

Calendar No. _____

110TH CONGRESS
1ST SESSION**S.** _____

To authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. ROCKEFELLER from the Select Committee on Intelligence reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2008”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.
- Sec. 107. Availability to public of certain intelligence funding information.

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. Public Interest Declassification Board.
- Sec. 309. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.
- Sec. 310. 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. 311. Terms of service of Program Manager for the Information Sharing Environment and the Information Sharing Council.
- Sec. 312. Improvement of notification of Congress regarding intelligence activities of the United States Government.
- Sec. 313. Additional limitation on availability of funds for intelligence and intelligence-related activities.
- Sec. 314. Vulnerability assessments of major systems.
- Sec. 315. Annual personnel level assessments for the intelligence community.
- Sec. 316. Business enterprise architecture and business system modernization for the intelligence community.
- Sec. 317. Reports on the acquisition of major systems.

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- Sec. 318. Excessive cost growth of major systems.
- Sec. 319. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 320. Submittal to Congress of certain President's Daily Briefs on Iraq.
- Sec. 321. National intelligence estimate on global climate change.
- Sec. 322. 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.

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- Sec. 425. Availability of the Executive Summary of the report on Central Intelligence Agency accountability regarding the terrorist attacks of September 11, 2001.
- Sec. 426. 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
 5 fiscal year 2008 for the conduct of the intelligence and

1 intelligence-related activities of the following elements of
2 the United States Government:

3 (1) The Office of the Director of National Intel-
4 ligence.

5 (2) The Central Intelligence Agency.

6 (3) The Department of Defense.

7 (4) The Defense Intelligence Agency.

8 (5) The National Security Agency.

9 (6) The Department of the Army, the Depart-
10 ment of the Navy, and the Department of the Air
11 Force.

12 (7) The Department of State.

13 (8) The Department of the Treasury.

14 (9) The Department of Energy.

15 (10) The Department of Justice.

16 (11) The Federal Bureau of Investigation.

17 (12) The National Reconnaissance Office.

18 (13) The National Geospatial-Intelligence Agen-
19 cy.

20 (14) The Coast Guard.

21 (15) The Department of Homeland Security.

22 (16) The Drug Enforcement Administration.

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

24 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
25 LEVELS.—The amounts authorized to be appropriated

1 under section 101, and the authorized personnel levels (ex-
2 pressed as full-time equivalent positions) as of September
3 30, 2008, for the conduct of the intelligence and intel-
4 ligence-related activities of the elements listed in such sec-
5 tion, are those specified in the classified Schedule of Au-
6 thorizations prepared to accompany the conference report
7 on the bill _____ of the One Hundred Tenth Congress.

8 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
9 THORIZATIONS.—The Schedule of Authorizations shall be
10 made available to the Committees on Appropriations of
11 the Senate and House of Representatives and to the Presi-
12 dent. The President shall provide for suitable distribution
13 of the Schedule, or of appropriate portions of the Sched-
14 ule, within the executive branch.

15 **SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.**

16 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
17 proval of the Director of the Office of Management and
18 Budget, the Director of National Intelligence may author-
19 ize employment of civilian personnel in excess of the num-
20 ber of authorized full-time equivalent positions for fiscal
21 year 2008 under section 102 when the Director of Na-
22 tional Intelligence determines that such action is necessary
23 to the performance of important intelligence functions, ex-
24 cept that the number of personnel employed in excess of
25 the number authorized under such section may not, for

1 any element of the intelligence community, exceed 5 per-
2 cent of the number of civilian personnel authorized under
3 such section for such element.

4 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES
5 PERFORMED BY CONTRACTORS.—In addition to the au-
6 thority in subsection (a), upon a determination by the
7 head of an element in the intelligence community that ac-
8 tivities currently being performed by contractor employees
9 should be performed by government employees, the con-
10 currence of the Director of National Intelligence in such
11 determination, and the approval of the Director of the Of-
12 fice of Management and Budget, the Director of National
13 Intelligence may authorize employment of additional full-
14 time equivalent personnel in such element of the intel-
15 ligence community equal to the number of full-time equiv-
16 alent contractor employees performing such activities.

17 (c) NOTICE TO INTELLIGENCE COMMITTEES.—The
18 Director of National Intelligence shall notify the Select
19 Committee on Intelligence of the Senate and the Perma-
20 nent Select Committee on Intelligence of the House of
21 Representatives in writing at least 15 days before each
22 exercise of the authority in subsection (a) or (b).

1 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated for the Intelligence Commu-
5 nity Management Account of the Director of National In-
6 telligence for fiscal year 2008 the sum of \$715,076,000.
7 Within such amount, funds identified in the classified
8 Schedule of Authorizations referred to in section 102(a)
9 for advanced research and development shall remain avail-
10 able until September 30, 2009.

11 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
12 ments within the Intelligence Community Management
13 Account of the Director of National Intelligence are au-
14 thorized 1768 full-time equivalent personnel as of Sep-
15 tember 30, 2008. Personnel serving in such elements may
16 be permanent employees of the Intelligence Community
17 Management Account or personnel detailed from other ele-
18 ments of the United States Government.

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

24 (d) CLASSIFIED AUTHORIZATIONS.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In
26 addition to amounts authorized to be appropriated

1 for the Intelligence Community Management Ac-
2 count by subsection (a), there are also authorized to
3 be appropriated for the Intelligence Community
4 Management Account for fiscal year 2008 such addi-
5 tional amounts as are specified in the classified
6 Schedule of Authorizations referred to in section
7 102(a). Such additional amounts for research and
8 development shall remain available until September
9 30, 2009.

10 (2) AUTHORIZATION OF PERSONNEL.—In addi-
11 tion to the personnel authorized by subsection (b)
12 for elements of the Intelligence Community Manage-
13 ment Account as of September 30, 2008, there are
14 also authorized such additional personnel for such
15 elements as of that date as are specified in the clas-
16 sified Schedule of Authorizations.

17 **SEC. 105. INCORPORATION OF REPORTING REQUIRE-**
18 **MENTS.**

19 (a) IN GENERAL.—Each requirement to submit a re-
20 port to the congressional intelligence committees that is
21 included in the joint explanatory statement to accompany
22 the conference report on the bill _____ of the One Hun-
23 dred Tenth Congress, or in the classified annex to this
24 Act, is hereby incorporated into this Act, and is hereby
25 made a requirement in law.

1 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES
2 DEFINED.—In this section, the term “congressional intel-
3 ligence 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. 106. DEVELOPMENT AND ACQUISITION PROGRAM.**

9 Of the funds appropriated for the National Intel-
10 ligence Program for fiscal year 2008, and of funds cur-
11 rently available for obligation for any prior fiscal year, the
12 Director of National Intelligence shall transfer not less
13 than the amount specified in the classified annex to the
14 Office of the Director of National Intelligence to fund the
15 development and acquisition of the program specified in
16 the classified annex. The funds as so transferred shall be
17 available without fiscal year limitation.

18 **SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-
19 LIGENCE FUNDING INFORMATION.**

20 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—
21 The President shall disclose to the public for each fiscal
22 year after fiscal year 2008 the aggregate amount of appro-
23 priations requested by the President for such fiscal year
24 for the National Intelligence Program.

1 (b) AMOUNTS AUTHORIZED AND APPROPRIATED
2 EACH FISCAL YEAR.—Congress shall disclose to the pub-
3 lic for each fiscal year after fiscal year 2007 the aggregate
4 amount of funds authorized to be appropriated, and the
5 aggregate amount of funds appropriated, by Congress for
6 such fiscal year for the National Intelligence Program.

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 Cen-
13 tral Intelligence Agency Retirement and Disability Fund
14 for fiscal 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
19 Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is
20 amended by striking “receiving compensation under the
21 Senior Intelligence Service pay schedule at the rate” and
22 inserting “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
10 or 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
15 any intelligence activity which is not otherwise authorized
16 by 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 Se-
21 curity Act of 1947 (50 U.S.C. 401a(4)) is amended by
22 striking “other” the second place it appears.

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

4 (a) DELEGATION OF AUTHORITY.—Section 116(b) of
5 the National Security Act of 1947 (50 U.S.C. 404k(b))
6 is 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
11 any other element of the intelligence community.”;
12 and

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

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

21 (b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not
22 later than six months after the date of the enactment of
23 this Act, the Director of National Intelligence shall pre-
24 scribe and submit to the congressional intelligence com-
25 mittees the guidelines referred to in paragraph (2) of sec-

1 tion 116(b) of the National Security Act of 1947, as added
2 by subsection (a).

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
4 DEFINED.—In this section, the term “congressional intel-
5 ligence committees” means—

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

8 (2) the Permanent Select Committee on Intel-
9 ligence of the House of Representatives.

10 **SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
11 **DIFFERENT INTELLIGENCE ACTIVITIES.**

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

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

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

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

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

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

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

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

18 “(B) Any information not provided to the Secretary
19 of State pursuant to the authority in subparagraph (A)
20 shall be transmitted to the Director of National Intel-
21 ligence.

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

1 **SEC. 308. PUBLIC INTEREST DECLASSIFICATION BOARD.**

2 The Public Interest Declassification Act of 2000 (50
3 U.S.C. 435 note) is amended—

4 (1) in section 704(e)—

5 (A) by striking “If requested” and insert-
6 ing the following:

7 “(1) IN GENERAL.—If requested”; and

8 (B) by adding at the end the following:

9 “(2) AUTHORITY OF BOARD.—Upon receiving a
10 congressional request described in section 703(b)(5),
11 the Board may conduct the review and make the
12 recommendations described in that section, regard-
13 less of whether such a review is requested by the
14 President.

15 “(3) REPORTING.—Any recommendations sub-
16 mitted to the President by the Board under section
17 703(b)(5), shall be submitted to the chairman and
18 ranking member of the committee of Congress that
19 made the request relating to such recommenda-
20 tions.”; and

21 (2) in section 710(b), by striking “8 years after
22 the date of the enactment of this Act” and inserting
23 “on December 31, 2012”.

1 **SEC. 309. 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)
6 and section 904(g)(2) of the Counterintelligence Enhance-
7 ment Act of 2002 (title IX of Public Law 107–306; 50
8 U.S.C. 402c(g)(2)) and notwithstanding any other provi-
9 sion of law, in any fiscal year after fiscal year 2007 an
10 officer or employee of the United States or member of the
11 Armed Forces may be detailed to the staff of an element
12 of the intelligence community funded through the Commu-
13 nity Management Account from another element of the
14 United States Government on a reimbursable or non-reim-
15 bursable basis, as jointly agreed to by the Director of Na-
16 tional Intelligence and the head of the detailing element
17 (or the designees of such officials), for a period not to
18 exceed three years.

19 (b) ELEMENT OF THE INTELLIGENCE COMMUNITY
20 DEFINED.—In this section, 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
23 the National Security Act of 1947 (50 U.S.C. 401a(4)).

1 **SEC. 310. 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 September
7 1, 2007, the Director of National Intelligence shall submit
8 to the congressional intelligence committees a comprehen-
9 sive report on all measures taken by the Office of the Di-
10 rector of National Intelligence and by each element, if any,
11 of the intelligence community with relevant responsibilities
12 to comply with the provisions of the Detainee Treatment
13 Act of 2005 (title X of division A of Public Law 109–
14 148) and related provisions of the Military Commissions
15 Act of 2006 (Public Law 109–366).

16 (b) ELEMENTS.—The report required by subsection
17 (a) 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)
22 and section 6 of the Military Commissions Act of
23 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (in-
24 cluding the amendments made by such section 6),
25 and, with respect 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 de-
4 termination.

5 (2) A description of the detention or interroga-
6 tion methods, if any, whose use has been discon-
7 tinued pursuant to the Detainee Treatment Act of
8 2005 or the Military Commission Act of 2006, and,
9 with respect 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 de-
14 termination.

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 ac-
22 tion.

23 (4) Any other matters that the Director con-
24 siders necessary to fully and currently inform the
25 congressional intelligence committees about the im-

1 plementation of the Detainee Treatment Act of 2005
2 and related provisions of the Military Commissions
3 Act of 2006.

4 (5) An appendix containing—

5 (A) all guidelines for the application of the
6 Detainee Treatment Act of 2005 and related
7 provisions of the Military Commissions Act of
8 2006 to the detention or interrogation activi-
9 ties, if any, of any element of the intelligence
10 community; and

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

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

20 (d) DEFINITIONS.—In this section:

21 (1) The term “congressional intelligence com-
22 mittees” means—

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

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

3 (2) The term “element of the intelligence com-
4 munity” means the elements of the intelligence com-
5 munity specified in or designated under section 3(4)
6 of the National Security Act of 1947 (50 U.S.C.
7 401a(4)).

8 **SEC. 311. TERMS OF SERVICE OF PROGRAM MANAGER FOR**
9 **THE INFORMATION SHARING ENVIRONMENT**
10 **AND THE INFORMATION SHARING COUNCIL.**

11 Section 1016 of the National Security Intelligence
12 Reform Act of 2004 (title I of Public Law 108–458; 6
13 U.S.C. 485) is amended—

14 (1) in subsection (f)(1), by striking “during the
15 two-year period beginning on the date of designation
16 under this paragraph unless sooner” and inserting
17 “until”; and

18 (2) in subsection (g)(1), by striking “during the
19 two-year period beginning on the date of the initial
20 designation of the program manager by the Presi-
21 dent under subsection (f)(1), unless sooner” and in-
22 serting “until”.

1 **SEC. 312. IMPROVEMENT OF NOTIFICATION OF CONGRESS**
2 **REGARDING INTELLIGENCE ACTIVITIES OF**
3 **THE UNITED STATES GOVERNMENT.**

4 (a) NOTICE ON INFORMATION NOT DISCLOSED.—

5 (1) IN GENERAL.—Section 502 of the National
6 Security Act of 1947 (50 U.S.C. 413a) is amend-
7 ed—

8 (A) by redesignating subsections (b) and
9 (c) as subsections (e) and (d), respectively; and

10 (B) by inserting after subsection (a) the
11 following new subsection (b):

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

13 “(1) If the Director of National Intelligence or
14 the head of a department, agency, or other entity of
15 the United States Government does not provide in-
16 formation required by subsection (a) in full or to all
17 the members of the congressional intelligence com-
18 mittees, and requests that such information not be
19 provided, the Director shall, in a timely fashion, no-
20 tify such committees of the determination not to
21 provide such information in full or to all members
22 of such committees. Such notice shall be submitted
23 in writing in a classified form, include a statement
24 of the reasons for such determination and descrip-
25 tion that provides the main features of the intel-
26 ligence activities covered by such determination, and

1 contain no restriction on access to this notice by all
2 members of the committee.

3 “(2) Nothing in this subsection shall be con-
4 strued as authorizing less than full and current dis-
5 closure to all the members of the Select Committee
6 on Intelligence of the Senate and the Permanent Se-
7 lect Committee on Intelligence of the House of Rep-
8 resentatives of any information necessary to keep all
9 the members of such committees fully and currently
10 informed on all intelligence activities covered by this
11 section.”.

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

16 (b) REPORTS AND NOTICE ON COVERT ACTIONS.—

17 (1) FORM AND CONTENT OF CERTAIN RE-
18 PORTS.—Subsection (b) of section 503 of such Act
19 (50 U.S.C. 413b) is amended—

20 (A) by redesignating paragraphs (1) and

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

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

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

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

5 “(A) A concise statement of any facts per-
6 tinent to such report.

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

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

12 “(5) If the Director of National Intelligence or
13 the head of a department, agency, or other entity of
14 the United States Government does not provide in-
15 formation required by subsection (b) in full or to all
16 the members of the congressional intelligence com-
17 mittees, and requests that such information not be
18 so provided, the Director shall, in a timely fashion,
19 notify such committees of the determination not to
20 provide such information in full or to all members
21 of such committees. Such notice shall be submitted
22 in writing in a classified form, include a statement
23 of the reasons for such determination and a descrip-
24 tion that provides the main features of the covert ac-
25 tion covered by such determination, and contain no

1 restriction on access to this notice by all members of
2 the committee.”.

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

7 **SEC. 313. ADDITIONAL LIMITATION ON AVAILABILITY OF**
8 **FUNDS FOR INTELLIGENCE AND INTEL-**
9 **LIGENCE-RELATED ACTIVITIES.**

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

12 (1) in subsection (a), by inserting “the congress-
13 sional intelligence committees have been fully and
14 currently informed of such activity and if” after
15 “only if”;

16 (2) by redesignating subsections (b), (c), (d),
17 and (e) as subsections (c), (d), (e), and (f), respec-
18 tively; and

19 (3) by inserting after subsection (a) the fol-
20 lowing new subsection (b):

21 “(b) In any case in which notice to the congressional
22 intelligence committees on an intelligence or intelligence-
23 related activity is covered by section 502(b), or in which
24 notice to the congressional intelligence committees on a
25 covert action is covered by section 503(c)(5), the congress-

1 sional intelligence committees shall be treated as being
2 fully and currently informed on such activity or covert ac-
3 tion, as the case may be, for purposes of subsection (a)
4 if the requirements of such section 502(b) or 503(c)(5),
5 as applicable, have been met.”.

6 **SEC. 314. VULNERABILITY ASSESSMENTS OF MAJOR SYS-**
7 **TEMS.**

8 (a) IN GENERAL.—Title V of the National Security
9 Act of 1947 (50 U.S.C. 413 et seq.) is amended by insert-
10 ing after section 506A the following new section:

11 “VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS
12 “SEC. 506B. (a) INITIAL VULNERABILITY ASSESS-
13 MENTS.—The Director of National Intelligence shall con-
14 duct an initial vulnerability assessment for any major sys-
15 tem and its items of supply, that is proposed for inclusion
16 in the National Intelligence Program. The initial vulner-
17 ability assessment of a major system and its items of sup-
18 ply shall, at a minimum, use an analysis-based approach
19 to—

- 20 “(1) identify applicable vulnerabilities;
21 “(2) define exploitation potential;
22 “(3) examine the system’s potential effective-
23 ness;
24 “(4) determine overall vulnerability; and
25 “(5) make recommendations for risk reduction.

1 “(b) SUBSEQUENT VULNERABILITY ASSESS-
2 MENTS.—(1) The Director of National Intelligence shall
3 conduct subsequent vulnerability assessments of each
4 major system and its items of supply within the National
5 Intelligence Program—

6 “(A) periodically throughout the life-span of the
7 major system;

8 “(B) whenever the Director determines that a
9 change in circumstances warrants the issuance of a
10 subsequent vulnerability assessment; or

11 “(C) upon the request of a congressional intel-
12 ligence committee.

13 “(2) Any subsequent vulnerability assessment of a
14 major system and its items of supply shall, at a minimum,
15 use an analysis-based approach and, if applicable, a test-
16 ing-based approach, to monitor the exploitation potential
17 of such system and reexamine the factors described in
18 paragraphs (1) through (5) of subsection (a).

19 “(c) MAJOR SYSTEM MANAGEMENT.—The Director
20 of National Intelligence shall give due consideration to the
21 vulnerability assessments prepared for a given major sys-
22 tem when developing and determining the annual consoli-
23 dated National Intelligence Program budget.

24 “(d) CONGRESSIONAL OVERSIGHT.—(1) The Direc-
25 tor of National Intelligence shall provide to the congress-

1 sional intelligence committees a copy of each vulnerability
2 assessment conducted under subsection (a) or (b) not later
3 than 10 days after the date of the completion of such as-
4 sessment.

5 “(2) The Director of National Intelligence shall pro-
6 vide the congressional intelligence committees with a pro-
7 posed schedule for subsequent vulnerability assessments of
8 a major system under subsection (b) when providing such
9 committees with the initial vulnerability assessment under
10 subsection (a) of such system as required by subsection
11 (d).

12 “(e) DEFINITIONS.—In this section:

13 “(1) The term ‘items of supply’—

14 “(A) means any individual part, compo-
15 nent, subassembly, assembly, or subsystem inte-
16 gral to a major system, and other property
17 which may be replaced during the service life of
18 the major system, including spare parts and re-
19 plenishment parts; and

20 “(B) does not include packaging or label-
21 ing associated with shipment or identification of
22 items.

23 “(2) The term ‘major system’ has the meaning
24 given that term in section 506A(e).

1 “(b) SCHEDULE.—Each assessment required by sub-
2 section (a) shall be submitted to the congressional intel-
3 ligence committees not later than January 31, of each
4 year.

5 “(c) CONTENTS.—Each assessment required by sub-
6 section (a) submitted during a fiscal year shall contain,
7 at a minimum, the following information for the element
8 of the intelligence community concerned:

9 “(1) The personnel costs for the upcoming fis-
10 cal year.

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

14 “(3) The dollar and percentage increase or de-
15 crease of such costs as compared to the personnel
16 costs during the prior 5 fiscal years.

17 “(4) The number of personnel positions re-
18 quested for the upcoming fiscal year.

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

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

1 “(7) The number and costs of contractors fund-
2 ed by the element for the upcoming fiscal year.

3 “(8) The numerical and percentage increase or
4 decrease of such costs of contractors as compared to
5 the costs of contractors of the current fiscal year.

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

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

12 “(11) A statement by the Director of National
13 Intelligence that, based on current and projected
14 funding, the element concerned will have sufficient—

15 “(A) internal infrastructure to support the
16 requested personnel and contractor levels;

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

19 “(C) funding to support the administrative
20 and operational activities of the requested per-
21 sonnel levels.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in the first section of that Act, as amended by section
24 314(b), is further amended by inserting after the item re-

1 lating to section 506B, as added by section 314(b), the
2 following new item:

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

3 **SEC. 316. BUSINESS ENTERPRISE ARCHITECTURE AND**
4 **BUSINESS SYSTEM MODERNIZATION FOR THE**
5 **INTELLIGENCE COMMUNITY.**

6 (a) BUSINESS ENTERPRISE ARCHITECTURE AND
7 BUSINESS SYSTEM MODERNIZATION.—

8 (1) IN GENERAL.—Title V of the National Se-
9 curity Act of 1947 (50 U.S.C. 413 et seq.), as
10 amended by sections 314 and 315, is further amend-
11 ed by inserting after section 506C, as added by sec-
12 tion 315(a), the following new section:

13 “INTELLIGENCE COMMUNITY BUSINESS SYSTEMS,
14 ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

15 “SEC. 506D. (a) LIMITATION ON OBLIGATION OF
16 FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYS-
17 TEM MODERNIZATION.—(1) After April 1, 2008, no funds
18 appropriated to any element of the intelligence community
19 may be obligated for an intelligence community business
20 system modernization described in paragraph (2) unless—

21 “(A) the approval authority designated by the
22 Director of National Intelligence under subsection
23 (c)(2) makes the certification described in paragraph

1 (3) with respect to the intelligence community busi-
2 ness system modernization; and

3 “(B) the certification is approved by the Intel-
4 ligence Community Business Systems Management
5 Committee established under subsection (f).

6 “(2) An intelligence community business system mod-
7 ernization described in this paragraph is an intelligence
8 community business system modernization that—

9 “(A) will have a total cost in excess of
10 \$1,000,000; and

11 “(B) will receive more than 50 percent of the
12 funds for such cost from amounts appropriated for
13 the National Intelligence Program.

14 “(3) The certification described in this paragraph for
15 an intelligence community business system modernization
16 is a certification, made by the approval authority des-
17 igned by the Director under subsection (c)(2) to the In-
18 telligence Community Business Systems Management
19 Committee, that the intelligence community business sys-
20 tem modernization—

21 “(A) complies with the enterprise architecture
22 under subsection (b); or

23 “(B) is necessary—

1 “(i) to achieve a critical national security
2 capability or address a critical requirement in
3 an area such as safety or security; or

4 “(ii) to prevent a significant adverse effect
5 on a project that is needed to achieve an essen-
6 tial capability, taking into consideration the al-
7 ternative solutions for preventing such adverse
8 effect.

9 “(4) The obligation of funds for an intelligence com-
10 munity business system modernization that does not com-
11 ply with the requirements of this subsection shall be treat-
12 ed as a violation of section 1341(a)(1)(A) of title 31,
13 United States Code.

14 “(b) ENTERPRISE ARCHITECTURE FOR INTEL-
15 LIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Di-
16 rector of National Intelligence shall, acting through the
17 Intelligence Community Business Systems Management
18 Committee established under subsection (f), develop and
19 implement an enterprise architecture to cover all intel-
20 ligence community business systems, and the functions
21 and activities supported by such business systems. The en-
22 terprise architecture shall be sufficiently defined to effec-
23 tively guide, constrain, and permit implementation of
24 interoperable intelligence community business system solu-
25 tions, consistent with applicable policies and procedures

1 established by the Director of the Office of Management
2 and Budget.

3 “(2) The enterprise architecture under paragraph (1)
4 shall include the following:

5 “(A) An information infrastructure that, at a
6 minimum, will enable the intelligence community
7 to—

8 “(i) comply with all Federal accounting, fi-
9 nancial management, and reporting require-
10 ments;

11 “(ii) routinely produce timely, accurate,
12 and reliable financial information for manage-
13 ment purposes;

14 “(iii) integrate budget, accounting, and
15 program information and systems; and

16 “(iv) provide for the systematic measure-
17 ment of performance, including the ability to
18 produce timely, relevant, and reliable cost infor-
19 mation.

20 “(B) Policies, procedures, data standards, and
21 system interface requirements that apply uniformly
22 throughout the intelligence community.

23 “(c) RESPONSIBILITIES FOR INTELLIGENCE COMMU-
24 NITY BUSINESS SYSTEM MODERNIZATION.—(1) The Di-
25 rector of National Intelligence shall be responsible for re-

1 view, approval, and oversight of the planning, design, ac-
2 quisition, deployment, operation, and maintenance of an
3 intelligence community business system modernization if
4 more than 50 percent of the cost of the intelligence com-
5 munity business system modernization is funded by
6 amounts appropriated for the National Intelligence Pro-
7 gram.

8 “(2) The Director shall designate one or more appro-
9 priate officials of the intelligence community to be respon-
10 sible for making certifications with respect to intelligence
11 community business system modernizations under sub-
12 section (a)(3).

13 “(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
14 INVESTMENT REVIEW.—(1) The approval authority des-
15 igned under subsection (c)(2) shall establish and imple-
16 ment, not later than March 31, 2008, an investment re-
17 view process for the review of the planning, design, acqui-
18 sition, development, deployment, operation, maintenance,
19 modernization, and project cost, benefits, and risks of the
20 intelligence community business systems for which the ap-
21 proval authority is responsible.

22 “(2) The investment review process under paragraph
23 (1) shall—

24 “(A) meet the requirements of section 11312 of
25 title 40, United States Code; and

1 “(B) specifically set forth the responsibilities of
2 the approval authority under such review process.

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

5 “(A) Review and approval by an investment re-
6 view board (consisting of appropriate representatives
7 of the intelligence community) of each intelligence
8 community business system as an investment before
9 the obligation of funds for such system.

10 “(B) Periodic review, but not less often than
11 annually, of every intelligence community business
12 system investment.

13 “(C) Thresholds for levels of review to ensure
14 appropriate review of intelligence community busi-
15 ness system investments depending on the scope,
16 complexity, and cost of the system involved.

17 “(D) Procedures for making certifications in
18 accordance with the requirements of subsection
19 (a)(3).

20 “(E) Mechanisms to ensure the consistency of
21 the investment review process with applicable guid-
22 ance issued by the Director of National Intelligence
23 and the Intelligence Community Business Systems
24 Management Committee established under sub-
25 section (f).

1 “(F) Common decision criteria, including stand-
2 ards, requirements, and priorities, for purposes of
3 ensuring the integration of intelligence community
4 business systems.

5 “(e) BUDGET INFORMATION.—For each fiscal year
6 after fiscal year 2009, the Director of National Intel-
7 ligence shall include in the materials the Director submits
8 to Congress in support of the budget for such fiscal year
9 that is submitted to Congress under section 1105 of title
10 31, United States Code, the following information:

11 “(1) An identification of each intelligence com-
12 munity business system for which funding is pro-
13 posed in such budget.

14 “(2) An identification of all funds, by appro-
15 priation, proposed in such budget for each such sys-
16 tem, including—

17 “(A) funds for current services to operate
18 and maintain such system; and

19 “(B) funds for business systems mod-
20 ernization identified for each specific appropria-
21 tion.

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

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

3 “(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS
4 MANAGEMENT COMMITTEE.—(1) The Director of Na-
5 tional Intelligence shall establish an Intelligence Commu-
6 nity Business Systems Management Committee (in this
7 subsection referred to as the ‘Committee’).

8 “(2) The Committee shall—

9 “(A) recommend to the Director policies and
10 procedures necessary to effectively integrate all busi-
11 ness activities and any transformation, reform, reor-
12 ganization, or process improvement initiatives under-
13 taken within the intelligence community;

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

15 “(i) the enterprise architecture developed
16 under subsection (b); and

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

19 “(C) manage cross-domain integration con-
20 sistent with such enterprise architecture;

21 “(D) be responsible for coordinating initiatives
22 for intelligence community business system mod-
23 ernization to maximize benefits and minimize costs
24 for the intelligence community, and periodically re-
25 port to the Director on the status of efforts to carry

1 out an intelligence community business system mod-
2 ernization;

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

6 “(F) carry out such other duties as the Direc-
7 tor shall specify.

8 “(g) RELATION TO ANNUAL REGISTRATION RE-
9 QUIREMENTS.—Nothing in this section shall be construed
10 to alter the requirements of section 8083 of the Depart-
11 ment of Defense Appropriations Act, 2005 (Public Law
12 108–287; 118 Stat. 989), with regard to information tech-
13 nology systems (as defined in subsection (d) of such sec-
14 tion).

15 “(h) RELATION TO DEFENSE BUSINESS SYSTEMS
16 ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION
17 REQUIREMENTS.—An intelligence community business
18 system that receives more than 50 percent of its funds
19 from amounts available for the National Intelligence Pro-
20 gram shall be exempt from the requirements of section
21 2222 of title 10, United States Code.

22 “(i) RELATION TO CLINGER-COHEN ACT.—(1) The
23 Director of National Intelligence and the Chief Informa-
24 tion Officer of the Intelligence Community shall fulfill the
25 executive agency responsibilities in chapter 113 of title 40,

1 United States Code, for any intelligence community busi-
2 ness system that receives more than 50 percent of its
3 funding from amounts appropriated for National Intel-
4 ligence Program.

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

10 “(j) REPORTS.—Not later than March 15 of each of
11 2009 through 2014, the Director of National Intelligence
12 shall submit to the congressional intelligence committees
13 a report on the compliance of the intelligence community
14 with the requirements of this section. Each such report
15 shall—

16 “(1) describe actions taken and proposed for
17 meeting the requirements of subsection (a), includ-
18 ing—

19 “(A) specific milestones and actual per-
20 formance against specified performance meas-
21 ures, and any revision of such milestones and
22 performance measures; and

23 “(B) specific actions on the intelligence
24 community business system modernizations sub-
25 mitted for certification under such subsection;

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

4 “(3) describe specific improvements in business
5 operations and cost savings resulting from successful
6 intelligence community business systems moderniza-
7 tion efforts.

8 “(k) DEFINITIONS.—In this section:

9 “(1) The term ‘enterprise architecture’ has the
10 meaning given that term in section 3601(4) of title
11 44, United States Code.

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

16 “(3) The term ‘intelligence community business
17 system’ means an information system, other than a
18 national security system, that is operated by, for, or
19 on behalf of the intelligence community, including fi-
20 nancial systems, mixed systems, financial data feed-
21 er systems, the business infrastructure capabilities
22 shared by the systems of the business enterprise ar-
23 chitecture that build upon the core infrastructure,
24 used to support business activities, such as acquisi-
25 tion, financial management, logistics, strategic plan-

1 ning and budgeting, installations and environment,
2 and human resource management

3 “(4) The term ‘intelligence community business
4 system modernization’ means—

5 “(A) the acquisition or development of a
6 new intelligence community business system; or

7 “(B) any significant modification or en-
8 hancement of an existing intelligence commu-
9 nity business system (other than necessary to
10 maintain current services).

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

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents in the first section of that Act, as amended by
16 section 314 and 315, is further amended by insert-
17 ing after the item relating to section 506C, as added
18 by section 315(b) the following new item:

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

19 (b) IMPLEMENTATION.—

20 (1) CERTAIN DUTIES.—Not later than 60 days
21 after the date of the enactment of this Act, the Di-
22 rector of National Intelligence shall—

23 (A) complete the delegation of responsi-
24 bility for the review, approval, and oversight of

1 the planning, design, acquisition, deployment,
2 operation, maintenance, and modernization of
3 intelligence community business systems re-
4 quired by subsection (c) of section 506D of the
5 National Security Act of 1947 (as added by
6 subsection (a)); and

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

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

19 (A) The acquisition strategy for new sys-
20 tems that are expected to be needed to complete
21 the enterprise architecture, including specific
22 time-phased milestones, performance metrics,
23 and a statement of the financial and non-
24 financial resource needs.

1 (B) An identification of the intelligence
2 community business systems in operation or
3 planned as of December 31, 2006, that will not
4 be a part of the enterprise architecture, to-
5 gether with the schedule for the phased termi-
6 nation of the utilization of any such systems.

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

14 **SEC. 317. REPORTS ON THE ACQUISITION OF MAJOR SYS-**
15 **TEMS.**

16 (a) IN GENERAL.—Title V of the National Security
17 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-
18 tions 314 through 316, is further amended by inserting
19 after section 506D, as added by section 316(a)(1), the fol-
20 lowing new section:

21 “REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

22 “SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1)
23 The Director of National Intelligence shall submit to the
24 congressional intelligence committees each year, at the
25 same time the budget of the President for the fiscal year
26 beginning in such year is submitted to Congress pursuant

1 to section 1105 of title 31, United States Code, a separate
2 report on each acquisition of a major system by an ele-
3 ment of the intelligence community.

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

6 “(b) ELEMENTS.—Each report under this section
7 shall include, for the acquisition of a major system, infor-
8 mation on the following:

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

15 “(2) The current anticipated development
16 schedule for the system, including an estimate of an-
17 nual development costs until development is com-
18 pleted.

19 “(3) The current anticipated procurement
20 schedule for the system, including the best estimate
21 of the Director of National Intelligence of the an-
22 nual costs and units to be procured until procure-
23 ment is completed.

24 “(4) A full life-cycle cost analysis for such sys-
25 tem.

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

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

11 “(7) The significant contracts or subcontracts
12 related to the major system.

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

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

23 “(d) DEFINITIONS.—In this section:

24 “(1) The term ‘acquisition cost’, with respect to
25 a major system, means the amount equal to the total

1 cost for development and procurement of, and sys-
2 tem-specific construction for, such system.

3 “(2) The term ‘full life-cycle cost’, with respect
4 to the acquisition of a major system, means all costs
5 of development, procurement, construction, deploy-
6 ment, and operation and support for such program,
7 without regard to funding source or management
8 control, including costs of development and procure-
9 ment required to support or utilize such system.

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

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in the first section of that Act, as amended by sections
14 314 through 316, is further amended by inserting after
15 the item relating to section 506D, as added by section
16 316(a)(2), the following new item:

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

17 **SEC. 318. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

18 (a) NOTIFICATION.—Title V of the National Security
19 Act of 1947, as amended by sections 314 through 317,
20 is further amended by inserting after section 506E, as
21 added by section 317(a), the following new section:

22 “EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

23 “SEC. 506F. (a) COST INCREASES OF AT LEAST 20
24 PERCENT.—(1) On a continuing basis, and separate from
25 the submission of any report on a major system required

1 by section 506E of this Act, the Director of National Intel-
2 ligence shall determine if the acquisition cost of such
3 major system has increased by at least 20 percent as com-
4 pared to the baseline cost of such major system.

5 “(2)(A) If the Director determines under paragraph
6 (1) that the acquisition cost of a major system has in-
7 creased by at least 20 percent, the Director shall submit
8 to the congressional intelligence committees a written noti-
9 fication of such determination as described in subpara-
10 graph (B), a description of the amount of the increase in
11 the acquisition cost of such major system, and a certifi-
12 cation as described in subparagraph (C).

13 “(B) The notification required by subparagraph (A)
14 shall include—

15 “(i) an independent cost estimate;

16 “(ii) the date on which the determination cov-
17 ered by such notification was made;

18 “(iii) contract performance assessment informa-
19 tion with respect to each significant contract or sub-
20 contract related to such major system, including the
21 name of the contractor, the phase of the contract at
22 the time of the report, the percentage of work under
23 the contract that has been completed, any change in
24 contract cost, the percentage by which the contract
25 is currently ahead or behind schedule, and a sum-

1 mary explanation of significant occurrences, such as
2 cost and schedule variances, and the effect of such
3 occurrences on future costs and schedules;

4 “(iv) the prior estimate of the full life-cycle cost
5 for such major system, expressed in constant dollars
6 and in current year dollars;

7 “(v) the current estimated full life-cycle cost of
8 such major system, expressed in constant dollars
9 and current year dollars;

10 “(vi) a statement of the reasons for any in-
11 creases in the full life-cycle cost of such major sys-
12 tem;

13 “(vii) the current change and the total change,
14 in dollars and expressed as a percentage, in the full
15 life-cycle cost applicable to such major system, stat-
16 ed both in constant dollars and current year dollars;

17 “(viii) the completion status of such major sys-
18 tem expressed as the percentage—

19 “(I) of the total number of years for which
20 funds have been appropriated for such major
21 system compared to the number of years for
22 which it is planned that such funds will be ap-
23 propriated; and

24 “(II) of the amount of funds that have
25 been appropriated for such major system com-

1 pared to the total amount of such funds which
2 it is planned will be appropriated;

3 “(ix) the action taken and proposed to be taken
4 to control future cost growth of such major system;
5 and

6 “(x) any changes made in the performance or
7 schedule of such major system and the extent to
8 which such changes have contributed to the increase
9 in full life-cycle costs of such major system.

10 “(C) The certification described in this sub-
11 paragraph is a written certification made by the Di-
12 rector and submitted to the congressional intel-
13 ligence committees that—

14 “(i) the acquisition of such major system is
15 essential to the national security;

16 “(ii) there are no alternatives to such
17 major system that will provide equal or greater
18 intelligence capability at equal or lesser cost to
19 completion;

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

22 “(iv) the management structure for the ac-
23 quisition of such major system is adequate to
24 manage and control full life-cycle cost of such
25 major system.

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

2 (1) If the Director of National Intelligence determines
3 that the acquisition cost of a major system has increased
4 by at least 40 percent as compared to the baseline cost
5 of such major system, the President shall submit to the
6 congressional intelligence committees a written certifi-
7 cation stating that—

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

10 “(B) there are no alternatives to such major
11 system that will provide equal or greater intelligence
12 capability at equal or lesser cost to completion;

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

15 “(D) the management structure for the acquisi-
16 tion of such major system is adequate to manage
17 and control the full life-cycle cost of such major sys-
18 tem.

19 “(2) In addition to the certification required by para-
20 graph (1), the Director of National Intelligence shall sub-
21 mit to the congressional intelligence committees an up-
22 dated notification, with current accompanying informa-
23 tion, as required by subsection (a)(2).

24 “(c) PROHIBITION ON OBLIGATION OF FUNDS.—

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

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

24 “(d) DEFINITIONS.—In this section:

1 lance Act of 1978 (50 U.S.C. 1871) is amended by strik-
2 ing “(not including orders)” and inserting “, orders,”.

3 (b) REPORTS BY ATTORNEY GENERAL ON CERTAIN
4 OTHER ORDERS.—That section is further amended by
5 adding at the end the following new subsection:

6 “(c) The Attorney General shall submit to the com-
7 mittees of Congress referred to in subsection (a)—

8 “(1) a copy of any decision, order, or opinion
9 issued by the Foreign Intelligence Surveillance Court
10 or the Foreign Intelligence Surveillance Court of Re-
11 view that includes significant construction or inter-
12 pretation of any provision of this Act, and any
13 pleadings associated with such decision, order, or
14 opinion, not later than 45 days after such decision,
15 order, or opinion is issued; and

16 “(2) a copy of any such decision, order, or opin-
17 ion, and the pleadings associated with such decision,
18 order, or opinion, that was issued during the 5-year
19 period ending on the date of the enactment of the
20 Intelligence Authorization Act for Fiscal Year 2008
21 and not previously submitted in a report under sub-
22 section (a).”.

1 **SEC. 320. SUBMITTAL TO CONGRESS OF CERTAIN PRESI-**
2 **DENT'S DAILY BRIEFS ON IRAQ.**

3 (a) IN GENERAL.—The Director of National Intel-
4 ligence shall submit to the congressional intelligence com-
5 mittees any President's Daily Brief (PDB), or any portion
6 of a President's Daily Brief, of the Director of Central
7 Intelligence during the period beginning on January 20,
8 1997, and ending on March 19, 2003, that refers to Iraq
9 or otherwise addresses Iraq in any fashion.

10 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES
11 DEFINED.—In this section, the term “congressional intel-
12 ligence committees” means—

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

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

17 **SEC. 321. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL**
18 **CLIMATE CHANGE.**

19 (a) REQUIREMENT FOR NATIONAL INTELLIGENCE
20 ESTIMATE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), not later than 270 days after the date of
23 the enactment of this Act, the Director of National
24 Intelligence shall submit to Congress a National In-
25 telligence Estimate (NIE) on the anticipated geo-
26 political effects of global climate change and the im-

1 plications of such effects on the national security of
2 the United States.

3 (2) NOTICE REGARDING SUBMITTAL.—If the
4 Director of National Intelligence determines that the
5 National Intelligence Estimate required by para-
6 graph (1) cannot be submitted by the date specified
7 in that paragraph, the Director shall notify Congress
8 and provide—

9 (A) the reasons that the National Intel-
10 ligence Estimate cannot be submitted by such
11 date; and

12 (B) an anticipated date for the submittal
13 of the National Intelligence Estimate.

14 (b) CONTENT.—The Director of National Intelligence
15 shall prepare the National Intelligence Estimate required
16 by this section using the mid-range projections of the
17 fourth assessment report of the Intergovernmental Panel
18 on Climate Change—

19 (1) to assess the political, social, agricultural,
20 and economic risks during the 30-year period begin-
21 ning on the date of the enactment of this Act posed
22 by global climate change for countries or regions
23 that are—

24 (A) of strategic economic or military im-
25 portance to the United States and at risk of

1 significant impact due to global climate change;

2 or

3 (B) at significant risk of large-scale hu-
4 manitarian suffering with cross-border implica-
5 tions as predicted on the basis of the assess-
6 ments;

7 (2) to assess other risks posed by global climate
8 change, including increased conflict over resources or
9 between ethnic groups, within countries or
10 transnationally, increased displacement or forced mi-
11 grations of vulnerable populations due to inundation
12 or other causes, increased food insecurity, and in-
13 creased risks to human health from infectious dis-
14 ease;

15 (3) to assess the capabilities of the countries or
16 regions described in subparagraph (A) or (B) of
17 paragraph (1) to respond to adverse impacts caused
18 by global climate change; and

19 (4) to make recommendations for further as-
20 sessments of security consequences of global climate
21 change that would improve national security plan-
22 ning.

23 (c) COORDINATION.—In preparing the National In-
24 telligence Estimate under this section, the Director of Na-
25 tional Intelligence shall consult with representatives of the

1 scientific community, including atmospheric and climate
2 studies, security studies, conflict studies, economic assess-
3 ments, and environmental security studies, the Secretary
4 of Defense, the Secretary of State, the Administrator of
5 the National Oceanographic and Atmospheric Administra-
6 tion, the Administrator of the National Aeronautics and
7 Space Administration, the Administrator of the Environ-
8 mental Protection Agency, the Secretary of Energy, and
9 the Secretary of Agriculture, and, if appropriate, multilat-
10 eral institutions and allies of the United States that have
11 conducted significant research on global climate change.

12 (d) ASSISTANCE.—

13 (1) AGENCIES OF THE UNITED STATES.—In
14 order to produce the National Intelligence Estimate
15 required by subsection (a), the Director of National
16 Intelligence may request any appropriate assistance
17 from any agency, department, or other entity of the
18 United State Government and such agency, depart-
19 ment, or other entity shall provide the assistance re-
20 quested.

21 (2) OTHER ENTITIES.—In order to produce the
22 National Intelligence Estimate required by sub-
23 section (a), the Director of National Intelligence
24 may request any appropriate assistance from any
25 other person or entity.

1 (3) REIMBURSEMENT.—The Director of Na-
2 tional Intelligence is authorized to provide appro-
3 priate reimbursement to the head of an agency, de-
4 partment, or entity of the United States Government
5 that provides support requested under paragraph (1)
6 or any other person or entity that provides assist-
7 ance requested under paragraph (2).

8 (4) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated to the Di-
10 rector of National Intelligence such sums as may be
11 necessary to carry out this subsection.

12 (e) FORM.—The National Intelligence Estimate re-
13 quired by this section shall be submitted in unclassified
14 form, to the extent consistent with the protection of intel-
15 ligence sources and methods, and include unclassified key
16 judgments of the National Intelligence Estimate. The Na-
17 tional Intelligence Estimate may include a classified
18 annex.

19 (f) DUPLICATION.—If the Director of National Intel-
20 ligence determines that a National Intelligence Estimate,
21 or other formal, coordinated intelligence product that
22 meets the procedural requirements of a National Intel-
23 ligence Estimate, has been prepared that includes the con-
24 tent required by subsection (b) prior to the date of the
25 enactment of this Act, the Director of National Intel-

1 lidence shall not be required to produce the National Intel-
2 lidence Estimate required by subsection (a).

3 **SEC. 322. REPEAL OF CERTAIN REPORTING REQUIRE-**
4 **MENTS.**

5 (a) ANNUAL REPORT ON INTELLIGENCE.—

6 (1) REPEAL.—Section 109 of the National Se-
7 curity Act of 1947 (50 U.S.C. 404d) is repealed.

8 (2) CLERICAL AMENDMENT.—The table of con-
9 tents in the first section of the National Security
10 Act of 1947 is amended by striking the item relating
11 to section 109.

12 (b) ANNUAL AND SPECIAL REPORTS ON INTEL-
13 LIGENCE SHARING WITH THE UNITED NATIONS.—Sec-
14 tion 112 of the National Security Act of 1947 (50 U.S.C.
15 404g) is amended—

16 (1) by striking subsection (b); and

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

19 (c) ANNUAL REPORT ON SAFETY AND SECURITY OF
20 RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section
21 114 of the National Security Act of 1947 (50 U.S.C. 404i)
22 is amended—

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

24 (2) by redesignating subsections (b), (c), and
25 (d) as subsections (a), (b), and (c), respectively.

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

4 (1) by striking “(1)”; and

5 (2) by striking paragraph (2).

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

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

11 (2) by redesignating subsections (e), (f), (g),
12 and (h) as subsections (d), (e), (f), and (g), respec-
13 tively.

14 (f) ANNUAL REPORT ON COUNTERDRUG INTEL-
15 LIGENCE MATTERS.—Section 826 of the Intelligence Au-
16 thorization Act for Fiscal Year 2003 (Public Law 107–
17 306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

18 (g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO
19 PROLIFERATION EFFORTS OF COUNTRIES OF PRO-
20 LIFERATION CONCERN.—Section 722 of the Combatting
21 Proliferation of Weapons of Mass Destruction Act of 1996
22 (50 U.S.C. 2369) is repealed.

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

1 (1) in paragraph (1)—

2 (A) by striking subparagraphs (A) and

3 (B); and

4 (B) by redesignating subparagraphs (C)

5 through (N) as subparagraphs (A) through (L),

6 respectively; and

7 (2) in paragraph (2)—

8 (A) by striking subparagraphs (A) and

9 (D);

10 (B) by redesignating subparagraphs (B)

11 and (C) as subparagraphs (A) and (B), respec-

12 tively; and

13 (C) in subparagraph (A), as redesignated

14 by subparagraph (B) of this paragraph, by

15 striking “114(c)” and inserting “114(b)”.

16 **TITLE IV—MATTERS RELATING**
17 **TO ELEMENTS OF THE INTEL-**
18 **LIGENCE COMMUNITY**

19 **Subtitle A—Office of the Director**
20 **of National Intelligence**

21 **SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS**
22 **BY THE DIRECTOR OF NATIONAL INTEL-**
23 **LIGENCE.**

24 (a) RESPONSIBILITY OF THE DIRECTOR OF NA-
25 TIONAL INTELLIGENCE.—Subsection (b) of section 102 of

1 the National Security Act of 1947 (50 U.S.C. 403) is
2 amended—

3 (1) in paragraph (2), by striking “and” at the
4 end;

5 (2) in paragraph (3)—

6 (A) by striking “2004,” and inserting
7 “2004 (50 U.S.C. 403 note),”; and

8 (B) by striking the period at the end and
9 inserting a semicolon and “and”; and

10 (3) by inserting after paragraph (3), the fol-
11 lowing new paragraph:

12 “(4) conduct accountability reviews of elements
13 of the intelligence community and the personnel of
14 such elements, if appropriate.”.

15 (b) **TASKING AND OTHER AUTHORITIES.**—Sub-
16 section (f) of section 102A of such Act (50 U.S.C. 403-
17 1) is amended—

18 (1) by redesignating paragraphs (7) and (8), as
19 paragraphs (8) and (9), respectively; and

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

22 “(7)(A) The Director of National Intelligence shall,
23 if the Director determines it is necessary or if requested
24 by a congressional intelligence committee, conduct ac-
25 countability reviews of elements of the intelligence commu-

1 nity or the personnel of such elements in relation to sig-
2 nificant failures or deficiencies within the intelligence com-
3 munity.

4 “(B) The Director of National Intelligence, in con-
5 sultation with the Attorney General, shall establish guide-
6 lines and procedures for conducting accountability reviews
7 under subparagraph (A).

8 “(C) The requirements of this paragraph shall not
9 limit any authority of the Director of National Intelligence
10 under subsection (m) or with respect to supervision of the
11 Central Intelligence Agency.”.

12 **SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF**
13 **NATIONAL INTELLIGENCE ON INTELLIGENCE**
14 **INFORMATION SHARING.**

15 (a) **AUTHORITIES OF THE DIRECTOR OF NATIONAL**
16 **INTELLIGENCE.**—Section 102A(g)(1) of the National Se-
17 curity Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

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

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

22 (3) by adding at the end the following new sub-
23 paragraphs:

24 “(G) in carrying out this subsection, without re-
25 gard to any other provision of law (other than this

1 Act and the National Security Intelligence Reform
2 Act of 2004 (title I of Public Law 108–458)), ex-
3 pend funds and make funds available to other de-
4 partment or agencies of the United States for, and
5 direct the development and fielding of, systems of
6 common concern related to the collection, processing,
7 analysis, exploitation, and dissemination of intel-
8 ligence information; and

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

17 (b) AUTHORITIES OF HEADS OF OTHER DEPART-
18 MENTS AND AGENCIES.—Notwithstanding any other pro-
19 vision of law, the head of any department or agency of
20 the United States is authorized to receive and utilize funds
21 made available to the department or agency by the Direc-
22 tor of National Intelligence pursuant to section
23 102A(g)(1) of the National Security Act of 1947 (50
24 U.S.C. 403–1(g)(1)), as amended by subsection (a), and

1 receive and utilize any system referred to in such section
2 that is made available to the department or agency.

3 **SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION**
4 **BY THE DIRECTOR OF NATIONAL INTEL-**
5 **LIGENCE OF THE PROTECTION OF INTEL-**
6 **LIGENCE SOURCES AND METHODS.**

7 Section 102A(i)(3) of the National Security Act of
8 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-
9 fore the period the following: “, any Deputy Director of
10 National Intelligence, the Chief Information Officer of the
11 Intelligence Community, or the head of any element of the
12 intelligence community”.

13 **SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF**
14 **THE DIRECTOR OF NATIONAL INTEL-**
15 **LIGENCE.**

16 Section 102A of the National Security Act of 1947
17 (50 U.S.C. 403–1) is amended by adding at the end the
18 following new subsection:

19 “(s) **ADDITIONAL ADMINISTRATIVE AUTHORITIES.**—
20 (1) Notwithstanding section 1346 of title 31, United
21 States Code, or any other provision of law prohibiting the
22 interagency financing of activities described in subpara-
23 graph (A) or (B), upon the request of the Director of Na-
24 tional Intelligence, any element of the intelligence commu-

1 nity may use appropriated funds to support or participate
2 in the interagency activities of the following:

3 “(A) National intelligence centers established
4 by the Director under section 119B.

5 “(B) Boards, commissions, councils, commit-
6 tees, and similar groups that are established—

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

8 and

9 “(ii) by the Director.

10 “(2) No provision of law enacted after the date of
11 the enactment of the Intelligence Authorization Act for
12 Fiscal Year 2008 shall be construed to limit or supersede
13 the authority in paragraph (1) unless such provision
14 makes specific reference to the authority in that para-
15 graph.”.

16 **SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIREC-**
17 **TOR OF NATIONAL INTELLIGENCE FOR**
18 **FLEXIBLE PERSONNEL MANAGEMENT**
19 **AMONG THE ELEMENTS OF THE INTEL-**
20 **LIGENCE COMMUNITY.**

21 Section 102A of the National Security Act of 1947
22 (50 U.S.C. 403–1), as amended by section 404 of this Act,
23 is further amended by adding at the end the following new
24 subsections:

1 “(t) AUTHORITY TO ESTABLISH POSITIONS IN EX-
2 CEPTED SERVICE.—(1) The Director of National Intel-
3 ligence may, with the concurrence of the head of the de-
4 partment or agency concerned and in coordination with
5 the Director of the Office of Personnel Management—

6 “(A) convert such competitive service positions,
7 and their incumbents, within an element of the intel-
8 ligence community to excepted service positions as
9 the Director of National Intelligence determines nec-
10 essary to carry out the intelligence functions of such
11 element; and

12 “(B) establish the classification and ranges of
13 rates of basic pay for positions so converted, not-
14 withstanding otherwise applicable laws governing the
15 classification and rates of basic pay for such posi-
16 tions.

17 “(2)(A) At the request of the Director of National
18 Intelligence, the head of a department or agency may es-
19 tablish new positions in the excepted service within an ele-
20 ment of such department or agency that is part of the
21 intelligence community if the Director determines that
22 such positions are necessary to carry out the intelligence
23 functions of such element.

24 “(B) The Director of National Intelligence may es-
25 tablish the classification and ranges of rates of basic pay

1 for any position established under subparagraph (A), not-
2 withstanding otherwise applicable laws governing the clas-
3 sification and rates of basic pay for such positions

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

13 “(4) The maximum rate of basic pay established
14 under this subsection is the rate for level III of the Execu-
15 tive Schedule under section 5314 of title 5, United States
16 Code.

17 “(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—

18 (1) Notwithstanding any pay limitation established under
19 any other provision of law applicable to employees in ele-
20 ments of the intelligence community, the Director of Na-
21 tional Intelligence may, in consultation with the Director
22 of the Office of Personnel Management and the Director
23 of the Office of Management and Budget, grant authority
24 to fix the rate of basic pay for one or more positions within
25 the intelligence community at a rate in excess of any appli-

1 cable limitation, subject to the provisions of this sub-
2 section. The exercise of authority so granted is at the dis-
3 cretion of the head of the department or agency employing
4 the individual in a position covered by such authority, sub-
5 ject to the provisions of this subsection and any conditions
6 established by the Director of National Intelligence when
7 granting such authority.

8 “(2) Authority under this subsection may be granted
9 or exercised—

10 “(A) only with respect to a position which re-
11 quires an extremely high level of expertise and is
12 critical to successful accomplishment of an impor-
13 tant mission; and

14 “(B) only to the extent necessary to recruit or
15 retain an individual exceptionally well qualified for
16 the position.

17 “(3) A rate of basic pay may not be fixed under this
18 subsection at a rate greater than the rate payable for level
19 II of the Executive Schedule under section 5312 of title
20 5, United States Code, except upon written approval of
21 the Director of National Intelligence or as otherwise au-
22 thorized by law.

23 “(4) A rate of basic pay may not be fixed under this
24 subsection at a rate greater than the rate payable for level
25 I of the Executive Schedule under section 5311 of title

1 5, United States Code, except upon written approval of
2 the President in response to a request by the Director of
3 National Intelligence or as otherwise authorized by law.

4 “(5) Any grant of authority under this subsection for
5 a position shall terminate at the discretion of the Director
6 of National Intelligence.

7 “(v) EXTENSION OF FLEXIBLE PERSONNEL MAN-
8 AGEMENT AUTHORITIES.—(1) Notwithstanding any other
9 provision of law, in order to ensure the equitable treat-
10 ment of employees across the intelligence community, the
11 Director of National Intelligence may, with the concur-
12 rence of the head of the department or agency concerned,
13 or for those matters that fall under the responsibilities of
14 the Office of Personnel Management under statute or Ex-
15 ecutive Order, in coordination with the Director of the Of-
16 fice of Personnel Management, authorize one or more ele-
17 ments of the intelligence community to adopt compensa-
18 tion authority, performance management authority, and
19 scholarship authority that have been authorized for an-
20 other element of the intelligence community if the Director
21 of National Intelligence—

22 “(A) determines that the adoption of such au-
23 thority would improve the management and perform-
24 ance of the intelligence community, and

1 “(B) submits to the congressional intelligence
2 committees, not later than 60 days before such au-
3 thority is to take effect, notice of the adoption of
4 such authority by such element or elements, includ-
5 ing the authority to be so adopted, and an estimate
6 of the costs associated with the adoption of such au-
7 thority.

8 “(2) To the extent that an existing compensation au-
9 thority within the intelligence community is limited to a
10 particular category of employees or a particular situation,
11 the authority may be adopted in another element of the
12 intelligence community under this subsection only for em-
13 ployees in an equivalent category or in an equivalent situa-
14 tion.

15 “(3) In this subsection, the term ‘compensation au-
16 thority’ means authority involving basic pay (including po-
17 sition classification), premium pay, awards, bonuses, in-
18 centives, allowances, differentials, student loan repay-
19 ments, and special payments, but does not include authori-
20 ties as follows:

21 “(A) Authorities related to benefits such as
22 leave, severance pay, retirement, and insurance.

23 “(B) Authority to grant Presidential Rank
24 Awards under sections 4507 and 4507a of title 5,

1 United States Code, section 3151(c) of title 31,
2 United States Code, and any other provision of law.

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

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

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

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

13 (2) by inserting “the headquarters of” before
14 “the Office”; and

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

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

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

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

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

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

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

11 (1) in subsection (c)—

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

14 (B) by redesignating paragraph (5) as
15 paragraph (9); and

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

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

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

1 “(7) develop 15-year projections and assess-
2 ments of the needs of the intelligence community to
3 ensure a robust Federal scientific and engineering
4 workforce and the means to recruit such a workforce
5 through integrated scholarships across the intel-
6 ligence community, including research grants and
7 cooperative work-study programs;

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

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

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

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

20 “(2) examine options to enhance the responsive-
21 ness of research and design programs of the ele-
22 ments of the intelligence community to meet the re-
23 quirements of the intelligence community for timely
24 support; and

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

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

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

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

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

14 (c) REPORT.—

15 (1) IN GENERAL.—Not later than June 30,
16 2008, the Director of National Intelligence shall
17 submit to Congress a report containing a strategy
18 for the development and use of technology in the in-
19 telligence community through 2021.

20 (2) ELEMENTS.—The report under paragraph
21 (1) shall include—

22 (A) an assessment of the highest priority
23 intelligence gaps across the intelligence commu-
24 nity that may be resolved by the use of tech-
25 nology;

1 (B) goals for advanced research and devel-
2 opment and a strategy to achieve such goals;

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

7 (D) a list of all current and projected re-
8 search and development projects by research
9 type (basic, advanced, or applied) with esti-
10 mated funding levels, estimated initiation dates,
11 and estimated completion dates; and

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

15 (3) FORM.—The report under paragraph (1)
16 may be submitted in classified form.

17 **SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE**
18 **INTELLIGENCE COMMUNITY.**

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

21 (1) in subsection (a), by inserting “of the Intel-
22 ligence Community” after “Chief Information Offi-
23 cer”;

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

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

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

10 **SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE**
11 **OF THE DIRECTOR OF NATIONAL INTEL-**
12 **LIGENCE.**

13 (a) ESTABLISHMENT.—Title I of the National Secu-
14 rity Act of 1947 (50 U.S.C. 402 et seq.) is amended by
15 inserting after section 103G the following new section:

16 “RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE
17 DIRECTOR OF NATIONAL INTELLIGENCE

18 “SEC. 103H. (a) IN GENERAL.—There is established
19 a fund to be known as the ‘Reserve for Contingencies of
20 the Office of the Director of National Intelligence’ (in this
21 section referred to as the ‘Reserve’).

22 “(b) ELEMENTS.—(1) The Reserve shall consist of
23 the following elements:

24 “(A) Amounts authorized to be appropriated to
25 the Reserve.

1 “(B) Amounts authorized to be transferred to
2 or deposited in the Reserve by law.

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

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

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

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

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

24 “(ii) 15 calendar days elapses after the date of
25 such notification.

1 “(B) In addition to the requirements in subparagraph
2 (A), amounts in the Reserve may be available for a pro-
3 gram or activity not previously authorized by Congress
4 only with the approval of the Director the Office of Man-
5 agement and Budget.

6 “(3) Use of any amounts in the Reserve shall be sub-
7 ject to the direction and approval of the Director of Na-
8 tional Intelligence, or the designee of the Director, and
9 shall be subject to such procedures as the Director may
10 prescribe.

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

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

21 (c) CLERICAL AMENDMENT.—The table of contents
22 in the first section of the National Security Act of 1947
23 is amended by inserting after the item relating to section
24 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 by section 409 of this Act, is further amended by
5 ed by section 409 of this Act, is further amended by
6 inserting after section 103H the following new section:
7 tion:

8 “INSPECTOR GENERAL OF THE INTELLIGENCE
9 COMMUNITY

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

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

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

18 “(2) recommend policies designed—

19 “(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility
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1 and authority of the Director of National Intel-
2 ligence; and

3 “(B) to prevent and detect fraud and
4 abuse in such matters;

5 “(3) provide a means for keeping the Director
6 of 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 Intel-
19 ligence; and

20 “(B) the necessity for, and the progress of,
21 corrective actions.

22 “(c) INSPECTOR GENERAL OF INTELLIGENCE COM-
23 MUNITY.—(1) There is an Inspector General of the Intel-
24 ligence Community, who shall be the head of the Office
25 of the Inspector General of the Intelligence Community,

1 who shall be appointed by the President, by and with the
2 advice and 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 com-
8 munity, and prior experience in the field of intel-
9 ligence 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
14 and be under the general supervision of the Director of
15 National Intelligence.

16 “(4) The Inspector General may be removed from of-
17 fice only by the President. The President shall imme-
18 diately communicate in writing to the congressional intel-
19 ligence committees the reasons for the removal of any indi-
20 vidual from the position of Inspector General.

21 “(d) DUTIES AND RESPONSIBILITIES.—Subject to
22 subsections (g) and (h), it shall be the duty and responsi-
23 bility of the Inspector General of the Intelligence Commu-
24 nity—

1 “(1) to provide policy direction for, and to plan,
2 conduct, supervise, and coordinate independently,
3 the investigations, inspections, and audits relating to
4 matters within the responsibility and authority of
5 the Director of National Intelligence to ensure they
6 are conducted efficiently and in accordance with ap-
7 plicable law and regulations;

8 “(2) to keep the Director of National Intel-
9 ligence fully and currently informed concerning vio-
10 lations of law and regulations, violations of civil lib-
11 erties and privacy, and fraud and other serious prob-
12 lems, abuses, and deficiencies that may occur in
13 matters within the responsibility and authority of
14 the Director, and to report the progress made in im-
15 plementing corrective action;

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

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

1 “(e) LIMITATIONS ON ACTIVITIES.—(1) The Director
2 of National Intelligence may prohibit the Inspector Gen-
3 eral of the Intelligence Community from initiating, car-
4 rying out, or completing any investigation, inspection, or
5 audit if the Director determines that such prohibition is
6 necessary to protect vital national security interests of the
7 United States.

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

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

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

23 “(f) AUTHORITIES.—(1) The Inspector General of
24 the Intelligence Community shall have direct and prompt
25 access to the Director of National Intelligence when nec-

1 essary for any purpose pertaining to the performance of
2 the duties of the Inspector General.

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

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

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

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

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

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

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

23 “(4) The Inspector General shall have authority to
24 administer to or take from any person an oath, affirma-
25 tion, or affidavit, whenever necessary in the performance

1 of the duties of the Inspector General, which oath, affir-
2 mation, or affidavit when administered or taken by or be-
3 fore an employee of the Office of the Inspector General
4 of the Intelligence Community designated by the Inspector
5 General shall have the same force and effect as if adminis-
6 tered or taken by or before an officer having a seal.

7 “(5)(A) Except as provided in subparagraph (B), the
8 Inspector General is authorized to require by subpoena the
9 production of all information, documents, reports, an-
10 swers, records, accounts, papers, and other data and docu-
11 mentary evidence necessary in the performance of the du-
12 ties and responsibilities of the Inspector General.

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

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

23 “(D) In the case of contumacy or refusal to obey a
24 subpoena issued under this paragraph, the subpoena shall

1 be enforceable by order of any appropriate district court
2 of the United States.

3 “(g) COORDINATION AMONG INSPECTORS GENERAL
4 OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of
5 a matter within the jurisdiction of the Inspector General
6 of the Intelligence Community that may be subject to an
7 investigation, inspection, or audit by both the Inspector
8 General of the Intelligence Community and an Inspector
9 General, whether statutory or administrative, with over-
10 sight responsibility for an element or elements of the intel-
11 ligence community, the Inspector General of the Intel-
12 ligence Community and such other Inspector or Inspectors
13 General shall expeditiously resolve the question of which
14 Inspector General shall conduct such investigation, inspec-
15 tion, or audit.

16 “(B) In attempting to resolve a question under sub-
17 paragraph (A), the Inspectors General concerned may re-
18 quest the assistance of the Intelligence Community Inspec-
19 tors General Forum established under subparagraph (C).
20 In the event that the Inspectors General are unable to re-
21 solve the question with assistance of that Forum, the In-
22 spectors General shall submit the question to the Director
23 of National Intelligence for resolution.

24 “(C) There is established the Intelligence Community
25 Inspectors General Forum which shall consist of all statu-

1 tory or administrative Inspectors General with oversight
2 responsibility for an element or elements of the intelligence
3 community. The Inspector General of the Intelligence
4 Community shall serve as the chair of the Forum. The
5 Forum shall have no administrative authority over any In-
6 spector General, but shall serve as a mechanism for in-
7 forming its members of the work of individual members
8 of the Forum that may be of common interest and dis-
9 cussing questions about jurisdiction or access to employ-
10 ees, employees of a contractor, records, audits, reviews,
11 documents, recommendations, or other materials that may
12 involve or be of assistance to more than one of its mem-
13 bers.

14 “(2) The Inspector General conducting an investiga-
15 tion, inspection, or audit covered by paragraph (1) shall
16 submit the results of such investigation, inspection, or
17 audit to any other Inspector General, including the Inspec-
18 tor General of the Intelligence Community, with jurisdic-
19 tion to conduct such investigation, inspection, or audit
20 who did not conduct such investigation, inspection, or
21 audit.

22 “(h) STAFF AND OTHER SUPPORT.—(1) The Inspec-
23 tor General of the Intelligence Community shall be pro-
24 vided with appropriate and adequate office space at cen-
25 tral and field office locations, together with such equip-

1 ment, office supplies, maintenance services, and commu-
2 nications facilities and services as may be necessary for
3 the operation of such offices.

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

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

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

23 “(3)(A) Subject to the concurrence of the Director,
24 the Inspector General may request such information or as-
25 sistance as may be necessary for carrying out the duties

1 and responsibilities of the Inspector General from any de-
2 partment, agency, or other element of the United States
3 Government.

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

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

19 “(i) REPORTS.—(1)(A) The Inspector General of the
20 Intelligence Community shall, not later than January 31
21 and July 31 of each year, prepare and submit to the Di-
22 rector of National Intelligence a classified, and, as appro-
23 priate, unclassified semiannual report summarizing the ac-
24 tivities of the Office of the Inspector General of the Intel-
25 ligence Community during the immediately preceding 6-

1 month periods ending December 31 (of the preceding
2 year) and June 30, respectively.

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 inves-
6 tigation, inspection, or audit conducted during the
7 period covered by such report, including a summary
8 of the progress of each particular investigation, in-
9 spection, or audit since the preceding report of the
10 Inspector General under this paragraph.

11 “(ii) A description of significant problems,
12 abuses, and deficiencies relating to the administra-
13 tion and implementation of programs and operations
14 of the intelligence community, and in the relation-
15 ships between elements of the intelligence commu-
16 nity, identified by the Inspector General during the
17 period covered 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 ac-
2 tion has been completed, a description of such cor-
3 rective action.

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

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

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

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

24 “(2)(A) The Inspector General shall report imme-
25 diately to the Director whenever the Inspector General be-

1 comes aware of particularly serious or flagrant problems,
2 abuses, or deficiencies relating to matters within the re-
3 sponsibility and authority of the Director of National In-
4 telligence.

5 “(B) The Director shall transmit to the congressional
6 intelligence committees each report under subparagraph
7 (A) within seven calendar days of receipt of such report,
8 together with such comments as the Director considers ap-
9 propriate.

10 “(3) In the event that—

11 “(A) the Inspector General is unable to resolve
12 any differences with the Director affecting the exe-
13 cution of the duties or responsibilities of the Inspec-
14 tor General;

15 “(B) an investigation, inspection, or audit car-
16 ried out by the Inspector General focuses on any
17 current or former intelligence community official
18 who—

19 “(i) holds or held a position in an element
20 of the intelligence community that is subject to
21 appointment by the President, whether or not
22 by and with the advice and consent of the Sen-
23 ate, including such a position held on an acting
24 basis;

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

5 “(iii) holds or held a position as head of an
6 element of the intelligence community or a posi-
7 tion covered by subsection (b) or (c) of section
8 106;

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

13 “(D) the Inspector General receives notice from
14 the Department of Justice declining or approving
15 prosecution of possible criminal conduct of any cur-
16 rent or former official described in subparagraph
17 (B); or

18 “(E) the Inspector General, after exhausting all
19 possible alternatives, is unable to obtain significant
20 documentary information in the course of an inves-
21 tigation, inspection, or audit,

22 the Inspector General shall immediately notify and submit
23 a report on such matter to the congressional intelligence
24 committees.

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

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

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

22 “(C) Upon receipt of a transmittal from the Inspector
23 General under subparagraph (B), the Director shall, with-
24 in seven calendar days of such receipt, forward such trans-
25 mittal to the congressional intelligence committees, to-

1 gether with any comments the Director considers appro-
2 priate.

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

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

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

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

23 “(iii) A member or employee of one of the congres-
24 sional intelligence committees who receives a complaint or
25 information under clause (i) does so in that member or

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

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

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

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

14 “(i) A serious or flagrant problem, abuse, viola-
15 tion of law or Executive order, or deficiency relating
16 to the funding, administration, or operation of an in-
17 telligence activity involving classified information,
18 but does not include differences of opinions con-
19 cerning public policy matters.

20 “(ii) A false statement to Congress, or a willful
21 withholding from Congress, on an issue of material
22 fact relating to the funding, administration, or oper-
23 ation of an intelligence activity.

24 “(iii) An action, including a personnel action
25 described in section 2302(a)(2)(A) of title 5, United

1 States Code, constituting reprisal or threat of re-
2 prisal prohibited under subsection (f)(3)(B) of this
3 section in response to an employee's reporting an ur-
4 gent concern in accordance with this paragraph.

5 “(H) In support of this paragraph, Congress makes
6 the findings set forth in paragraphs (1) through (6) of
7 section 701(b) of the Intelligence Community Whistle-
8 blower Protection Act of 1998 (title VII of Public Law
9 105–272; 5 U.S.C. App. 8H note).

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

21 “(j) SEPARATE BUDGET ACCOUNT.—The Director of
22 National Intelligence shall, in accordance with procedures
23 to be issued by the Director in consultation with the con-
24 gressional intelligence committees, include in the National

1 Intelligence Program budget a separate account for the
2 Office of Inspector General of the Intelligence Community.

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

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents in the first section of the National Security
15 Act of 1947, as amended by section 409 of this Act,
16 is further amended by inserting after the item relat-
17 ing to section 103H the following new item:

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

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

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

24 “Inspector General of the Intelligence Commu-
25 nity.”.

1 **SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OF-**
2 **FICES AND OFFICIALS.**

3 (a) NATIONAL COUNTER PROLIFERATION CEN-
4 TER.—Section 119A(a) of the National Security Act of
5 1947 (50 U.S.C. 404o–1(a)) is amended—

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

10 “(a) IN GENERAL.—

11 “(1) ESTABLISHMENT.—The”; and

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

14 “(2) DIRECTOR.—The head of the National
15 Counter Proliferation Center shall be the Director of
16 the National Counter Proliferation Center, who shall
17 be appointed by the Director of National Intel-
18 ligence.

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

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

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

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

3 “(9) The Chief Information Officer of the Intel-
4 ligence Community.

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

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

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

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

12 (a) ESTABLISHMENT.—

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

16 “NATIONAL SPACE INTELLIGENCE OFFICE

17 “SEC. 119C. (a) ESTABLISHMENT.—There is estab-
18 lished within the Office of the Director of National Intel-
19 ligence a National Space Intelligence Office.

20 “(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE
21 OFFICE.—The National Intelligence Officer for Science
22 and Technology, or a successor position designated by the
23 Director of National Intelligence, shall act as the Director
24 of the National Space Intelligence Office.

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

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

4 “(2) To prioritize collection activities consistent
5 with the National Intelligence Collection Priorities
6 framework, or a successor framework or other docu-
7 ment designated by the Director of National Intel-
8 ligence.

9 “(3) To provide policy direction for programs
10 designed to ensure a sufficient cadre of government
11 and nongovernment personnel in fields relating to
12 space intelligence, including programs to support
13 education, recruitment, hiring, training, and reten-
14 tion of qualified personnel.

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

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

1 “(e) SEPARATE BUDGET ACCOUNT.—The Director of
2 National Intelligence shall include in the National Intel-
3 ligence Program budget a separate line item for the Na-
4 tional Space Intelligence Office.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents in the first section of the National Security
7 Act of 1947 is amended by inserting after the item
8 relating to section 119B the following new item:

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

9 (b) REPORT ON ORGANIZATION OF OFFICE.—

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

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

22 (A) The proposed organizational structure
23 of the National Space Intelligence Office.

24 (B) An identification of key participants in
25 the Office.

1 (C) A strategic plan for the Office during
2 the five-year period beginning on the date of
3 the report.

4 **SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DI-**
5 **RECTOR OF NATIONAL INTELLIGENCE.**

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

9 “PROTECTION OF CERTAIN FILES OF THE OFFICE OF
10 THE DIRECTOR OF NATIONAL INTELLIGENCE

11 “SEC. 706. (a) RECORDS FROM EXEMPTED OPER-
12 ATIONAL FILES.—(1) Any record disseminated or other-
13 wise provided to an element of the Office of the Director
14 of National Intelligence from the exempted operational
15 files of elements of the intelligence community designated
16 in accordance with this title, and any operational files cre-
17 ated by the Office of the Director of National Intelligence
18 that incorporate such record in accordance with subpara-
19 graph (A)(ii), shall be exempted from the provisions of
20 section 552 of title 5, United States Code that require
21 search, review, publication or disclosure in connection
22 therewith, in any instance in which—

23 “(A)(i) such record is shared within the Office
24 of the Director of National Intelligence and not dis-
25 seminated by that Office beyond that Office; or

1 “(ii) such record is incorporated into new
2 records created by personnel of the Office of the Di-
3 rector of National Intelligence and maintained in
4 operational files of the Office of the Director of Na-
5 tional Intelligence and such record is not dissemi-
6 nated by that Office beyond that Office; and

7 “(B) the operational files from which such
8 record has been obtained continue to remain des-
9 ignated as operational files exempted from section
10 552 of title 5, United States Code.

11 “(2) The operational files of the Office of the Direc-
12 tor of National Intelligence referred to in paragraph
13 (1)(A)(ii) shall be similar in nature to the originating
14 operational files from which the record was disseminated
15 or provided, as such files are defined in this title.

16 “(3) Records disseminated or otherwise provided to
17 the Office of the Director of National Intelligence from
18 other elements of the intelligence community that are not
19 protected by paragraph (1), and that are authorized to
20 be disseminated beyond the Office of the Director of Na-
21 tional Intelligence, shall remain subject to search and re-
22 view under section 552 of title 5, United States Code, but
23 may continue to be exempted from the publication and dis-
24 closure provisions of that section by the originating agency
25 to the extent that such section permits.

1 “(4) Notwithstanding any other provision of this title,
2 records in the exempted operational files of the Central
3 Intelligence Agency, the National Geospatial-Intelligence
4 Agency, the National Reconnaissance Office, the National
5 Security Agency, or the Defense Intelligence Agency shall
6 not be subject to the search and review provisions of sec-
7 tion 552 of title 5, United States Code, solely because they
8 have been disseminated to an element or elements of the
9 Office of the Director of National Intelligence, or ref-
10 erenced in operational files of the Office of the Director
11 of National Intelligence and that are not disseminated be-
12 yond the Office of the Director of National Intelligence.

13 “(5) Notwithstanding any other provision of this title,
14 the incorporation of records from the operational files of
15 the Central Intelligence Agency, the National Geospatial-
16 Intelligence Agency, the National Reconnaissance Office,
17 the National Security Agency, or the Defense Intelligence
18 Agency, into operational files of the Office of the Director
19 of National Intelligence shall not subject that record or
20 the operational files of the Central Intelligence Agency,
21 the National Geospatial-Intelligence Agency, the National
22 Reconnaissance Office, the National Security Agency or
23 the Defense Intelligence Agency to the search and review
24 provisions of section 552 of title 5, United States Code.

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

7 “(2) The inclusion of information from exempted
8 operational files in files of the Office of the Director of
9 National Intelligence that are not exempted under sub-
10 section (a) shall not affect the exemption of the originating
11 operational files from search, review, publication, or dis-
12 closure.

13 “(3) Records from exempted operational files of the
14 Office of the Director of National Intelligence which have
15 been disseminated to and referenced in files that are not
16 exempted under subsection (a), and which have been re-
17 turned to exempted operational files of the Office of the
18 Director of National Intelligence for sole retention, shall
19 be subject to search and review.

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

24 “(1) United States citizens or aliens lawfully
25 admitted for permanent residence who have re-

1 requested information on themselves pursuant to the
2 provisions of section 552 or 552a of title 5, United
3 States Code.

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

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

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

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

15 “(C) The Intelligence Oversight Board.

16 “(D) The Department of Justice.

17 “(E) The Office of the Director of Na-
18 tional Intelligence.

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

21 “(d) DECENNIAL REVIEW OF EXEMPTED OPER-
22 ATIONAL FILES.—(1) Not less than once every 10 years,
23 the Director of National Intelligence shall review the oper-
24 ational files exempted under subsection (a) to determine

1 whether such files, or any portion of such files, may be
2 removed from the category of exempted files.

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

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

16 “(A) Whether the Director has conducted the
17 review required by paragraph (1) before the expira-
18 tion of the 10-year period beginning on the date of
19 the enactment of the Intelligence Authorization Act
20 for Fiscal Year 2008 or before the expiration of the
21 10-year period beginning on the date of the most re-
22 cent review.

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

1 “(e) SUPERSEDURE OF OTHER LAWS.—The provi-
2 sions of this section may not be superseded except by a
3 provision of law that is enacted after the date of the enact-
4 ment of this section and that specifically cites and repeals
5 or modifies such provisions.

6 “(f) APPLICABILITY.—The Director of National In-
7 telligence will publish a regulation listing the specific ele-
8 ments within the Office of the Director of National Intel-
9 ligence whose records can be exempted from search and
10 review under this section.

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

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

22 “(A) In any case in which information specifi-
23 cally authorized under criteria established by an Ex-
24 ecutive order to be kept secret in the interests of na-
25 tional defense or foreign relations is filed with, or

1 produced for, the court by the Office of the Director
2 of National Intelligence, such information shall be
3 examined ex parte, in camera by the court.

4 “(B) The court shall determine, to the fullest
5 extent practicable, the issues of fact based on sworn
6 written submissions of the parties.

7 “(C) When a complainant alleges that re-
8 quested records are improperly withheld because of
9 improper placement solely in exempted operational
10 files, the complainant shall support such allegation
11 with a sworn written submission based upon per-
12 sonal knowledge or otherwise admissible evidence.

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

22 “(ii) The court may not order the Office of the
23 Director of National Intelligence to review the con-
24 tent of any exempted operational file or files in order
25 to make the demonstration required under clause (i),

1 unless the complainant disputes the Office's showing
2 with a sworn written submission based on personal
3 knowledge or otherwise admissible evidence.

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

9 “(F) If the court finds under this subsection
10 that the Office of the Director of National Intel-
11 ligence has improperly withheld requested records
12 because of failure to comply with any provision of
13 this section, the court shall order the Office to
14 search and review the appropriate exempted oper-
15 ational file or files for the requested records and
16 make such records, or portions thereof, available in
17 accordance with the provisions of section 552 of title
18 5, United States Code, and such order shall be the
19 exclusive remedy for failure to comply with this sec-
20 tion.

21 “(G) If at any time following the filing of a
22 complaint pursuant to this paragraph the Office of
23 the Director of National Intelligence agrees to
24 search the appropriate exempted operational file or

1 files for the requested records, the court shall dis-
2 miss the claim based upon such complaint.”.

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

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

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

10 (a) REPEAL OF CERTAIN AUTHORITIES.—Section
11 904 of the Counterintelligence Enhancement Act of 2002
12 (title IX of Public Law 107–306; 50 U.S.C. 402e) is
13 amended—

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

15 and

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

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

21 (b) CONFORMING AMENDMENTS.—That section is
22 further amended—

23 (1) in subsection (d), as redesignated by sub-
24 section (a)(2) of this section, by striking “subsection

1 (f)” each place it appears in paragraphs (1) and (2)
2 and inserting “subsection (e)”; and

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

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

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

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

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

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

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

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

21 “(3) the Office of the Director of National In-
22 telligence.”.

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
13 States 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 CENTRAL INTELLIGENCE AGENCY.**

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

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

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

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

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

23 “(3) The Deputy Director of the Central Intelligence
24 Agency shall act for, and exercise the powers of, the Direc-
25 tor of the Central Intelligence Agency during the absence

1 or disability of the Director of the Central Intelligence
2 Agency or during a vacancy in the position of Director
3 of the Central Intelligence Agency.

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

10 “(2) A commissioned officer of the Armed Forces who
11 is serving as the Director or Deputy Director of the Cen-
12 tral Intelligence Agency or is engaged in administrative
13 performance of the duties of Director or Deputy Director
14 of the Central Intelligence Agency shall not, while con-
15 tinuing in such service, or in the administrative perform-
16 ance of such duties—

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

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

1 “(3) Except as provided in subparagraph (A) or (B)
2 of paragraph (2), the service, or the administrative per-
3 formance of duties, described in that paragraph by an offi-
4 cer described in that paragraph shall not affect the status,
5 position, rank, or grade of such officer in the Armed
6 Forces, or any emolument, perquisite, right, privilege, or
7 benefit incident to or arising out of such status, position,
8 rank, or grade.

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

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

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

24 “Deputy Director of the Central Intelligence
25 Agency.”.

1 (d) ROLE OF DNI IN APPOINTMENT.—Section
2 106(b)(2) of the National Security Act of 1947 (50 U.S.C.
3 403–6(b)(2)) is amended by adding at the end the fol-
4 lowing new subparagraph:

5 “(J) The Deputy Director of the Central Intel-
6 ligence Agency.”.

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

11 (1) the date of the nomination by the President
12 of an individual to serve as Deputy Director of the
13 Central Intelligence Agency, except that the indi-
14 vidual administratively performing the duties of the
15 Deputy Director of the Central Intelligence Agency
16 as of the date of the enactment of this Act may con-
17 tinue to perform such duties after such date of nom-
18 ination and until the individual appointed to the po-
19 sition of Deputy Director of the Central Intelligence
20 Agency, by and with the advice and consent of the
21 Senate, assumes the duties of such position; or

22 (2) the date of the cessation of the performance
23 of the duties of Deputy Director of the Central In-
24 telligence Agency by the individual administratively

1 performing such duties as of the date of the enact-
2 ment of this Act.

3 **SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CEN-**
4 **TRAL INTELLIGENCE AGENCY OF REQUIRE-**
5 **MENT FOR ANNUAL REPORT ON PROGRESS**
6 **IN AUDITABLE FINANCIAL STATEMENTS.**

7 Section 114A of the National Security Act of 1947
8 (50 U.S.C. 404i-1) is amended by striking “the Director
9 of the Central Intelligence Agency,”.

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

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

15 (1) by inserting “(A)” after “(4)”;

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

17 (A) by striking “and the protection” and
18 inserting “the protection”; and

19 (B) by striking the semicolon and inserting
20 “, and the protection of the Director of Na-
21 tional Intelligence and such personnel of the Of-
22 fice of the Director of National Intelligence as
23 the Director of National Intelligence may des-
24 ignate; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(B) Authorize personnel engaged in the per-
4 formance of protective functions authorized pursuant
5 to subparagraph (A), when engaged in the perform-
6 ance of such functions, to make arrests without war-
7 rant for any offense against the United States com-
8 mitted in the presence of such personnel, or for any
9 felony cognizable under the laws of the United
10 States, if such personnel have reasonable grounds to
11 believe that the person to be arrested has committed
12 or is committing such felony, except that any au-
13 thority pursuant to this subparagraph may be exer-
14 cised only in accordance with guidelines approved by
15 the Director and the Attorney General and such per-
16 sonnel may not exercise any authority for the service
17 of civil process or for the investigation of criminal
18 offenses;”.

19 **SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES**
20 **OF CERTAIN CENTRAL INTELLIGENCE AGEN-**
21 **CY POSITIONS.**

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

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

3 (2) in subclause (II), by striking “Deputy Di-
4 rector for Operations” and inserting “Director of
5 the National Clandestine Service”; and

6 (3) in subclause (IV), by striking “Deputy Di-
7 rector for Administration” and inserting “Director
8 for Support”.

9 **SEC. 425. AVAILABILITY OF THE EXECUTIVE SUMMARY OF**
10 **THE REPORT ON CENTRAL INTELLIGENCE**
11 **AGENCY ACCOUNTABILITY REGARDING THE**
12 **TERRORIST ATTACKS OF SEPTEMBER 11,**
13 **2001.**

14 (a) PUBLIC AVAILABILITY.—Not later than Sep-
15 tember 1, 2007, the Director of the Central Intelligence
16 Agency shall prepare and make available to the public a
17 version of the Executive Summary of the report entitled
18 the “Office of Inspector General Report on Central Intel-
19 ligence Agency Accountability Regarding Findings and
20 Conclusions of the Joint Inquiry into Intelligence Commu-
21 nity Activities Before and After the Terrorist Attacks of
22 September 11, 2001” issued in June 2005 that is declas-
23 sified to the maximum extent possible, consistent with na-
24 tional security.

1 (b) REPORT TO CONGRESS.—The Director of the
2 Central Intelligence Agency shall submit to Congress a
3 classified annex to the redacted Executive Summary made
4 available under subsection (a) that explains the reason
5 that any redacted material in the Executive Summary was
6 withheld from the public.

7 **SEC. 426. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**
8 **ON RETIREMENT BENEFITS FOR FORMER EM-**
9 **PLOYEES OF AIR AMERICA.**

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

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

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

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

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

3 (ii) the workforce of such companies;

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

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

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

19 (C) An assessment of the difference between—

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

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

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

7 (D) Any recommendations regarding the advis-
8 ability of legislative action to treat employment at
9 such companies as Federal service for the purpose of
10 Federal retirement benefits in light of the relation-
11 ship between such companies and the United States
12 Government and the services and sacrifices of such
13 employees to and for the United States, and if legis-
14 lative action is considered advisable, a proposal for
15 such action and an assessment of its costs.

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

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

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

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

6 (e) DEFINITIONS.—In this section:

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

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

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

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

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

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

25 “(ii) by the employee voluntarily; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(i) The Defense Intelligence Agency.

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

13 “(iii) The National Reconnaissance Office.

14 “(iv) The National Security Agency.

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

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

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

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

4 (a) DIRECTOR OF NATIONAL SECURITY AGENCY.—

5 The National Security Agency Act of 1959 (50 U.S.C. 402
6 note) is amended by inserting after the first section the
7 following new section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (e) EFFECTIVE DATE AND APPLICABILITY.—

21 (1) IN GENERAL.—The amendments made by
22 subsections (a) and (b), and subsection (c), shall
23 take effect on the date of the enactment of this Act
24 and shall apply upon the earlier of—

1 (A) the date of the nomination by the
2 President of an individual to serve in the posi-
3 tion concerned, except that the individual serv-
4 ing in such position as of the date of the enact-
5 ment of this Act may continue to perform such
6 duties after such date of nomination and until
7 the individual appointed to such position, by
8 and with the advice and consent of the Senate,
9 assumes the duties of such position; or

10 (B) the date of the cessation of the per-
11 formance of the duties of such position by the
12 individual performing such duties as of the date
13 of the enactment of this Act.

14 (2) POSITIONS OF IMPORTANCE AND RESPONSI-
15 BILITY.—Subsection (d) shall take effect on the date
16 of the enactment of this Act.

17 **SEC. 435. CLARIFICATION OF NATIONAL SECURITY MIS-**
18 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
19 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
20 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
21 **FORMATION.**

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

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

1 ing on December 31, 2008, delegate to the Director of
2 the National Geospatial-Intelligence Agency personnel se-
3 curity authority with respect to the National Geospatial-
4 Intelligence Agency (including authority relating to the
5 use of contractor personnel in investigations and adjudica-
6 tions for security clearances) that is identical to the per-
7 sonnel security authority of the Director of the National
8 Security Agency with respect to the National Security
9 Agency.

10 **Subtitle D—Other Elements**

11 **SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD** 12 **AND DRUG ENFORCEMENT ADMINISTRATION** 13 **AS ELEMENTS OF THE INTELLIGENCE COM-** 14 **MUNITY.**

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

17 (1) in subparagraph (H)—

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

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

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

1 **SEC. 442. CLARIFYING AMENDMENTS RELATING TO SEC-**
2 **TION 105 OF THE INTELLIGENCE AUTHORIZA-**
3 **TION ACT FOR FISCAL YEAR 2004.**

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

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

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

12 **TITLE V—OTHER MATTERS**

13 **SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
14 **CURITY ACT OF 1947.**

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

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

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

20 (B) in subsection (d)—

21 (i) in paragraph (3), by striking “sub-
22 paragraph (A)” in the matter preceding
23 subparagraph (A) and inserting “para-
24 graph (1)(A)”;

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

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

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

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

14 (2) In section 119(c)(2)(B) (50 U.S.C.
15 404o(c)(2)(B)), by striking “subsection (h)” and in-
16 serting “subsection (i)”.

17 (3) In section 705(e)(2)(D)(i) (50 U.S.C.
18 432c(e)(2)(D)(i)), by striking “responsible” and in-
19 serting “responsive”.

20 **SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REF-**
21 **ERENCES TO JOINT MILITARY INTELLIGENCE**
22 **PROGRAM AND TACTICAL INTELLIGENCE**
23 **AND RELATED ACTIVITIES.**

24 Section 102A of the National Security Act of 1947
25 (50 U.S.C. 403–1) is amended—

1 (1) in subsection (c)(3)(A), by striking “annual
2 budgets for the Joint Military Intelligence Program
3 and for Tactical Intelligence and Related Activities”
4 and inserting “annual budget for the Military Intel-
5 ligence Program or any successor program or pro-
6 grams”; and

7 (2) in subsection (d)(1)(B), by striking “Joint
8 Military Intelligence Program” and inserting “Mili-
9 tary Intelligence Program or any successor program
10 or programs”.

11 **SEC. 503. TECHNICAL AMENDMENTS TO THE INTEL-**
12 **LIGENCE REFORM AND TERRORISM PREVEN-**
13 **TION ACT OF 2004.**

14 (a) AMENDMENTS TO NATIONAL SECURITY INTEL-
15 LIGENCE REFORM ACT OF 2004.—The National Security
16 Intelligence Reform Act of 2004 (title I of Public Law
17 108–458) is further amended as follows:

18 (1) In section 1016(e)(10)(B) (6 U.S.C.
19 458(e)(10)(B)), by striking “Attorney General” the
20 second place it appears and inserting “Department
21 of Justice”.

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

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

1 (B) in subsection (h), by striking “Na-
2 tional Intelligence Director” and inserting “Di-
3 rector of National Intelligence”.

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

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

7 (b) OTHER AMENDMENTS TO INTELLIGENCE RE-
8 FORM AND TERRORISM PREVENTION ACT OF 2004.—The
9 Intelligence Reform and Terrorism Prevention Act of
10 2004 (Public Law 108–458) is amended as follows:

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

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

14 (B) in subsection (e)(2), by striking “the
15 National Intelligence Director in a manner con-
16 sistent with section 112(e)” and inserting “the
17 Director of National Intelligence in a manner
18 consistent with applicable law”; and

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

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

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

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

3 **SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
4 **STATES CODE, ARISING FROM ENACTMENT**
5 **OF THE INTELLIGENCE REFORM AND TER-**
6 **RORISM PREVENTION ACT OF 2004.**

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

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

13 (2) Section 193(e).

14 (3) Section 201(a).

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

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

17 (6) Section 425(a).

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

19 (8) Section 441(c).

20 (9) Section 441(d).

21 (10) Section 443(d).

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

23 (12) Section 2723(a).

24 (b) CLERICAL AMENDMENTS.—Such title is further
25 amended by striking “DIRECTOR OF CENTRAL INTEL-

1 LIGENCE” each place it appears in a provision as follows
2 and inserting “DIRECTOR OF NATIONAL INTELLIGENCE”:

3 (1) Section 441(c).

4 (2) Section 443(d).

5 (c) REFERENCE TO HEAD OF CENTRAL INTEL-
6 LIGENCE AGENCY.—Section 444 of such title is amended
7 by striking “Director of Central Intelligence” each place
8 it appears and inserting “Director of the Central Intel-
9 ligence Agency”.

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

12 Section 5(a)(1) of the Central Intelligence Agency
13 Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking
14 “authorized under paragraphs (2) and (3) of section
15 102(a), subsections (c)(7) and (d) of section 103, sub-
16 sections (a) and (g) of section 104, and section 303 of
17 the National Security Act of 1947 (50 U.S.C. 403(a)(2),
18 (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and insert-
19 ing “authorized under section 104A of the National Secu-
20 rity Act of 1947 (50 U.S.C. 403–4a).”.

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

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

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

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

10 (b) RESPONSIBILITY OF DNI.—That section is fur-
11 ther amended—

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

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

17 (c) CONFORMING AMENDMENT.—The heading of
18 that section is amended to read as follows:

19 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
20 **GRAM.”.**

21 **SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
22 **SCHEDULE.**

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

1 “Director of the Central Intelligence Agency.”.

2 (b) EXECUTIVE SCHEDULE LEVEL III.—Section
3 5314 of title 5, United States Code, is amended by strik-
4 ing the item relating to the Deputy Directors of Central
5 Intelligence.

6 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
7 5315 of title 5, United States Code, is amended by strik-
8 ing the item relating to the General Counsel of the Office
9 of the National Intelligence Director and inserting the fol-
10 lowing new item:

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

13 **SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDES-**
14 **IGNATION OF THE NATIONAL IMAGERY AND**
15 **MAPPING AGENCY AS THE NATIONAL**
16 **GEOSPATIAL-INTELLIGENCE AGENCY.**

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

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

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

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

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

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

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

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

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

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

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

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

18 **“§ 1336. National Geospatial-Intelligence Agency: spe-
19 cial publications”.**

20 (2) The table of sections at the beginning of chapter
21 13 of such title is amended by striking the item relating
22 to section 1336 and inserting the following new item:

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

23 (c) HOMELAND SECURITY ACT OF 2002.—Section
24 201(f)(2)(E) of the Homeland Security Act of 2002 (6
25 U.S.C. 121(f)(2)(E)) is amended by striking “National

1 Imagery and Mapping Agency” and inserting “National
2 Geospatial-Intelligence Agency”.

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

8 (e) ETHICS IN GOVERNMENT ACT OF 1978.—Section
9 105(a)(1) of the Ethics in Government Act of 1978 (5
10 U.S.C. App.) is amended by striking “National Imagery
11 and Mapping Agency” and inserting “National
12 Geospatial-Intelligence Agency”.

13 (f) OTHER ACTS.—

14 (1) Section 7(b)(2)(A)(i) of the Employee Poly-
15 graph Protection Act of 1988 (29 U.S.C.
16 2006(b)(2)(A)(i)) is amended by striking “National
17 Imagery and Mapping Agency” and inserting “Na-
18 tional Geospatial-Intelligence Agency”.

19 (2) Section 207(a)(2)(B) of the Legislative
20 Branch Appropriations Act, 1993 (44 U.S.C. 501
21 note) is amended by striking “National Imagery and
22 Mapping Agency” and inserting “National
23 Geospatial-Intelligence Agency”.

1 **SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO**
2 **RESPONSIBILITY OF THE DIRECTOR OF NA-**
3 **TIONAL INTELLIGENCE AS HEAD OF THE IN-**
4 **TELLIGENCE COMMUNITY.**

5 (a) IN GENERAL.—

6 (1) The Public Interest Declassification Act of
7 2000 (50 U.S.C. 435 note) is amended by striking
8 “Director of Central Intelligence” each place it ap-
9 pears in a provision as follows and inserting “Direc-
10 tor of National Intelligence”:

11 (A) Section 704(c)(2)(B).

12 (B) Section 706(b)(2).

13 (C) Section 706(e)(2)(B).

14 (2) Section 705(c) of such Act is amended by
15 striking “the Director of Central Intelligence, as
16 head of the intelligence community,” and inserting
17 “the Director of National Intelligence”.

18 (b) CONFORMING AMENDMENT.—The heading of sec-
19 tion 705(c) of such Act is amended by striking “DIREC-
20 TOR OF CENTRAL INTELLIGENCE” and inserting “DIREC-
21 TOR OF NATIONAL INTELLIGENCE”.