*
25 *tecture that build upon the core infrastructure, used*

1 *to support business activities, such as acquisition, fi-*
 2 *nancial management, logistics, strategic planning*
 3 *and budgeting, installations and environment, and*
 4 *human resource management*

5 “(4) *The term ‘intelligence community business*
 6 *system modernization’ means—*

7 “(A) *the acquisition or development of a*
 8 *new intelligence community business system; or*

9 “(B) *any significant modification or en-*
 10 *hancement of an existing intelligence community*
 11 *business system (other than necessary to main-*
 12 *tain current services).*

13 “(5) *The term ‘national security system’ has the*
 14 *meaning given that term in section 3542 of title 44,*
 15 *United States Code.”.*

16 (2) *CLERICAL AMENDMENT.—The table of con-*
 17 *tents in the first section of that Act, as amended by*
 18 *section 310 and 311, is further amended by inserting*
 19 *after the item relating to section 506C, as added by*
 20 *section 312(b) the following new item:*

“Sec. 506D. Intelligence community business systems, architecture, account-
ability, and modernization.”.

21 (b) *IMPLEMENTATION.—*

22 (1) *CERTAIN DUTIES.—Not later than 60 days*
 23 *after the date of the enactment of this Act, the Direc-*
 24 *tor of National Intelligence shall—*

1 (A) complete the delegation of responsibility
2 for the review, approval, and oversight of the
3 planning, design, acquisition, deployment, oper-
4 ation, maintenance, and modernization of intel-
5 ligence community business systems required by
6 subsection (c) of section 506D of the National Se-
7 curity Act of 1947 (as added by subsection (a));
8 and

9 (B) designate a vice chairman and per-
10 sonnel to serve on the Intelligence Community
11 Business System Management Committee estab-
12 lished under subsection (f) of such section 506D
13 (as so added).

14 (2) *ENTERPRISE ARCHITECTURE.*—The Director
15 shall develop the enterprise architecture required by
16 subsection (b) of such section 506D (as so added) by
17 not later than March 1, 2008. In so developing the en-
18 terprise architecture, the Director shall develop an
19 implementation plan for the architecture, including
20 the following:

21 (A) The acquisition strategy for new sys-
22 tems that are expected to be needed to complete
23 the enterprise architecture, including specific
24 time-phased milestones, performance metrics,

1 *and a statement of the financial and non-*
2 *financial resource needs.*

3 *(B) An identification of the intelligence*
4 *community business systems in operation or*
5 *planned as of December 31, 2006, that will not*
6 *be a part of the enterprise architecture, together*
7 *with the schedule for the phased termination of*
8 *the utilization of any such systems.*

9 *(C) An identification of the intelligence*
10 *community business systems in operation or*
11 *planned as of December 31, 2006, that will be a*
12 *part of the enterprise architecture, together with*
13 *a strategy for modifying such systems to ensure*
14 *that such systems comply with such enterprise*
15 *architecture.*

16 **SEC. 313. REPORTS ON THE ACQUISITION OF MAJOR SYS-**
17 **TEMS.**

18 *(a) IN GENERAL.—Title V of the National Security*
19 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections*
20 *310, 311, and 312, is further amended by inserting after*
21 *section 506D, as added by section 312(a)(1), the following*
22 *new section:*

23 “*REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS*

24 “*SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1)*
25 *The Director of National Intelligence shall submit to the*
26 *congressional intelligence committees each year, at the same*

1 *time the budget of the President for the fiscal year beginning*
2 *in such year is submitted to Congress pursuant to section*
3 *1105 of title 31, United States Code, a separate report on*
4 *each acquisition of a major system by an element of the*
5 *intelligence community.*

6 “(2) *Each report under this section shall be known as*
7 *a ‘Report on the Acquisition of Major Systems’.*

8 “(b) *ELEMENTS.—Each report under this section shall*
9 *include, for the acquisition of a major system, information*
10 *on the following:*

11 “(1) *The current total anticipated acquisition*
12 *cost for such system, and the history of such cost from*
13 *the date the system was first included in a report*
14 *under this section to the end of the calendar quarter*
15 *immediately proceeding the submittal of the report*
16 *under this section.*

17 “(2) *The current anticipated development sched-*
18 *ule for the system, including an estimate of annual*
19 *development costs until development is completed.*

20 “(3) *The current anticipated procurement sched-*
21 *ule for the system, including the best estimate of the*
22 *Director of National Intelligence of the annual costs*
23 *and units to be procured until procurement is com-*
24 *pleted.*

1 “(4) *A full life-cycle cost analysis for such sys-*
2 *tem.*

3 “(5) *The result of any significant test and eval-*
4 *uation of such major system as of the date of the sub-*
5 *mittal of such report, or, if a significant test and*
6 *evaluation has not been conducted, a statement of the*
7 *reasons therefor and the results of any other test and*
8 *evaluation that has been conducted of such system.*

9 “(6) *The reasons for any change in acquisition*
10 *cost, or schedule, for such system from the previous re-*
11 *port under this section (if applicable).*

12 “(7) *The significant contracts or subcontracts re-*
13 *lated to the major system.*

14 “(8) *If there is any cost or schedule variance*
15 *under a contract referred to in paragraph (7) since*
16 *the previous report under this section, the reasons for*
17 *such cost or schedule variance.*

18 “(c) *DETERMINATION OF INCREASE IN COSTS.—Any*
19 *determination of a percentage increase in the acquisition*
20 *costs of a major system for which a report is filed under*
21 *this section shall be stated in terms of constant dollars from*
22 *the first fiscal year in which funds are appropriated for*
23 *such contract.*

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

1 “(1) *The term ‘acquisition cost’, with respect to*
2 *a major system, means the amount equal to the total*
3 *cost for development and procurement of, and system-*
4 *specific construction for, such system.*

5 “(2) *The term ‘full life-cycle cost’, with respect to*
6 *the acquisition of a major system, means all costs of*
7 *development, procurement, construction, deployment,*
8 *and operation and support for such program, without*
9 *regard to funding source or management control, in-*
10 *cluding costs of development and procurement re-*
11 *quired to support or utilize such system.*

12 “(3) *The term ‘major system’, has the meaning*
13 *given that term in section 506A(e).”.*

14 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
15 *the first section of that Act, as amended by sections 310,*
16 *311, and 312, is further amended by inserting after the item*
17 *relating to section 506D, as added by section 312(a)(2), the*
18 *following new item:*

“Sec. 506E. Reports on the acquisition of major systems.”.

19 **SEC. 314. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

20 **(a) NOTIFICATION.**—*Title V of the National Security*
21 *Act of 1947, as amended by sections 310 through 313, is*
22 *further amended by inserting after section 506E, as added*
23 *by section 313(a), the following new section:*

1 “*EXCESSIVE COST GROWTH OF MAJOR SYSTEMS*

2 “*SEC. 506F. (a) COST INCREASES OF AT LEAST 20*
3 *PERCENT.—(1) On a continuing basis, and separate from*
4 *the submission of any report on a major system required*
5 *by section 506E of this Act, the Director of National Intel-*
6 *ligence shall determine if the acquisition cost of such major*
7 *system has increased by at least 20 percent as compared*
8 *to the baseline cost of such major system.*

9 “(2)(A) *If the Director determines under paragraph*
10 *(1) that the acquisition cost of a major system has increased*
11 *by at least 20 percent, the Director shall submit to the con-*
12 *gressional intelligence committees a written notification of*
13 *such determination as described in subparagraph (B), a de-*
14 *scription of the amount of the increase in the acquisition*
15 *cost of such major system, and a certification as described*
16 *in subparagraph (C).*

17 “(B) *The notification required by subparagraph (A)*
18 *shall include—*

19 “(i) *an independent cost estimate;*

20 “(ii) *the date on which the determination covered*
21 *by such notification was made;*

22 “(iii) *contract performance assessment informa-*
23 *tion with respect to each significant contract or sub-*
24 *contract related to such major system, including the*
25 *name of the contractor, the phase of the contract at*

1 *the time of the report, the percentage of work under*
2 *the contract that has been completed, any change in*
3 *contract cost, the percentage by which the contract is*
4 *currently ahead or behind schedule, and a summary*
5 *explanation of significant occurrences, such as cost*
6 *and schedule variances, and the effect of such occur-*
7 *rences on future costs and schedules;*

8 *“(iv) the prior estimate of the full life-cycle cost*
9 *for such major system, expressed in constant dollars*
10 *and in current year dollars;*

11 *“(v) the current estimated full life-cycle cost of*
12 *such major system, expressed in constant dollars and*
13 *current year dollars;*

14 *“(vi) a statement of the reasons for any increases*
15 *in the full life-cycle cost of such major system;*

16 *“(vii) the current change and the total change,*
17 *in dollars and expressed as a percentage, in the full*
18 *life-cycle cost applicable to such major system, stated*
19 *both in constant dollars and current year dollars;*

20 *“(viii) the completion status of such major sys-*
21 *tem expressed as the percentage—*

22 *“(I) of the total number of years for which*
23 *funds have been appropriated for such major sys-*
24 *tem compared to the number of years for which*

1 *it is planned that such funds will be appro-*
2 *propriated; and*

3 “(II) *of the amount of funds that have been*
4 *appropriated for such major system compared to*
5 *the total amount of such funds which it is*
6 *planned will be appropriated;*

7 “(ix) *the action taken and proposed to be taken*
8 *to control future cost growth of such major system;*
9 *and*

10 “(x) *any changes made in the performance or*
11 *schedule of such major system and the extent to which*
12 *such changes have contributed to the increase in full*
13 *life-cycle costs of such major system.*

14 “(C) *The certification described in this subparagraph*
15 *is a written certification made by the Director and sub-*
16 *mitted to the congressional intelligence committees that—*

17 “(i) *the acquisition of such major system is es-*
18 *sential to the national security;*

19 “(ii) *there are no alternatives to such major sys-*
20 *tem that will provide equal or greater intelligence ca-*
21 *pability at equal or lesser cost to completion;*

22 “(iii) *the new estimates of the full life-cycle cost*
23 *for such major system are reasonable; and*

1 “(iv) the management structure for the acquisi-
2 tion of such major system is adequate to manage and
3 control full life-cycle cost of such major system.

4 “(b) COST INCREASES OF AT LEAST 40 PERCENT.—

5 (1) If the Director of National Intelligence determines that
6 the acquisition cost of a major system has increased by at
7 least 40 percent as compared to the baseline cost of such
8 major system, the President shall submit to the congres-
9 sional intelligence committees a written certification stat-
10 ing that—

11 “(A) the acquisition of such major system is es-
12 sential to the national security;

13 “(B) there are no alternatives to such major sys-
14 tem that will provide equal or greater intelligence ca-
15 pability at equal or lesser cost to completion;

16 “(C) the new estimates of the full life-cycle cost
17 for such major system are reasonable; and

18 “(D) the management structure for the acquisi-
19 tion of such major system is adequate to manage and
20 control the full life-cycle cost of such major system.

21 “(2) In addition to the certification required by para-
22 graph (1), the Director of National Intelligence shall submit
23 to the congressional intelligence committees an updated no-
24 tification, with current accompanying information, as re-
25 quired by subsection (a)(2).

1 “(c) *PROHIBITION ON OBLIGATION OF FUNDS.—(1) If*
2 *a written certification required under subsection (a)(2)(A)*
3 *is not submitted to the congressional intelligence committees*
4 *within 30 days of the determination made under subsection*
5 *(a)(1), funds appropriated for the acquisition of a major*
6 *system may not be obligated for a major contract under*
7 *the program. Such prohibition on the obligation of funds*
8 *shall cease to apply at the end of the 30-day period of a*
9 *continuous session of Congress that begins on the date on*
10 *which Congress receives the notification required under sub-*
11 *section (a)(2)(A).*

12 “(2) *If a written certification required under sub-*
13 *section (b)(1) is not submitted to the congressional intel-*
14 *ligence committees within 30 days of the determination*
15 *made under subsection (b)(1), funds appropriated for the*
16 *acquisition of a major system may not be obligated for a*
17 *major contract under the program. Such prohibition on the*
18 *obligation of funds for the acquisition of a major system*
19 *shall cease to apply at the end of the 30-day period of a*
20 *continuous session of Congress that begins on the date on*
21 *which Congress receives the notification required under sub-*
22 *section (b)(2).*

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

24 “(1) *The term ‘acquisition cost’ has the meaning*
25 *given that term in section 506E(d).*

1 “(2) *The term ‘baseline cost’, with respect to a*
 2 *major system, means the projected acquisition cost of*
 3 *such system on the date the contract for the develop-*
 4 *ment, procurement, and construction of the system is*
 5 *awarded.*

6 “(3) *The term ‘full life-cycle cost’ has the mean-*
 7 *ing given that term in section 506E(d).*

8 “(4) *The term ‘independent cost estimate’ has the*
 9 *meaning given that term in section 506A(e).*

10 “(5) *The term ‘major system’ has the meaning*
 11 *given that term in section 506A(e).”.*

12 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
 13 *the first section of that Act, as amended by sections 310*
 14 *through 313 of this Act, is further amended by inserting*
 15 *after the items relating to section 506E, as added by section*
 16 *313(b), the following new item:*

 “*Sec. 506F. Excessive cost growth of major systems.*”.

17 **SEC. 315. SUBMITTAL TO CONGRESS OF CERTAIN COURT**
 18 **ORDERS UNDER THE FOREIGN INTEL-**
 19 **LIGENCE SURVEILLANCE ACT OF 1978.**

20 **(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL**
 21 **REPORTS OF ATTORNEY GENERAL.**—*Subsection (a)(5) of*
 22 *section 601 of the Foreign Intelligence Surveillance Act of*
 23 *1978 (50 U.S.C. 1871) is amended by striking “(not includ-*
 24 *ing orders)” and inserting “, orders,”.*

1 **(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN**
 2 **OTHER ORDERS.**—*That section is further amended by add-*
 3 *ing at the end the following new subsection:*

4 “(c) *The Attorney General shall submit to the commit-*
 5 *tees of Congress referred to in subsection (a) a copy of any*
 6 *decision, order, or opinion issued by the court established*
 7 *under section 103(a) or the court of review established*
 8 *under section 103(b) that includes significant construction*
 9 *or interpretation of any provision of this Act not later than*
 10 *45 days after such decision, order, or opinion is issued.”.*

11 **SEC. 316. REPEAL OF CERTAIN REPORTING REQUIRE-**
 12 **MENTS.**

13 **(a) ANNUAL REPORT ON INTELLIGENCE.**—

14 **(1) REPEAL.**—*Section 109 of the National Secu-*
 15 *urity Act of 1947 (50 U.S.C. 404d) is repealed.*

16 **(2) CLERICAL AMENDMENT.**—*The table of con-*
 17 *tents in the first section of the National Security Act*
 18 *of 1947 is amended by striking the item relating to*
 19 *section 109.*

20 **(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE**
 21 **SHARING WITH THE UNITED NATIONS.**—*Section 112 of the*
 22 *National Security Act of 1947 (50 U.S.C. 404g) is*
 23 *amended—*

24 **(1) by striking subsection (b); and**

1 (2) by redesignating subsections (c), (d), and (e)
2 as subsections (b), (c), and (d), respectively.

3 (c) ANNUAL REPORT ON SAFETY AND SECURITY OF
4 RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section 114
5 of the National Security Act of 1947 (50 U.S.C. 404i) is
6 amended—

7 (1) by striking subsection (a); and

8 (2) by redesignating subsections (b), (c), and (d)
9 as subsections (a), (b), and (c), respectively.

10 (d) ANNUAL CERTIFICATION ON COUNTERINTEL-
11 LIGENCE INITIATIVES.—Section 1102(b) of the National Se-
12 curity Act of 1947 (50 U.S.C. 442a(b)) is amended—

13 (1) by striking “(1)”; and

14 (2) by striking paragraph (2).

15 (e) REPORT AND CERTIFICATION UNDER TERRORIST
16 IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of
17 the Intelligence Authorization Act for Fiscal Year 2003 (50
18 U.S.C. 404n–2) is amended—

19 (1) by striking subsection (d); and

20 (2) by redesignating subsections (e), (f), (g), and
21 (h) as subsections (d), (e), (f), and (g), respectively.

22 (f) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE
23 MATTERS.—Section 826 of the Intelligence Authorization
24 Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.
25 2429; 21 U.S.C. 873 note) is repealed.

1 (g) *SEMIANNUAL REPORT ON CONTRIBUTIONS TO PRO-*
2 *LIFERATION EFFORTS OF COUNTRIES OF PROLIFERATION*
3 *CONCERN.—Section 722 of the Combatting Proliferation of*
4 *Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369)*
5 *is repealed.*

6 (h) *CONFORMING AMENDMENTS.—Section 507(a) of*
7 *the National Security Act of 1947 (50 U.S.C. 415b(a)) is*
8 *amended—*

9 (1) *in paragraph (1)—*

10 (A) *by striking subparagraphs (A) and (B);*

11 *and*

12 (B) *by redesignating subparagraphs (C)*
13 *through (N) as subparagraphs (A) through (L),*
14 *respectively; and*

15 (2) *in paragraph (2)—*

16 (A) *by striking subparagraphs (A) and (D);*

17 (B) *by redesignating subparagraphs (B)*
18 *and (C) as subparagraphs (A) and (B), respec-*
19 *tively; and*

20 (C) *in subparagraph (A), as redesignated*
21 *by subparagraph (B) of this paragraph, by strik-*
22 *ing “114(c)” and inserting “114(b)”.*

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

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

6 **SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS**
7 **BY THE DIRECTOR OF NATIONAL INTEL-**
8 **LIGENCE.**

9 (a) *RESPONSIBILITY OF THE DIRECTOR OF NATIONAL*
10 *INTELLIGENCE.*—Subsection (b) of section 102 of the Na-
11 *tional Security Act of 1947 (50 U.S.C. 403) is amended—*

12 (1) *in paragraph (2), by striking “and” at the*
13 *end;*

14 (2) *in paragraph (3)—*

15 (A) *by striking “2004,” and inserting*
16 *“2004 (50 U.S.C. 403 note),”; and*

17 (B) *by striking the period at the end and*
18 *inserting a semicolon and “and”; and*

19 (3) *by inserting after paragraph (3), the fol-*
20 *lowing new paragraph:*

21 “(4) *conduct accountability reviews of elements*
22 *of the intelligence community and the personnel of*
23 *such elements, if appropriate.”.*

1 (b) *TASKING AND OTHER AUTHORITIES.*—Subsection
2 (f) of section 102A of such Act (50 U.S.C. 403–1) is
3 amended—

4 (1) by redesignating paragraphs (7) and (8), as
5 paragraphs (8) and (9), respectively; and

6 (2) by inserting after paragraph (6), the fol-
7 lowing new paragraph:

8 “(7)(A) *The Director of National Intelligence shall, if*
9 *the Director determines it is necessary, or may, if requested*
10 *by a congressional intelligence committee, conduct account-*
11 *ability reviews of elements of the intelligence community*
12 *or the personnel of such elements in relation to significant*
13 *failures or deficiencies within the intelligence community.*

14 “(B) *The Director of National Intelligence, in con-*
15 *sultation with the Attorney General, shall establish guide-*
16 *lines and procedures for conducting accountability reviews*
17 *under subparagraph (A).*

18 “(C) *The requirements of this paragraph shall not*
19 *limit any authority of the Director of National Intelligence*
20 *under subsection (m) or with respect to supervision of the*
21 *Central Intelligence Agency.*”.

1 **SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF**
2 **NATIONAL INTELLIGENCE ON INTELLIGENCE**
3 **INFORMATION SHARING.**

4 (a) *AUTHORITIES OF THE DIRECTOR OF NATIONAL IN-*
5 *TELLIGENCE.*—Section 102A(g)(1) of the National Security
6 Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

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

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

11 (3) by adding at the end the following new sub-
12 paragraphs:

13 “(G) in carrying out this subsection, without re-
14 gard to any other provision of law (other than this
15 Act and the National Security Intelligence Reform
16 Act of 2004 (title I of Public Law 108–458)), expend
17 funds and make funds available to other department
18 or agencies of the United States for, and direct the de-
19 velopment and fielding of, systems of common concern
20 related to the collection, processing, analysis, exploi-
21 tation, and dissemination of intelligence information;
22 and

23 “(H) for purposes of addressing critical gaps in
24 intelligence information sharing or access capabili-
25 ties, have the authority to transfer funds appropriated
26 for a program within the National Intelligence Pro-

1 *gram to a program funded by appropriations not*
2 *within the National Intelligence Program, consistent*
3 *with paragraphs (3) through (7) of subsection (d).”.*

4 *(b) AUTHORITIES OF HEADS OF OTHER DEPART-*
5 *MENTS AND AGENCIES.—Notwithstanding any other provi-*
6 *sion of law, the head of any department or agency of the*
7 *United States is authorized to receive and utilize funds*
8 *made available to the department or agency by the Director*
9 *of National Intelligence pursuant to section 102A(g)(1) of*
10 *the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)),*
11 *as amended by subsection (a), and receive and utilize any*
12 *system referred to in such section that is made available*
13 *to the department or agency.*

14 **SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION**
15 **BY THE DIRECTOR OF NATIONAL INTEL-**
16 **LIGENCE OF THE PROTECTION OF INTEL-**
17 **LIGENCE SOURCES AND METHODS.**

18 *Section 102A(i)(3) of the National Security Act of*
19 *1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-*
20 *fore the period the following: “, any Deputy Director of Na-*
21 *tional Intelligence, or the Chief Information Officer of the*
22 *Intelligence Community”.*

1 **SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF**
2 **THE DIRECTOR OF NATIONAL INTELLIGENCE.**

3 *Section 102A of the National Security Act of 1947 (50*
4 *U.S.C. 403–1) is amended by adding at the end the fol-*
5 *lowing new subsection:*

6 “(s) *ADDITIONAL ADMINISTRATIVE AUTHORITIES.—*
7 *(1) Notwithstanding section 1346 of title 31, United States*
8 *Code, or any other provision of law prohibiting the inter-*
9 *agency financing of activities described in subparagraph*
10 *(A) or (B), upon the request of the Director of National*
11 *Intelligence, any element of the intelligence community may*
12 *use appropriated funds to support or participate in the*
13 *interagency activities of the following:*

14 “(A) *National intelligence centers established by*
15 *the Director under section 119B.*

16 “(B) *Boards, commissions, councils, committees,*
17 *and similar groups that are established—*

18 “(i) *for a term of not more than two years;*

19 *and*

20 “(ii) *by the Director.*

21 “(2) *No provision of law enacted after the date of the*
22 *enactment of the Intelligence Authorization Act for Fiscal*
23 *Year 2008 shall be construed to limit or supersede the au-*
24 *thority in paragraph (1) unless such provision makes spe-*
25 *cific reference to the authority in that paragraph.”.*

1 **SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR**
2 **OF NATIONAL INTELLIGENCE FOR FLEXIBLE**
3 **PERSONNEL MANAGEMENT AMONG THE ELE-**
4 **MENTS OF THE INTELLIGENCE COMMUNITY.**

5 *Section 102A of the National Security Act of 1947 (50*
6 *U.S.C. 403-1), as amended by section 404 of this Act, is*
7 *further amended by adding at the end the following new*
8 *subsections:*

9 *“(t) AUTHORITY TO ESTABLISH POSITIONS IN EX-*
10 *CEPTED SERVICE.—(1) The Director of National Intel-*
11 *ligence may, with the concurrence of the head of the depart-*
12 *ment or agency concerned and in coordination with the Di-*
13 *rector of the Office of Personnel Management—*

14 *“(A) convert such competitive service positions,*
15 *and their incumbents, within an element of the intel-*
16 *ligence community to excepted service positions as the*
17 *Director of National Intelligence determines necessary*
18 *to carry out the intelligence functions of such element;*
19 *and*

20 *“(B) establish the classification and ranges of*
21 *rates of basic pay for positions so converted, notwith-*
22 *standing otherwise applicable laws governing the clas-*
23 *sification and rates of basic pay for such positions.*

24 *“(2)(A) At the request of the Director of National Intel-*
25 *ligence, the head of a department or agency may establish*
26 *new positions in the excepted service within an element of*

1 *such department or agency that is part of the intelligence*
2 *community if the Director determines that such positions*
3 *are necessary to carry out the intelligence functions of such*
4 *element.*

5 “(B) *The Director of National Intelligence may estab-*
6 *lish the classification and ranges of rates of basic pay for*
7 *any position established under subparagraph (A), notwith-*
8 *standing otherwise applicable laws governing the classifica-*
9 *tion and rates of basic pay for such positions*

10 “(3) *The head of the department or agency concerned*
11 *is authorized to appoint individuals for service in positions*
12 *converted under paragraph (1) or established under para-*
13 *graph (2) without regard to the provisions of chapter 33*
14 *of title 5, United States Code, governing appointments in*
15 *the competitive service, and to fix the compensation of such*
16 *individuals within the applicable ranges of rates of basic*
17 *pay established by the Director of National Intelligence.*

18 “(4) *The maximum rate of basic pay established under*
19 *this subsection is the rate for level III of the Executive*
20 *Schedule under section 5314 of title 5, United States Code.*

21 “(u) *PAY AUTHORITY FOR CRITICAL POSITIONS.—(1)*
22 *Notwithstanding any pay limitation established under any*
23 *other provision of law applicable to employees in elements*
24 *of the intelligence community, the Director of National In-*
25 *telligence may, in consultation with the Director of the Of-*

1 *vice of Personnel Management and the Director of the Office*
2 *of Management and Budget, grant authority to fix the rate*
3 *of basic pay for one or more positions within the intel-*
4 *ligence community at a rate in excess of any applicable*
5 *limitation, subject to the provisions of this subsection. The*
6 *exercise of authority so granted is at the discretion of the*
7 *head of the department or agency employing the individual*
8 *in a position covered by such authority, subject to the provi-*
9 *sions of this subsection and any conditions established by*
10 *the Director of National Intelligence when granting such*
11 *authority.*

12 “(2) Authority under this subsection may be granted
13 or exercised—

14 “(A) only with respect to a position which re-
15 quires an extremely high level of expertise and is crit-
16 ical to successful accomplishment of an important
17 mission; and

18 “(B) only to the extent necessary to recruit or re-
19 tain an individual exceptionally well qualified for the
20 position.

21 “(3) A rate of basic pay may not be fixed under this
22 subsection at a rate greater than the rate payable for level
23 II of the Executive Schedule under section 5312 of title 5,
24 United States Code, except upon written approval of the

1 *Director of National Intelligence or as otherwise authorized*
2 *by law.*

3 “(4) *A rate of basic pay may not be fixed under this*
4 *subsection at a rate greater than the rate payable for level*
5 *I of the Executive Schedule under section 5311 of title 5,*
6 *United States Code, except upon written approval of the*
7 *President in response to a request by the Director of Na-*
8 *tional Intelligence or as otherwise authorized by law.*

9 “(5) *Any grant of authority under this subsection for*
10 *a position shall terminate at the discretion of the Director*
11 *of National Intelligence.*

12 “(v) *EXTENSION OF FLEXIBLE PERSONNEL MANAGE-*
13 *MENT AUTHORITIES.—(1) Notwithstanding any other pro-*
14 *vision of law, in order to ensure the equitable treatment*
15 *of employees across the intelligence community, the Director*
16 *of National Intelligence may, with the concurrence of the*
17 *head of the department or agency concerned, or for those*
18 *matters that fall under the responsibilities of the Office of*
19 *Personnel Management under statute or Executive Order,*
20 *in coordination with the Director of the Office of Personnel*
21 *Management, authorize one or more elements of the intel-*
22 *ligence community to adopt compensation authority, per-*
23 *formance management authority, and scholarship authority*
24 *that have been authorized for another element of the intel-*

1 *ligence community if the Director of National*
2 *Intelligence—*

3 “(A) *determines that the adoption of such au-*
4 *thority would improve the management and perform-*
5 *ance of the intelligence community, and*

6 “(B) *submits to the congressional intelligence*
7 *committees, not later than 60 days before such author-*
8 *ity is to take effect, notice of the adoption of such au-*
9 *thority by such element or elements, including the au-*
10 *thority to be so adopted, and an estimate of the costs*
11 *associated with the adoption of such authority.*

12 “(2) *To the extent that an existing compensation au-*
13 *thority within the intelligence community is limited to a*
14 *particular category of employees or a particular situation,*
15 *the authority may be adopted in another element of the in-*
16 *telligence community under this subsection only for employ-*
17 *ees in an equivalent category or in an equivalent situation.*

18 “(3) *In this subsection, the term ‘compensation author-*
19 *ity’ means authority involving basic pay (including posi-*
20 *tion classification), premium pay, awards, bonuses, incen-*
21 *tives, allowances, differentials, student loan repayments,*
22 *and special payments, but does not include authorities as*
23 *follows:*

24 “(A) *Authorities related to benefits such as leave,*
25 *severance pay, retirement, and insurance.*

1 “(B) Authority to grant Presidential Rank
2 Awards under sections 4507 and 4507a of title 5,
3 United States Code, section 3151(c) of title 31, United
4 States Code, and any other provision of law.

5 “(C) Compensation authorities and performance
6 management authorities provided under provisions of
7 law relating to the Senior Executive Service.”.

8 **SEC. 406. CLARIFICATION OF LIMITATION ON CO-LOCATION**
9 **OF THE OFFICE OF THE DIRECTOR OF NA-**
10 **TIONAL INTELLIGENCE.**

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

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

15 (2) by inserting “the headquarters of” before “the
16 Office”; and

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

19 **SEC. 407. ADDITIONAL DUTIES OF THE DIRECTOR OF**
20 **SCIENCE AND TECHNOLOGY OF THE OFFICE**
21 **OF THE DIRECTOR OF NATIONAL INTEL-**
22 **LIGENCE.**

23 (a) COORDINATION AND PRIORITIZATION OF RE-
24 SEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE
25 COMMUNITY.—Subsection (d) of section 103E of the Na-

1 *tional Security Act of 1947 (50 U.S.C. 403–3e) is*
2 *amended—*

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

5 (2) *by adding at the end the following new para-*
6 *graph:*

7 “(4) *In carrying out paragraph (3)(A), the Committee*
8 *shall identify basic, advanced, and applied research pro-*
9 *grams to be carried out by elements of the intelligence com-*
10 *munity.”.*

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

13 (1) *in subsection (c)—*

14 (A) *in paragraph (4), by striking “and” at*
15 *the end;*

16 (B) *by redesignating paragraph (5) as*
17 *paragraph (9); and*

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

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

23 “(6) *under the direction of the Director, establish*
24 *engineering standards and specifications applicable to*
25 *each acquisition of a major system (as that term is*

1 *defined in section 506A(e)(3)) by the intelligence com-*
2 *munity;*

3 *“(7) develop 15-year projections and assessments*
4 *of the needs of the intelligence community to ensure*
5 *a robust Federal scientific and engineering workforce*
6 *and the means to recruit such a workforce through in-*
7 *tegrated scholarships across the intelligence commu-*
8 *nity, including research grants and cooperative work-*
9 *study programs;*

10 *“(8) ensure that each acquisition program of the*
11 *intelligence community for a major system (as so de-*
12 *defined) complies with the standards and specifications*
13 *established under paragraph (6); and”;* and

14 *(2) by adding at the end the following new sub-*
15 *section:*

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

19 *“(1) systematically identify and assess the most*
20 *significant intelligence challenges that require tech-*
21 *nical solutions;*

22 *“(2) examine options to enhance the responsive-*
23 *ness of research and design programs of the elements*
24 *of the intelligence community to meet the require-*

1 *ments of the intelligence community for timely sup-*
2 *port; and*

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

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

8 *“(B) address deficiencies or gaps in the col-*
9 *lection, processing, analysis, or dissemination of*
10 *national intelligence;*

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

13 *“(D) address system requirements from col-*
14 *lection to final dissemination (also known as*
15 *‘end-to-end architecture’).”.*

16 *(c) REPORT.—*

17 *(1) IN GENERAL.—Not later than June 30, 2008,*
18 *the Director of National Intelligence shall submit to*
19 *Congress a report containing a strategy for the devel-*
20 *opment and use of technology in the intelligence com-*
21 *munity through 2021.*

22 *(2) ELEMENTS.—The report under paragraph*
23 *(1) shall include—*

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

4 (B) *goals for advanced research and devel-*
5 *opment and a strategy to achieve such goals;*

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

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

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

18 (3) *FORM.—The report under paragraph (1)*
19 *may be submitted in classified form.*

20 **SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE**
21 **INTELLIGENCE COMMUNITY.**

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

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

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

7 (3) *in subsection (c), by inserting “of the Intel-*
 8 *ligence Community” after “Chief Information Offi-*
 9 *cer”; and*

10 (4) *in subsection (d), by inserting “of the Intel-*
 11 *ligence Community” after “Chief Information Offi-*
 12 *cer” the first place it appears.*

13 **SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE**
 14 **OF THE DIRECTOR OF NATIONAL INTEL-**
 15 **LIGENCE.**

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

19 “*RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE*
 20 *DIRECTOR OF NATIONAL INTELLIGENCE*

21 “*SEC. 103H. (a) IN GENERAL.—There is established*
 22 *a fund to be known as the ‘Reserve for Contingencies of the*
 23 *Office of the Director of National Intelligence’ (in this sec-*
 24 *tion referred to as the ‘Reserve’).*

25 “*(b) ELEMENTS.—(1) The Reserve shall consist of the*
 26 *following elements:*

1 “(A) Amounts authorized to be appropriated to
2 *the Reserve.*

3 “(B) Amounts authorized to be transferred to or
4 *deposited in the Reserve by law.*

5 “(2) No amount may be transferred to the Reserve
6 *under subparagraph (B) of paragraph (1) during a fiscal*
7 *year after the date on which a total of \$50,000,000 has been*
8 *transferred to or deposited in the Reserve under subpara-*
9 *graph (A) or (B) of such paragraph.*

10 “(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts
11 *deposited into the Reserve shall be amounts appropriated*
12 *to the National Intelligence Program.*

13 “(d) AVAILABILITY OF FUNDS.—(1) Amounts in the
14 *Reserve shall be available for such purposes as are provided*
15 *by law for the Office of the Director of National Intelligence*
16 *or the separate elements of the intelligence community for*
17 *support of emerging needs, improvements to program effec-*
18 *tiveness, or increased efficiency.*

19 “(2)(A) Subject to subparagraph (B), amounts in the
20 *Reserve may be available for a program or activity if—*

21 “(i) the Director of National Intelligence, con-
22 *sistent with the provisions of sections 502 and 503,*
23 *notifies the congressional intelligence committees of*
24 *the intention to utilize such amounts for such pro-*
25 *gram or activity; and*

1 “(ii) 15 calendar days elapses after the date of
2 such notification.

3 “(B) In addition to the requirements in subparagraph
4 (A), amounts in the Reserve may be available for a program
5 or activity not previously authorized by Congress only with
6 the approval of the Director the Office of Management and
7 Budget.

8 “(3) Use of any amounts in the Reserve shall be subject
9 to the direction and approval of the Director of National
10 Intelligence, or the designee of the Director, and shall be
11 subject to such procedures as the Director may prescribe.

12 “(4) Amounts transferred to or deposited in the Re-
13 serve in a fiscal year under subsection (b) shall be available
14 under this subsection in such fiscal year and the fiscal year
15 following such fiscal year.”.

16 (b) *APPLICABILITY.*—No funds appropriated prior to
17 the date of the enactment of this Act may be transferred
18 to or deposited in the Reserve for Contingencies of the Office
19 of the Director of National Intelligence established in sec-
20 tion 103H of the National Security Act of 1947, as added
21 by subsection (a).

22 (c) *CLERICAL AMENDMENT.*—The table of contents in
23 the first section of the National Security Act of 1947 is
24 amended by inserting after the item relating to section
25 103G the following new item:

“Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.”.

1 **SEC. 410. INSPECTOR GENERAL OF THE INTELLIGENCE**
 2 **COMMUNITY.**

3 (a) *ESTABLISHMENT.*—

4 (1) *IN GENERAL.*—*Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended*
 5 *by section 409 of this Act, is further amended by in-*
 6 *serting after section 103H the following new section:*
 7

8 *“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY*

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

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

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

20 *“(2) recommend policies designed—*

21 *“(A) to promote economy, efficiency, and ef-*
 22 *fectiveness in the administration and implemen-*
 23 *tation of matters within the responsibility and*

1 *authority of the Director of National Intelligence;*

2 *and*

3 *“(B) to prevent and detect fraud and abuse*

4 *in such matters;*

5 *“(3) provide a means for keeping the Director of*

6 *National Intelligence fully and currently informed*

7 *about—*

8 *“(A) problems and deficiencies relating to*

9 *matters within the responsibility and authority*

10 *of the Director of National Intelligence; and*

11 *“(B) the necessity for, and the progress of,*

12 *corrective actions; and*

13 *“(4) in the manner prescribed by this section,*

14 *ensure that the congressional intelligence committees*

15 *are kept similarly informed of—*

16 *“(A) significant problems and deficiencies*

17 *relating to matters within the responsibility and*

18 *authority of the Director of National Intelligence;*

19 *and*

20 *“(B) the necessity for, and the progress of,*

21 *corrective actions.*

22 *“(c) INSPECTOR GENERAL OF INTELLIGENCE COMMU-*

23 *NITY.—(1) There is an Inspector General of the Intelligence*

24 *Community, who shall be the head of the Office of the In-*

25 *spector General of the Intelligence Community, who shall*

1 *be appointed by the President, by and with the advice and*
2 *consent of the Senate.*

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

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

6 “(B) *solely on the basis of integrity, compliance*
7 *with the security standards of the intelligence commu-*
8 *nity, and prior experience in the field of intelligence*
9 *or national security; and*

10 “(C) *on the basis of demonstrated ability in ac-*
11 *counting, financial analysis, law, management anal-*
12 *ysis, public administration, or auditing.*

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

16 “(4) *The Inspector General may be removed from office*
17 *only by the President. The President shall immediately*
18 *communicate in writing to the congressional intelligence*
19 *committees the reasons for the removal of any individual*
20 *from the position of Inspector General.*

21 “(d) *DUTIES AND RESPONSIBILITIES.—Subject to sub-*
22 *sections (g) and (h), it shall be the duty and responsibility*
23 *of the Inspector General of the Intelligence Community—*

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

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

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

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

21 “(4) *in the execution of the duties and respon-*
22 *sibilities under this section, to comply with generally*
23 *accepted government auditing standards.*

24 “(e) *LIMITATIONS ON ACTIVITIES.—(1) The Director*
25 *of National Intelligence may prohibit the Inspector General*

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

6 “(2) *If the Director exercises the authority under para-*
7 *graph (1), the Director shall submit an appropriately clas-*
8 *sified statement of the reasons for the exercise of such au-*
9 *thority within 7 days to the congressional intelligence com-*
10 *mittees.*

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

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

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

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

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

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

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

22 “(3) *The Inspector General is authorized to receive and*
23 *investigate complaints or information from any person con-*
24 *cerning the existence of an activity constituting a violation*
25 *of laws, rules, or regulations, or mismanagement, gross*

1 *waste of funds, abuse of authority, or a substantial and spe-*
2 *cific danger to the public health and safety. Once such com-*
3 *plaint or information has been received from an employee*
4 *of the Federal Government—*

5 “(A) *the Inspector General shall not disclose the*
6 *identity of the employee without the consent of the*
7 *employee, unless the Inspector General determines*
8 *that such disclosure is unavoidable during the course*
9 *of the investigation or the disclosure is made to an of-*
10 *ficial of the Department of Justice responsible for de-*
11 *termining whether a prosecution should be under-*
12 *taken; and*

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

19 “(4) *The Inspector General shall have authority to ad-*
20 *minister to or take from any person an oath, affirmation,*
21 *or affidavit, whenever necessary in the performance of the*
22 *duties of the Inspector General, which oath, affirmation, or*
23 *affidavit when administered or taken by or before an em-*
24 *ployee of the Office of the Inspector General of the Intel-*
25 *ligence Community designated by the Inspector General*

1 *shall have the same force and effect as if administered or*
2 *taken by or before an officer having a seal.*

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

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

15 “(C) *The Inspector General may not issue a subpoena*
16 *for or on behalf of any other element of the intelligence com-*
17 *munity, including the Office of the Director of National In-*
18 *telligence.*

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

23 “(g) *COORDINATION AMONG INSPECTORS GENERAL OF*
24 *INTELLIGENCE COMMUNITY.—(1)(A) In the event of a mat-*
25 *ter within the jurisdiction of the Inspector General of the*

1 *Intelligence Community that may be subject to an inves-*
2 *tigation, inspection, or audit by both the Inspector General*
3 *of the Intelligence Community and an Inspector General,*
4 *whether statutory or administrative, with oversight respon-*
5 *sibility for an element or elements of the intelligence com-*
6 *munity, the Inspector General of the Intelligence Commu-*
7 *nity and such other Inspector or Inspectors General shall*
8 *expeditiously resolve the question of which Inspector Gen-*
9 *eral shall conduct such investigation, inspection, or audit.*

10 “(B) *In attempting to resolve a question under sub-*
11 *paragraph (A), the Inspectors General concerned may re-*
12 *quest the assistance of the Intelligence Community Inspec-*
13 *tors General Forum established under subparagraph (C). In*
14 *the event of a dispute between an Inspector General within*
15 *a department of the United States Government and the In-*
16 *spector General of the Intelligence Community that has not*
17 *been resolved with the assistance of the Forum, the Inspec-*
18 *tors General shall submit the question to the Director of*
19 *National Intelligence and the head of the department for*
20 *resolution.*

21 “(C) *There is established the Intelligence Community*
22 *Inspectors General Forum which shall consist of all statu-*
23 *tory or administrative Inspectors General with oversight re-*
24 *sponsibility for an element or elements of the intelligence*
25 *community. The Inspector General of the Intelligence Com-*

1 munity shall serve as the chair of the Forum. The Forum
2 shall have no administrative authority over any Inspector
3 General, but shall serve as a mechanism for informing its
4 members of the work of individual members of the Forum
5 that may be of common interest and discussing questions
6 about jurisdiction or access to employees, employees of a
7 contractor, records, audits, reviews, documents, rec-
8 ommendations, or other materials that may involve or be
9 of assistance to more than one of its members.

10 “(2) The Inspector General conducting an investiga-
11 tion, inspection, or audit covered by paragraph (1) shall
12 submit the results of such investigation, inspection, or audit
13 to any other Inspector General, including the Inspector
14 General of the Intelligence Community, with jurisdiction to
15 conduct such investigation, inspection, or audit who did not
16 conduct such investigation, inspection, or audit.

17 “(h) STAFF AND OTHER SUPPORT.—(1) The Inspector
18 General of the Intelligence Community shall be provided
19 with appropriate and adequate office space at central and
20 field office locations, together with such equipment, office
21 supplies, maintenance services, and communications facili-
22 ties and services as may be necessary for the operation of
23 such offices.

24 “(2)(A) Subject to applicable law and the policies of
25 the Director of National Intelligence, the Inspector General

1 *shall select, appoint, and employ such officers and employ-*
2 *ees as may be necessary to carry out the functions of the*
3 *Inspector General. The Inspector General shall ensure that*
4 *any officer or employee so selected, appointed, or employed*
5 *has security clearances appropriate for the assigned duties*
6 *of such officer or employee.*

7 “(B) *In making selections under subparagraph (A),*
8 *the Inspector General shall ensure that such officers and*
9 *employees have the requisite training and experience to en-*
10 *able the Inspector General to carry out the duties of the*
11 *Inspector General effectively.*

12 “(C) *In meeting the requirements of this paragraph,*
13 *the Inspector General shall create within the Office of the*
14 *Inspector General of the Intelligence Community a career*
15 *cadre of sufficient size to provide appropriate continuity*
16 *and objectivity needed for the effective performance of the*
17 *duties of the Inspector General.*

18 “(3)(A) *Subject to the concurrence of the Director, the*
19 *Inspector General may request such information or assist-*
20 *ance as may be necessary for carrying out the duties and*
21 *responsibilities of the Inspector General from any depart-*
22 *ment, agency, or other element of the United States Govern-*
23 *ment.*

24 “(B) *Upon request of the Inspector General for infor-*
25 *mation or assistance under subparagraph (A), the head of*

1 *the department, agency, or element concerned shall, insofar*
2 *as is practicable and not in contravention of any existing*
3 *statutory restriction or regulation of the department, agen-*
4 *cy, or element, furnish to the Inspector General, or to an*
5 *authorized designee, such information or assistance.*

6 “(C) *The Inspector General of the Intelligence Commu-*
7 *nity may, upon reasonable notice to the head of any element*
8 *of the intelligence community, conduct, as authorized by*
9 *this section, an investigation, inspection, or audit of such*
10 *element and may enter into any place occupied by such*
11 *element for purposes of the performance of the duties of the*
12 *Inspector General.*

13 “(i) *REPORTS.—(1)(A) The Inspector General of the*
14 *Intelligence Community shall, not later than January 31*
15 *and July 31 of each year, prepare and submit to the Direc-*
16 *tor of National Intelligence a classified, and, as appro-*
17 *priate, unclassified semiannual report summarizing the ac-*
18 *tivities of the Office of the Inspector General of the Intel-*
19 *ligence Community during the immediately preceding 6-*
20 *month periods ending December 31 (of the preceding year)*
21 *and June 30, respectively. The Inspector General of the In-*
22 *telligence Community shall provide any portion of the re-*
23 *port involving a component of a department of the United*
24 *States Government to the head of that department simulta-*

1 *neously with submission of the report to the Director of Na-*
2 *tional Intelligence.*

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

5 “(i) *A list of the title or subject of each investiga-*
6 *tion, inspection, or audit conducted during the period*
7 *covered by such report, including a summary of the*
8 *progress of each particular investigation, inspection,*
9 *or audit since the preceding report of the Inspector*
10 *General under this paragraph.*

11 “(ii) *A description of significant problems,*
12 *abuses, and deficiencies relating to the administration*
13 *and implementation of programs and operations of*
14 *the intelligence community, and in the relationships*
15 *between elements of the intelligence community, iden-*
16 *tified by the Inspector General during the period cov-*
17 *ered by such report.*

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

23 “(iv) *A statement whether or not corrective or*
24 *disciplinary action has been completed on each sig-*
25 *nificant recommendation described in previous semi-*

1 *annual reports, and, in a case where corrective action*
2 *has been completed, a description of such corrective*
3 *action.*

4 *“(v) A certification whether or not the Inspector*
5 *General has had full and direct access to all informa-*
6 *tion relevant to the performance of the functions of*
7 *the Inspector General.*

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

11 *“(vii) Such recommendations as the Inspector*
12 *General considers appropriate for legislation to pro-*
13 *mote economy, efficiency, and effectiveness in the ad-*
14 *ministration and implementation of matters within*
15 *the responsibility and authority of the Director of Na-*
16 *tional Intelligence, and to detect and eliminate fraud*
17 *and abuse in such matters.*

18 *“(C) Not later than the 30 days after the date of receipt*
19 *of a report under subparagraph (A), the Director shall*
20 *transmit the report to the congressional intelligence com-*
21 *mittees together with any comments the Director considers*
22 *appropriate. The Director shall transmit to the committees*
23 *of the Senate and of the House of Representatives with ju-*
24 *risdiction over a department of the United States Govern-*
25 *ment any portion of the report involving a component of*

1 *such department simultaneously with submission of the re-*
2 *port to the congressional intelligence committees.*

3 “(2)(A) *The Inspector General shall report imme-*
4 *diately to the Director whenever the Inspector General be-*
5 *comes aware of particularly serious or flagrant problems,*
6 *abuses, or deficiencies relating to matters within the respon-*
7 *sibility and authority of the Director of National Intel-*
8 *ligence.*

9 “(B) *The Director shall transmit to the congressional*
10 *intelligence committees each report under subparagraph (A)*
11 *within seven calendar days of receipt of such report, to-*
12 *gether with such comments as the Director considers appro-*
13 *priate. The Director shall transmit to the committees of the*
14 *Senate and of the House of Representatives with jurisdic-*
15 *tion over a department of the United States Government*
16 *any portion of each report under subparagraph (A) that*
17 *involves a problem, abuse, or deficiency related to a compo-*
18 *nent of such department simultaneously with transmission*
19 *of the report to the congressional intelligence committees.*

20 “(3) *In the event that—*

21 “(A) *the Inspector General is unable to resolve*
22 *any differences with the Director affecting the execu-*
23 *tion of the duties or responsibilities of the Inspector*
24 *General;*

1 “(B) an investigation, inspection, or audit car-
2 ried out by the Inspector General focuses on any cur-
3 rent or former intelligence community official who—

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

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

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

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 de-
21 scribed 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 cur-

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

2 *or*

3 *“(E) the Inspector General, after exhausting all*
4 *possible alternatives, is unable to obtain significant*
5 *documentary information in the course of an inves-*
6 *tigation, inspection, or audit,*

7 *the Inspector General shall immediately notify and submit*
8 *a report on such matter to the congressional intelligence*
9 *committees.*

10 *“(4) Pursuant to title V, the Director shall submit to*
11 *the congressional intelligence committees any report or*
12 *findings and recommendations of an investigation, inspec-*
13 *tion, or audit conducted by the office which has been re-*
14 *quested by the Chairman or Vice Chairman or Ranking Mi-*
15 *nority Member of either committee.*

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

23 *“(B) Not later than the end of the 14-calendar day*
24 *period beginning on the date of receipt from an employee*
25 *of a complaint or information under subparagraph (A), the*

1 *Inspector General shall determine whether the complaint or*
2 *information appears credible. Upon making such a deter-*
3 *mination, the Inspector General shall transmit to the Direc-*
4 *tor a notice of that determination, together with the com-*
5 *plaint or information.*

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

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

19 “(ii) An employee may contact the intelligence com-
20 mittees directly as described in clause (i) only if the
21 employee—

22 “(I) before making such a contact, furnishes to
23 the Director, through the Inspector General, a state-
24 ment of the employee’s complaint or information and

1 *notice of the employee’s intent to contact the congress-*
2 *sional intelligence committees directly; and*

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

7 *“(iii) A member or employee of one of the congressional*
8 *intelligence committees who receives a complaint or infor-*
9 *mation under clause (i) does so in that member or employ-*
10 *ee’s official capacity as a member or employee of such com-*
11 *mittee.*

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

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

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

23 *“(i) A serious or flagrant problem, abuse, viola-*
24 *tion of law or Executive order, or deficiency relating*
25 *to the funding, administration, or operation of an in-*

1 *telligence activity involving classified information,*
2 *but does not include differences of opinions con-*
3 *cerning public policy matters.*

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

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

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

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

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

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

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

20 (2) *CLERICAL AMENDMENT.*—The table of con-
21 tents in the first section of the National Security Act
22 of 1947, as amended by section 409 of this Act, is fur-
23 ther amended by inserting after the item relating to
24 section 103H the following new item:

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

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

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

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

9 **SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OF-**
10 **FICES AND OFFICIALS.**

11 (a) *NATIONAL COUNTER PROLIFERATION CENTER.*—
12 Section 119A(a) of the National Security Act of 1947 (50
13 U.S.C. 4040–1(a)) is amended—

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

18 “(a) *IN GENERAL.*—

19 “(1) *ESTABLISHMENT.*—The”; and

20 (2) by adding at the end the following new para-
21 graphs:

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

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

4 (b) *OFFICERS.*—*Section 103(c) of that Act (50 U.S.C.*
 5 *403–3(c)) is amended—*

6 (1) *by redesignating paragraph (9) as para-*
 7 *graph (13); and*

8 (2) *by inserting after paragraph (8) the fol-*
 9 *lowing new paragraphs:*

10 “(9) *The Chief Information Officer of the Intel-*
 11 *ligence Community.*

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

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

16 “(12) *The Director of the National Counter Pro-*
 17 *liferation Center.*”.

18 **SEC. 412. NATIONAL SPACE INTELLIGENCE OFFICE.**

19 (a) *ESTABLISHMENT.*—

20 (1) *IN GENERAL.*—*Title I of the National Secu-*
 21 *rity Act of 1947 (50 U.S.C. 401 et seq.) is amended*
 22 *by adding at the end the following new section:*

23 “*NATIONAL SPACE INTELLIGENCE OFFICE*

24 “*SEC. 119C. (a) ESTABLISHMENT.*—*There is estab-*
 25 *lished within the Office of the Director of National Intel-*
 26 *ligence a National Space Intelligence Office.*

1 “(b) *DIRECTOR OF NATIONAL SPACE INTELLIGENCE*
2 *OFFICE.*—*The National Intelligence Officer for Science and*
3 *Technology, or a successor position designated by the Direc-*
4 *tor of National Intelligence, shall act as the Director of the*
5 *National Space Intelligence Office.*

6 “(c) *MISSIONS.*—*The National Space Intelligence Of-*
7 *fice shall have the following missions:*

8 “(1) *To coordinate and provide policy direction*
9 *for the management of space-related intelligence as-*
10 *sets.*

11 “(2) *To prioritize collection activities consistent*
12 *with the National Intelligence Collection Priorities*
13 *framework, or a successor framework or other docu-*
14 *ment designated by the Director of National Intel-*
15 *ligence.*

16 “(3) *To provide policy direction for programs*
17 *designed to ensure a sufficient cadre of government*
18 *and nongovernment personnel in fields relating to*
19 *space intelligence, including programs to support edu-*
20 *cation, recruitment, hiring, training, and retention of*
21 *qualified personnel.*

22 “(4) *To evaluate independent analytic assess-*
23 *ments of threats to classified United States space in-*
24 *telligence systems throughout all phases of the develop-*
25 *ment, acquisition, and operation of such systems.*

1 “(d) *ACCESS TO INFORMATION.*—*The Director of Na-*
 2 *tional Intelligence shall ensure that the National Space In-*
 3 *telligence Office has access to all national intelligence infor-*
 4 *mation (as appropriate), and such other information (as*
 5 *appropriate and practical), necessary for the Office to carry*
 6 *out the missions of the Office under subsection (c).*”

7 “(e) *SEPARATE BUDGET ACCOUNT.*—*The Director of*
 8 *National Intelligence shall include in the National Intel-*
 9 *ligence Program budget a separate line item for the Na-*
 10 *tional Space Intelligence Office.*”

11 (2) *CLERICAL AMENDMENT.*—*The table of con-*
 12 *tents in the first section of the National Security Act*
 13 *of 1947 is amended by inserting after the item relat-*
 14 *ing to section 119B the following new item:*

“*Sec. 119C. National Space Intelligence Office.*”

15 (b) *REPORT ON ORGANIZATION OF OFFICE.*—

16 (1) *REPORT REQUIRED.*—*Not later than 180*
 17 *days after the date of the enactment of this Act, the*
 18 *Director of the National Space Intelligence Office*
 19 *shall submit to the Select Committee on Intelligence*
 20 *of the Senate and the Permanent Select Committee on*
 21 *Intelligence of the House of Representatives a report*
 22 *on the organizational structure of the National Space*
 23 *Intelligence Office established by section 119C of the*
 24 *National Security Act of 1947 (as added by sub-*
 25 *section (a)).*

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

3 (A) *The proposed organizational structure*
 4 *of the National Space Intelligence Office.*

5 (B) *An identification of key participants in*
 6 *the Office.*

7 (C) *A strategic plan for the Office during*
 8 *the five-year period beginning on the date of the*
 9 *report.*

10 **SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DI-**
 11 **RECTOR OF NATIONAL INTELLIGENCE.**

12 (a) *IN GENERAL.*—*Title VII of the National Security*
 13 *Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding*
 14 *at the end the following new section:*

15 “*PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE*
 16 *DIRECTOR OF NATIONAL INTELLIGENCE*

17 “*SEC. 706. (a) RECORDS FROM EXEMPTED OPER-*
 18 *ATIONAL FILES.*—*(1) Any record disseminated or otherwise*
 19 *provided to an element of the Office of the Director of Na-*
 20 *tional Intelligence from the exempted operational files of*
 21 *elements of the intelligence community designated in ac-*
 22 *cordance with this title, and any operational files created*
 23 *by the Office of the Director of National Intelligence that*
 24 *incorporate such record in accordance with subparagraph*
 25 *(A)(ii), shall be exempted from the provisions of section 552*
 26 *of title 5, United States Code that require search, review,*

1 *publication or disclosure in connection therewith, in any*
2 *instance in which—*

3 “(A)(i) *such record is shared within the Office of*
4 *the Director of National Intelligence and not dissemi-*
5 *nated by that Office beyond that Office; or*

6 “(ii) *such record is incorporated into new*
7 *records created by personnel of the Office of the Direc-*
8 *tor of National Intelligence and maintained in oper-*
9 *ational files of the Office of the Director of National*
10 *Intelligence and such record is not disseminated by*
11 *that Office beyond that Office; and*

12 “(B) *the operational files from which such record*
13 *has been obtained continue to remain designated as*
14 *operational files exempted from section 552 of title 5,*
15 *United States Code.*

16 “(2) *The operational files of the Office of the Director*
17 *of National Intelligence referred to in paragraph (1)(A)(ii)*
18 *shall be similar in nature to the originating operational*
19 *files from which the record was disseminated or provided,*
20 *as such files are defined in this title.*

21 “(3) *Records disseminated or otherwise provided to the*
22 *Office of the Director of National Intelligence from other*
23 *elements of the intelligence community that are not pro-*
24 *tected by paragraph (1), and that are authorized to be dis-*
25 *seminated beyond the Office of the Director of National In-*

1 *telligence, shall remain subject to search and review under*
2 *section 552 of title 5, United States Code, but may continue*
3 *to be exempted from the publication and disclosure provi-*
4 *sions of that section by the originating agency to the extent*
5 *that such section permits.*

6 “(4) *Notwithstanding any other provision of this title,*
7 *records in the exempted operational files of the Central In-*
8 *telligence Agency, the National Geospatial-Intelligence*
9 *Agency, the National Reconnaissance Office, the National*
10 *Security Agency, or the Defense Intelligence Agency shall*
11 *not be subject to the search and review provisions of section*
12 *552 of title 5, United States Code, solely because they have*
13 *been disseminated to an element or elements of the Office*
14 *of the Director of National Intelligence, or referenced in*
15 *operational files of the Office of the Director of National*
16 *Intelligence and that are not disseminated beyond the Office*
17 *of the Director of National Intelligence.*

18 “(5) *Notwithstanding any other provision of this title,*
19 *the incorporation of records from the operational files of*
20 *the Central Intelligence Agency, the National Geospatial-*
21 *Intelligence Agency, the National Reconnaissance Office, the*
22 *National Security Agency, or the Defense Intelligence Agen-*
23 *cy, into operational files of the Office of the Director of Na-*
24 *tional Intelligence shall not subject that record or the oper-*
25 *ational files of the Central Intelligence Agency, the National*

1 *Geospatial-Intelligence Agency, the National Reconnaissance*
2 *Office, the National Security Agency or the Defense*
3 *Intelligence Agency to the search and review provisions of*
4 *section 552 of title 5, United States Code.*

5 “(b) *OTHER RECORDS.—(1) Files in the Office of the*
6 *Director of National Intelligence that are not exempted*
7 *under subsection (a) of this section which contain informa-*
8 *tion derived or disseminated from exempted operational*
9 *files shall be subject to search and review under section 552*
10 *of title 5, United States Code.*

11 “(2) *The inclusion of information from exempted oper-*
12 *ational files in files of the Office of the Director of National*
13 *Intelligence that are not exempted under subsection (a) shall*
14 *not affect the exemption of the originating operational files*
15 *from search, review, publication, or disclosure.*

16 “(3) *Records from exempted operational files of the Of-*
17 *fice of the Director of National Intelligence which have been*
18 *disseminated to and referenced in files that are not exempt-*
19 *ed under subsection (a), and which have been returned to*
20 *exempted operational files of the Office of the Director of*
21 *National Intelligence for sole retention, shall be subject to*
22 *search and review.*

23 “(c) *SEARCH AND REVIEW FOR CERTAIN PURPOSES.—*
24 *Notwithstanding subsection (a), exempted operational files*

1 *shall continue to be subject to search and review for infor-*
2 *mation concerning any of the following:*

3 “(1) *United States citizens or aliens lawfully ad-*
4 *mitted for permanent residence who have requested*
5 *information on themselves pursuant to the provisions*
6 *of section 552 or 552a of title 5, United States Code.*

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

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

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

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

18 “(C) *The Intelligence Oversight Board.*

19 “(D) *The Department of Justice.*

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

22 “(F) *The Office of the Inspector General of*
23 *the Intelligence Community.*

24 “(d) *DECENNIAL REVIEW OF EXEMPTED OPER-*
25 *ATIONAL FILES.—(1) Not less than once every 10 years, the*

1 *Director of National Intelligence shall review the oper-*
2 *ational files exempted under subsection (a) to determine*
3 *whether such files, or any portion of such files, may be re-*
4 *moved from the category of exempted files.*

5 “(2) *The review required by paragraph (1) shall in-*
6 *clude consideration of the historical value or other public*
7 *interest in the subject matter of the particular category of*
8 *files or portions thereof and the potential for declassifying*
9 *a significant part of the information contained therein.*

10 “(3) *A complainant that alleges that Director of Na-*
11 *tional Intelligence has improperly withheld records because*
12 *of failure to comply with this subsection may seek judicial*
13 *review in the district court of the United States of the dis-*
14 *trict in which any of the parties reside, or in the District*
15 *of Columbia. In such a proceeding, the court’s review shall*
16 *be limited to determining the following:*

17 “(A) *Whether the Director has conducted the re-*
18 *view required by paragraph (1) before the expiration*
19 *of the 10-year period beginning on the date of the en-*
20 *actment of the Intelligence Authorization Act for Fis-*
21 *cal Year 2008 or before the expiration of the 10-year*
22 *period beginning on the date of the most recent re-*
23 *view.*

1 “(B) *Whether the Director of National Intel-*
2 *ligence, in fact, considered the criteria set forth in*
3 *paragraph (2) in conducting the required review.*

4 “(e) *SUPERSEDURE OF OTHER LAWS.—The provisions*
5 *of this section may not be superseded except by a provision*
6 *of law that is enacted after the date of the enactment of*
7 *this section and that specifically cites and repeals or modi-*
8 *fies such provisions.*

9 “(f) *APPLICABILITY.—The Director of National Intel-*
10 *ligence will publish a regulation listing the specific elements*
11 *within the Office of the Director of National Intelligence*
12 *whose records can be exempted from search and review*
13 *under this section.*

14 “(g) *ALLEGATION; IMPROPER WITHHOLDING OF*
15 *RECORDS; JUDICIAL REVIEW.—(1) Except as provided in*
16 *paragraph (2), whenever any person who has requested*
17 *agency records under section 552 of title 5, United States*
18 *Code, alleges that the Office of the Director of National In-*
19 *telligence has withheld records improperly because of failure*
20 *to comply with any provision of this section, judicial review*
21 *shall be available under the terms set forth in section*
22 *552(a)(4)(B) of title 5, United States Code.*

23 “(2) *Judicial review shall not be available in the man-*
24 *ner provided for under paragraph (1) as follows:*

1 “(A) *In any case in which information specifi-*
2 *cally authorized under criteria established by an Ex-*
3 *ecutive order to be kept secret in the interests of na-*
4 *tional defense or foreign relations is filed with, or*
5 *produced for, the court by the Office of the Director*
6 *of National Intelligence, such information shall be ex-*
7 *amined ex parte, in camera by the court.*

8 “(B) *The court shall determine, to the fullest ex-*
9 *tent practicable, the issues of fact based on sworn*
10 *written submissions of the parties.*

11 “(C) *When a complainant alleges that requested*
12 *records are improperly withheld because of improper*
13 *placement solely in exempted operational files, the*
14 *complainant shall support such allegation with a*
15 *sworn written submission based upon personal knowl-*
16 *edge or otherwise admissible evidence.*

17 “(D)(i) *When a complainant alleges that re-*
18 *quested records were improperly withheld because of*
19 *improper exemption of operational files, the Office of*
20 *the Director of National Intelligence shall meet its*
21 *burden under section 552(a)(4)(B) of title 5, United*
22 *States Code, by demonstrating to the court by sworn*
23 *written submission that exempted operational files*
24 *likely to contain responsive records currently meet the*
25 *criteria set forth in subsection.*

1 “(ii) The court may not order the Office of the
2 Director of National Intelligence to review the content
3 of any exempted operational file or files in order to
4 make the demonstration required under clause (i), un-
5 less the complainant disputes the Office’s showing
6 with a sworn written submission based on personal
7 knowledge or otherwise admissible evidence.

8 “(E) In proceedings under subparagraphs (C)
9 and (D), the parties may not obtain discovery pursu-
10 ant to rules 26 through 36 of the Federal Rules of
11 Civil Procedure, except that requests for admissions
12 may be made pursuant to rules 26 and 36.

13 “(F) If the court finds under this subsection that
14 the Office of the Director of National Intelligence has
15 improperly withheld requested records because of fail-
16 ure to comply with any provision of this section, the
17 court shall order the Office to search and review the
18 appropriate exempted operational file or files for the
19 requested records and make such records, or portions
20 thereof, available in accordance with the provisions of
21 section 552 of title 5, United States Code, and such
22 order shall be the exclusive remedy for failure to com-
23 ply with this section.

24 “(G) If at any time following the filing of a com-
25 plaint pursuant to this paragraph the Office of the

1 *Director of National Intelligence agrees to search the*
 2 *appropriate exempted operational file or files for the*
 3 *requested records, the court shall dismiss the claim*
 4 *based upon such complaint.”.*

5 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
 6 *the first section of the National Security Act of 1947 is*
 7 *amended by inserting after the item relating to section 705*
 8 *the following new item:*

*“Sec. 706. Operational files in the Office of the Director of National Intel-
 ligence.”.*

9 **SEC. 414. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
 10 **THE OFFICE OF THE NATIONAL COUNTER-IN-**
 11 **TELLIGENCE EXECUTIVE.**

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

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

17 *(2) by redesignating subsections (e), (f), (g), (k),*
 18 *(l), and (m) as subsections (d), (e), (f), (g), (h), and*
 19 *(i), respectively; and*

20 *(3) in subsection (f), as redesignated by para-*
 21 *graph (2), by striking paragraphs (3) and (4).*

22 **(b) CONFORMING AMENDMENTS.**—*That section is fur-*
 23 *ther amended—*

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

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

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

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

11 **SEC. 415. INAPPLICABILITY OF FEDERAL ADVISORY COM-**
12 **MITTEE ACT TO ADVISORY COMMITTEES OF**
13 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
14 **INTELLIGENCE.**

15 Section 4(b) of the *Federal Advisory Committee Act*
16 (*5 U.S.C. App.*) is amended—

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

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

20 (3) by adding at the end the following new para-
21 graph:

22 “(3) the Office of the Director of National Intel-
23 ligence.”.

1 **SEC. 416. 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. 417. APPLICABILITY OF THE PRIVACY ACT TO THE DI-**
9 **RECTOR OF NATIONAL INTELLIGENCE AND**
10 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
11 **INTELLIGENCE.**

12 *Subsection (j) of section 552a of title 5, United States*
13 *Code, is amended—*

14 *(1) in paragraph (1), by striking “or” at the*
15 *end;*

16 *(2) by redesignating paragraph (2) as para-*
17 *graph (3); and*

18 *(3) by inserting after paragraph (1) the fol-*
19 *lowing new paragraph:*

20 *“(2) maintained by the Office of the Director of*
21 *National Intelligence; or”.*

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

3 ***SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CEN-***
4 ***TRAL INTELLIGENCE AGENCY.***

5 *(a) ESTABLISHMENT OF POSITION OF DEPUTY DIREC-*
6 *TOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a)*
7 *of section 104A of the National Security Act of 1947 (50*
8 *U.S.C. 403–4a) is amended—*

9 *(1) by redesignating subsections (b), (c), (d), (e),*
10 *(f), and (g) as subsections (d), (e), (f), (g), (h), and*
11 *(i) respectively; and*

12 *(2) by inserting after subsection (a) the following*
13 *new subsections (b) and (c):*

14 *“(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE*
15 *AGENCY.—(1) There is a Deputy Director of the Central*
16 *Intelligence Agency who shall be appointed by the Presi-*
17 *dent, by and with the advice and consent of the Senate.*

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

22 *“(3) The Deputy Director of the Central Intelligence*
23 *Agency shall act for, and exercise the powers of, the Director*
24 *of the Central Intelligence Agency during the absence or dis-*
25 *ability of the Director of the Central Intelligence Agency*

1 *or during a vacancy in the position of Director of the Cen-*
2 *tral Intelligence Agency.*

3 “(c) *MILITARY STATUS OF DIRECTOR OF THE CEN-*
4 *TRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF*
5 *CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one*
6 *of the individuals serving in the positions specified in sub-*
7 *section (a) and (b) may be a commissioned officer of the*
8 *Armed Forces in active status.*

9 “(2) *A commissioned officer of the Armed Forces who*
10 *is serving as the Director or Deputy Director of the Central*
11 *Intelligence Agency or is engaged in administrative per-*
12 *formance of the duties of Director or Deputy Director of*
13 *the Central Intelligence Agency shall not, while continuing*
14 *in such service, or in the administrative performance of*
15 *such duties—*

16 “(A) *be subject to supervision or control by the*
17 *Secretary of Defense or by any officer or employee of*
18 *the Department of Defense; or*

19 “(B) *exercise, by reason of the officer’s status as*
20 *a commissioned officer, any supervision or control*
21 *with respect to any of the military or civilian per-*
22 *sonnel of the Department of Defense except as other-*
23 *wise authorized by law.*

24 “(3) *Except as provided in subparagraph (A) or (B)*
25 *of paragraph (2), the service, or the administrative per-*

1 *formance of duties, described in that paragraph by an offi-*
2 *cer described in that paragraph shall not affect the status,*
3 *position, rank, or grade of such officer in the Armed Forces,*
4 *or any emolument, perquisite, right, privilege, or benefit in-*
5 *cident to or arising out of such status, position, rank, or*
6 *grade.*

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

15 **(b) CONFORMING AMENDMENT.**—*Paragraph (2) of sub-*
16 *section (e) of such section, as redesignated by subsection*
17 *(a)(1) of this section, is further amended by striking “sub-*
18 *section (d)” and inserting “subsection (f)”.*

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

22 *“Deputy Director of the Central Intelligence*
23 *Agency.”.*

24 **(d) ROLE OF DNI IN APPOINTMENT.**—*Section*
25 *106(b)(2) of the National Security Act of 1947 (50 U.S.C.*

1 403–6(b)(2)) is amended by adding at the end the following
2 new subparagraph:

3 “(J) *The Deputy Director of the Central Intel-*
4 *ligence Agency.*”.

5 (e) *EFFECTIVE DATE AND APPLICABILITY.*—*The*
6 *amendments made by this section shall take effect on the*
7 *date of the enactment of this Act and shall apply upon the*
8 *earlier of—*

9 (1) *the date of the nomination by the President*
10 *of an individual to serve as Deputy Director of the*
11 *Central Intelligence Agency, except that the indi-*
12 *vidual administratively performing the duties of the*
13 *Deputy Director of the Central Intelligence Agency as*
14 *of the date of the enactment of this Act may continue*
15 *to perform such duties after such date of nomination*
16 *and until the individual appointed to the position of*
17 *Deputy Director of the Central Intelligence Agency,*
18 *by and with the advice and consent of the Senate, as-*
19 *sumes the duties of such position; or*

20 (2) *the date of the cessation of the performance*
21 *of the duties of Deputy Director of the Central Intel-*
22 *ligence Agency by the individual administratively*
23 *performing such duties as of the date of the enactment*
24 *of this Act.*

1 **SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL**
2 **INTELLIGENCE AGENCY OF REQUIREMENT**
3 **FOR ANNUAL REPORT ON PROGRESS IN**
4 **AUDITABLE FINANCIAL STATEMENTS.**

5 *Section 114A of the National Security Act of 1947 (50*
6 *U.S.C. 404i-1) is amended by striking “the Director of the*
7 *Central Intelligence Agency,”.*

8 **SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
9 **PROTECTIVE PERSONNEL OF THE CENTRAL**
10 **INTELLIGENCE AGENCY.**

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

13 *(1) by inserting “(A)” after “(4)”;*

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

15 *(A) by striking “and the protection” and*
16 *inserting “the protection”; and*

17 *(B) by striking the semicolon and inserting*
18 *“, and the protection of the Director of National*
19 *Intelligence and such personnel of the Office of*
20 *the Director of National Intelligence as the Di-*
21 *rector of National Intelligence may designate;*
22 *and”;* and

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

25 *“(B) Authorize personnel engaged in the per-*
26 *formance of protective functions authorized pursuant*

1 to subparagraph (A), when engaged in the perform-
2 ance of such functions, to make arrests without war-
3 rant for any offense against the United States com-
4 mitted in the presence of such personnel, or for any
5 felony cognizable under the laws of the United States,
6 if such personnel have reasonable grounds to believe
7 that the person to be arrested has committed or is
8 committing such felony, except that any authority
9 pursuant to this subparagraph may be exercised only
10 in accordance with guidelines approved by the Direc-
11 tor and the Attorney General and such personnel may
12 not exercise any authority for the service of civil proc-
13 ess or for the investigation of criminal offenses;”.

14 **SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES**
15 **OF CERTAIN CENTRAL INTELLIGENCE AGEN-**
16 **CY POSITIONS.**

17 Section 17(d)(3)(B)(ii) of the Central Intelligence
18 Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is
19 amended—

20 (1) in subclause (I), by striking “Executive Di-
21 rector” and inserting “Associate Deputy Director”;

22 (2) in subclause (II), by striking “Deputy Direc-
23 tor for Operations” and inserting “Director of the
24 National Clandestine Service”; and

1 (3) in subclause (IV), by striking “Deputy Direc-
2 tor for Administration” and inserting “Director for
3 Support”.

4 **SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**
5 **ON RETIREMENT BENEFITS FOR FORMER EM-**
6 **PLOYEES OF AIR AMERICA.**

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

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

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

20 (i) the relationship between such companies
21 and the Central Intelligence Agency and other
22 elements of the United States Government;

23 (ii) the workforce of such companies;

1 *(iii) the missions performed by such compa-*
2 *nies and their employees for the United States;*
3 *and*

4 *(iv) the casualties suffered by employees of*
5 *such companies in the course of their employ-*
6 *ment with such companies.*

7 *(B) A description of the retirement benefits con-*
8 *tracted for or promised to the employees of such com-*
9 *panies before 1977, the contributions made by such*
10 *employees for such benefits, the retirement benefits ac-*
11 *tually paid such employees, the entitlement of such*
12 *employees to the payment of future retirement bene-*
13 *fits, and the likelihood that former employees of such*
14 *companies will receive any future retirement benefits.*

15 *(C) An assessment of the difference between—*

16 *(i) the retirement benefits that former em-*
17 *ployees of such companies have received or will*
18 *receive by virtue of their employment with such*
19 *companies; and*

20 *(ii) the retirement benefits that such em-*
21 *ployees would have received and in the future re-*
22 *ceive if such employees had been, or would now*
23 *be, treated as employees of the United States*
24 *whose services while in the employ of such com-*
25 *panies had been or would now be credited as*

1 *Federal service for the purpose of Federal retire-*
2 *ment benefits.*

3 *(D) Any recommendations regarding the advis-*
4 *ability of legislative action to treat employment at*
5 *such companies as Federal service for the purpose of*
6 *Federal retirement benefits in light of the relationship*
7 *between such companies and the United States Gov-*
8 *ernment and the services and sacrifices of such em-*
9 *ployees to and for the United States, and if legislative*
10 *action is considered advisable, a proposal for such ac-*
11 *tion and an assessment of its costs.*

12 *(2) The Director of National Intelligence shall include*
13 *in the report any views of the Director of the Central Intel-*
14 *ligence Agency on the matters covered by the report that*
15 *the Director of the Central Intelligence Agency considers ap-*
16 *propriate.*

17 *(c) ASSISTANCE OF COMPTROLLER GENERAL.—The*
18 *Comptroller General of the United States shall, upon the*
19 *request of the Director of National Intelligence and in a*
20 *manner consistent with the protection of classified informa-*
21 *tion, assist the Director in the preparation of the report*
22 *required by subsection (a).*

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

1 (e) *DEFINITIONS.*—*In this section:*

2 (1) *The term “Air America” means Air America,*
3 *Incorporated.*

4 (2) *The term “associated company” means any*
5 *company associated with or subsidiary to Air Amer-*
6 *ica, including Air Asia Company Limited and the*
7 *Pacific Division of Southern Air Transport, Incor-*
8 *porated.*

9 ***Subtitle C—Defense Intelligence***
10 ***Components***

11 ***SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGEN-***
12 ***CY TRAINING PROGRAM.***

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

18 *“(i) by the Agency due to misconduct by the*
19 *employee;*

20 *“(ii) by the employee voluntarily; or*

21 *“(iii) by the Agency for the failure of the*
22 *employee to maintain such level of academic*
23 *standing in the educational course of training as*
24 *the Director of the National Security Agency*

1 *shall have specified in the agreement of the em-*
2 *ployee under this subsection; and”.*

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

8 **SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL**
9 **SECURITY AGENCY PROTECTIVE PERSONNEL.**

10 *The National Security Agency Act of 1959 (50 U.S.C.*
11 *402 note) is amended by adding at the end the following*
12 *new section:*

13 ***“SEC. 21. (a) The Director is authorized to designate***
14 ***personnel of the Agency to perform protective functions for***
15 ***the Director and for any personnel of the Agency designated***
16 ***by the Director.***

17 ***“(b)(1) In the performance of protective functions***
18 ***under this section, personnel of the Agency designated to***
19 ***perform protective functions pursuant to subsection (a) are***
20 ***authorized, when engaged in the performance of such func-***
21 ***tions, to make arrests without a warrant for—***

22 ***“(A) any offense against the United States com-***
23 ***mitted in the presence of such personnel; or***

24 ***“(B) any felony cognizable under the laws of the***
25 ***United States if such personnel have reasonable***

1 grounds to believe that the person to be arrested has
2 committed or is committing such felony.

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

6 “(3) Personnel of the Agency designated to perform
7 protective functions pursuant to subsection (a) shall not ex-
8 ercise any authority for the service of civil process or the
9 investigation of criminal offenses.

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

14 **SEC. 433. INSPECTOR GENERAL MATTERS.**

15 (a) *COVERAGE UNDER INSPECTOR GENERAL ACT OF*
16 *1978.*—Subsection (a)(2) of section 8G of the *Inspector Gen-*
17 *eral Act of 1978 (5 U.S.C. App. 8G)* is amended—

18 (1) by inserting “the Defense Intelligence Agen-
19 cy,” after “the Corporation for Public Broadcasting,”;

20 (2) by inserting “the National Geospatial-Intel-
21 ligence Agency,” after “the National Endowment for
22 the Arts,”; and

23 (3) by inserting “the National Reconnaissance
24 Office, the National Security Agency,” after “the Na-
25 tional Labor Relations Board,”.

1 **(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GEN-**
2 **ERAL ACT OF 1978.**—Subsection (a) of section 8H of the
3 *Inspector General Act of 1978 (5 U.S.C. App. 8H)* is
4 *amended by adding at the end the following new paragraph:*

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

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

12 (1) *by inserting “(1)” after “(d)”;*

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

17 (3) *by adding at the end the following new para-*
18 *graph:*

19 “(2)(A) *The Director of National Intelligence or the*
20 *Secretary of Defense may prohibit the Inspector General of*
21 *an element of the intelligence community specified in sub-*
22 *paragraph (D) from initiating, carrying out, or completing*
23 *any audit or investigation if the Director or the Secretary,*
24 *as the case may be, determines that the prohibition is nec-*

1 *essary to protect vital national security interests of the*
2 *United States.*

3 “(B) *If the Director or the Secretary exercises the au-*
4 *thority under subparagraph (A), the Director or the Sec-*
5 *retary, as the case may be, shall submit to the committees*
6 *of Congress specified in subparagraph (E) an appropriately*
7 *classified statement of the reasons for the exercise of the au-*
8 *thority not later than seven days after the exercise of the*
9 *authority.*

10 “(C) *At the same time the Director or the Secretary*
11 *submits under subparagraph (B) a statement on the exercise*
12 *of the authority in subparagraph (A) to the committees of*
13 *Congress specified in subparagraph (E), the Director or the*
14 *Secretary, as the case may be, shall notify the Inspector*
15 *General of such element of the submittal of such statement*
16 *and, to the extent consistent with the protection of intel-*
17 *ligence sources and methods, provide the Inspector General*
18 *with a copy of such statement. The Inspector General may*
19 *submit to such committees of Congress any comments on*
20 *a notice or statement received by the Inspector General*
21 *under this subparagraph that the Inspector General con-*
22 *siders appropriate.*

23 “(D) *The elements of the intelligence community speci-*
24 *fied in this subparagraph are as follows:*

25 “(i) *The Defense Intelligence Agency.*

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

3 “(iii) *The National Reconnaissance Office.*

4 “(iv) *The National Security Agency.*

5 “(E) *The committees of Congress specified in this sub-*
6 *paragraph are—*

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

9 “(ii) *the Committee on Armed Services and the*
10 *Permanent Select Committee on Intelligence of the*
11 *House of Representatives.”.*

12 **SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF**
13 **CERTAIN COMPONENTS OF THE INTEL-**
14 **LIGENCE COMMUNITY.**

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

19 “*SEC. 2. (a) There is a Director of the National Secu-*
20 *rity Agency.*

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

24 “(c) *The Director of the National Security Agency*
25 *shall be the head of the National Security Agency and shall*

1 *discharge such functions and duties as are provided by this*
2 *Act or otherwise by law.”.*

3 (b) *DIRECTOR OF NATIONAL GEOSPATIAL-INTEL-*
4 *LIGENCE AGENCY.—Section 441(b) of title 10, United*
5 *States Code, is amended—*

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

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

10 “(2) *The Director of the National Geospatial Intel-*
11 *ligence Agency shall be appointed by the President, by and*
12 *with the advice and consent of the Senate.”.*

13 (c) *DIRECTOR OF NATIONAL RECONNAISSANCE OF-*
14 *FICE.—The Director of the National Reconnaissance Office*
15 *shall be appointed by the President, by and with the advice*
16 *and consent of the Senate.*

17 (d) *POSITIONS OF IMPORTANCE AND RESPONSI-*
18 *BILITY.—*

19 (1) *DESIGNATION OF POSITIONS.—The President*
20 *may designate any of the positions referred to in*
21 *paragraph (2) as positions of importance and respon-*
22 *sibility under section 601 of title 10, United States*
23 *Code.*

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

1 (A) *The Director of the National Security*
2 *Agency.*

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

5 (C) *The Director of the National Reconnaissance*
6 *Office.*

7 (e) *EFFECTIVE DATE AND APPLICABILITY.—*

8 (1) *IN GENERAL.—The amendments made by*
9 *subsections (a) and (b), and subsection (c), shall take*
10 *effect on the date of the enactment of this Act and*
11 *shall apply upon the earlier of—*

12 (A) *the date of the nomination by the Presi-*
13 *dent of an individual to serve in the position*
14 *concerned, except that the individual serving in*
15 *such position as of the date of the enactment of*
16 *this Act may continue to perform such duties*
17 *after such date of nomination and until the indi-*
18 *vidual appointed to such position, by and with*
19 *the advice and consent of the Senate, assumes the*
20 *duties of such position; or*

21 (B) *the date of the cessation of the perform-*
22 *ance of the duties of such position by the indi-*
23 *vidual performing such duties as of the date of*
24 *the enactment of this Act.*

1 (2) *POSITIONS OF IMPORTANCE AND RESPONSIBILITY.*—Subsection (d) shall take effect on the date
2 of the enactment of this Act.
3

4 **SEC. 435. CLARIFICATION OF NATIONAL SECURITY MIS-**
5 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
6 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
7 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
8 **FORMATION.**

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

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

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

15 “(2)(A) As directed by the Director of National Intel-
16 ligence, the National Geospatial-Intelligence Agency shall
17 also develop a system to facilitate the analysis, dissemina-
18 tion, and incorporation of likenesses, videos, and presen-
19 tations produced by ground-based platforms, including
20 handheld or clandestine photography taken by or on behalf
21 of human intelligence collection organizations or available
22 as open-source information, into the National System for
23 Geospatial Intelligence.

24 “(B) The authority provided by this paragraph does
25 not include the authority to manage or direct the tasking

1 *of, set requirements and priorities for, set technical require-*
2 *ments related to, or modify any classification or dissemina-*
3 *tion limitations related to the collection of, handheld or*
4 *clandestine photography taken by or on behalf of human*
5 *intelligence collection organizations.”; and*

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

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

11 *The Secretary of Defense shall, during the period be-*
12 *ginning on the date of the enactment of this Act and ending*
13 *on December 31, 2008, delegate to the Director of the Na-*
14 *tional Geospatial-Intelligence Agency personnel security*
15 *authority with respect to the National Geospatial-Intel-*
16 *ligence Agency (including authority relating to the use of*
17 *contractor personnel in investigations and adjudications for*
18 *security clearances) that is identical to the personnel secu-*
19 *rity authority of the Director of the National Security*
20 *Agency with respect to the National Security Agency.*

Subtitle D—Other Elements

1 ***SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD***
2
3 ***AND DRUG ENFORCEMENT ADMINISTRATION***
4 ***AS ELEMENTS OF THE INTELLIGENCE COM-***
5 ***MUNITY.***

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

8 *(1) in subparagraph (H)—*

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

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

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

16 ***SEC. 442. CLARIFYING AMENDMENTS RELATING TO SEC-***
17 ***TION 105 OF THE INTELLIGENCE AUTHORIZA-***
18 ***TION ACT FOR FISCAL YEAR 2004.***

19 *Section 105(b) of the Intelligence Authorization Act for*
20 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;*
21 *31 U.S.C. 311 note) is amended—*

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

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

TITLE V—OTHER MATTERS**SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.**

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

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

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

(B) in subsection (d)—

(i) in paragraph (3), by striking “subparagraph (A)” in the matter preceding subparagraph (A) and inserting “paragraph (1)(A)”;

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

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

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

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

1 (2) *In section 119(c)(2)(B) (50 U.S.C.*
2 *4040(c)(2)(B)), by striking “subsection (h)” and in-*
3 *serting “subsection (i)”.*

4 (3) *In section 705(e)(2)(D)(i) (50 U.S.C.*
5 *432c(e)(2)(D)(i)), by striking “responsible” and in-*
6 *serting “responsive”.*

7 **SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REF-**
8 **ERENCES TO JOINT MILITARY INTELLIGENCE**
9 **PROGRAM AND TACTICAL INTELLIGENCE AND**
10 **RELATED ACTIVITIES.**

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

13 (1) *in subsection (c)(3)(A), by striking “annual*
14 *budgets for the Joint Military Intelligence Program*
15 *and for Tactical Intelligence and Related Activities”*
16 *and inserting “annual budget for the Military Intel-*
17 *ligence Program or any successor program or pro-*
18 *grams”; and*

19 (2) *in subsection (d)(1)(B), by striking “Joint*
20 *Military Intelligence Program” and inserting “Mili-*
21 *tary Intelligence Program or any successor program*
22 *or programs”.*

1 **SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
2 **REFORM AND TERRORISM PREVENTION ACT**
3 **OF 2004.**

4 (a) *AMENDMENTS TO NATIONAL SECURITY INTEL-*
5 *LIGENCE REFORM ACT OF 2004.*—*The National Security*
6 *Intelligence Reform Act of 2004 (title I of Public Law 108-*
7 *458) is further amended as follows:*

8 (1) *In section 1016(e)(10)(B) (6 U.S.C.*
9 *458(e)(10)(B)), by striking “Attorney General” the*
10 *second place it appears and inserting “Department of*
11 *Justice”.*

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

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

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

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

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

22 (b) *OTHER AMENDMENTS TO INTELLIGENCE REFORM*
23 *AND TERRORISM PREVENTION ACT OF 2004.*—*The Intel-*
24 *ligence Reform and Terrorism Prevention Act of 2004 (Pub-*
25 *lic Law 108–458) is amended as follows:*

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

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

3 (B) in subsection (e)(2), by striking “the
4 National Intelligence Director in a manner con-
5 sistent with section 112(e)” and inserting “the
6 Director of National Intelligence in a manner
7 consistent with applicable law”; and

8 (C) in subsection (f), by striking “shall,” in
9 the matter preceding paragraph (1) and insert-
10 ing “shall”.

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

12 (A) in paragraph (2), by striking “the Fed-
13 eral” and inserting “Federal”; and

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

16 **SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
17 **STATES CODE, ARISING FROM ENACTMENT**
18 **OF THE INTELLIGENCE REFORM AND TER-**
19 **RORISM PREVENTION ACT OF 2004.**

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

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

1 (2) *Section 193(e).*

2 (3) *Section 201(a).*

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

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

5 (6) *Section 425(a).*

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

7 (8) *Section 441(c).*

8 (9) *Section 441(d).*

9 (10) *Section 443(d).*

10 (11) *Section 2273(b)(1).*

11 (12) *Section 2723(a).*

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

16 (1) *Section 441(c).*

17 (2) *Section 443(d).*

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

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

24 *Section 5(a)(1) of the Central Intelligence Agency Act*
 25 *of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “au-*

1 *thorized under paragraphs (2) and (3) of section 102(a),*
2 *subsections (c)(7) and (d) of section 103, subsections (a) and*
3 *(g) of section 104, and section 303 of the National Security*
4 *Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d),*
5 *403–4(a), (g), and 405)” and inserting “authorized under*
6 *section 104A of the National Security Act of 1947 (50*
7 *U.S.C. 403–4a).”.*

8 **SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE**
9 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
10 **GRAM.**

11 *(a) IN GENERAL.—Subsection (a) of section 1403 of*
12 *the National Defense Authorization Act for Fiscal Year*
13 *1991 (50 U.S.C. 404b) is amended—*

14 *(1) in the subsection caption, by striking “FOR-*
15 *EIGN”; and*

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

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

19 *(1) in subsections (a) and (c), by striking “Di-*
20 *rector of Central Intelligence” and inserting “Director*
21 *of National Intelligence”; and*

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

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

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

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

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

9 “Director of the Central Intelligence Agency.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (f) *OTHER ACTS.—*

22 (1) *Section 7(b)(2)(A)(i) of the Employee Poly-*
23 *graph Protection Act of 1988 (29 U.S.C.*
24 *2006(b)(2)(A)(i)) is amended by striking “National*

1 *Imagery and Mapping Agency” and inserting “Na-*
2 *tional Geospatial-Intelligence Agency”.*

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

8 **SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO**
9 **RESPONSIBILITY OF THE DIRECTOR OF NA-**
10 **TIONAL INTELLIGENCE AS HEAD OF THE IN-**
11 **TELLIGENCE COMMUNITY.**

12 (a) *IN GENERAL.—*

13 (1) *The Public Interest Declassification Act of*
14 *2000 (50 U.S.C. 435 note) is amended by striking*
15 *“Director of Central Intelligence” each place it ap-*
16 *pears in a provision as follows and inserting “Direc-*
17 *tor of National Intelligence”:*

18 (A) *Section 704(c)(2)(B).*

19 (B) *Section 706(b)(2).*

20 (C) *Section 706(e)(2)(B).*

21 (2) *Section 705(c) of such Act is amended by*
22 *striking “the Director of Central Intelligence, as head*
23 *of the intelligence community,” and inserting “the*
24 *Director of National Intelligence”.*

1 **(b) CONFORMING AMENDMENT.**—*The heading of sec-*
2 *tion 705(c) of such Act is amended by striking “DIRECTOR*
3 *OF CENTRAL INTELLIGENCE” and inserting “DIRECTOR OF*
4 *NATIONAL INTELLIGENCE”.*

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 2082

AMENDMENT