

Union Calendar No. 418

110TH CONGRESS
2^D SESSION

H. R. 5959

[Report No. 110-665]

To authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2008

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

MAY 21, 2008

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

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

[For text of introduced bill, see copy of bill as introduced on May 5, 2008]

A BILL

To authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 5 *telligence Authorization Act for Fiscal Year 2009”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Limitation on the use of covert action funds.

*Sec. 106. Prohibition on use of funds to implement “5 and out” program of the
 Federal Bureau of Investigation.*

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

Sec. 201. Authorization of appropriations.

*Sec. 202. Technical modification to mandatory retirement provision of the Cen-
 tral Intelligence Agency Retirement Act.*

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

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

*Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intel-
 ligence community.*

Sec. 303. Multi-level security clearances.

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

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Comprehensive report on intelligence community contractors.

*Sec. 307. Report on proposed pay for performance intelligence community per-
 sonnel management system.*

*Sec. 308. Report on plans to increase diversity within the intelligence commu-
 nity.*

Sec. 309. Report on security clearance determinations.

Subtitle B—Other Matters

Sec. 311. Restriction on conduct of intelligence activities.

- Sec. 312. Clarification of definition of intelligence community under the National Security Act of 1947.*
- Sec. 313. Modification of availability of funds for different intelligence activities.*
- Sec. 314. Protection of certain national security information.*
- Sec. 315. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.*
- Sec. 316. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.*
- Sec. 317. Incorporation of reporting requirements.*
- Sec. 318. Repeal of certain reporting requirements.*
- Sec. 319. Enhancement of critical skills training program.*
- Sec. 320. Comprehensive national cybersecurity initiative advisory panel.*

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

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.*
- Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.*
- Sec. 403. Additional duties of the Director of Science and Technology.*
- Sec. 404. Leadership and location of certain offices and officials.*
- Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.*
- Sec. 406. Semiannual reports on nuclear programs of Iran, Syria, and North Korea.*
- Sec. 407. Title of Chief Information Officer of the Intelligence Community.*
- Sec. 408. Inspector General of the Intelligence Community.*
- Sec. 409. Annual report on foreign language proficiency in the intelligence community.*
- Sec. 410. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.*
- Sec. 411. National intelligence estimate on weapons of mass destruction in Syria.*
- Sec. 412. Report on intelligence resources dedicated to Iraq and Afghanistan.*
- Sec. 413. Ombudsman for intelligence community security clearances.*
- Sec. 414. Security clearance reciprocity.*
- Sec. 415. Report on international traffic in arms regulations.*
- Sec. 416. Report on nuclear trafficking.*
- Sec. 417. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.*

Subtitle B—Central Intelligence Agency

- Sec. 421. Review of covert action programs by Inspector General 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. Technical amendments relating to titles of certain Central Intelligence Agency positions.*
- Sec. 424. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.*

Sec. 425. Prohibition on the use of private contractors for interrogations involving persons in the custody or control of the Central Intelligence Agency.

Subtitle C—Defense Intelligence Components

Sec. 431. Integration of the Counterintelligence Field Activity into the Defense 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. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

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

Sec. 502. Amendments to the National Security Act of 1947.

Sec. 503. Report on financial intelligence on terrorist assets.

Sec. 504. Notice of intelligence regarding North Korea and China.

Sec. 505. Sense of Congress regarding use of intelligence resources.

Subtitle B—Technical Amendments

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

Sec. 512. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 513. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.

Sec. 514. Technical amendments to the National Security Act of 1947.

Sec. 515. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 516. Technical amendments to the Executive Schedule.

Sec. 517. Technical amendments relating to the National Geospatial-Intelligence Agency.

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

3 (1) *CONGRESSIONAL INTELLIGENCE COMMIT-*
4 *TEES.—The term “congressional intelligence commit-*
5 *tees” means—*

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

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

3 (2) *INTELLIGENCE COMMUNITY.—The term “in-*
4 *telligence community” has the meaning given that*
5 *term in section 3(4) of the National Security Act of*
6 *1947 (50 U.S.C. 401a(4)).*

7 **TITLE I—BUDGET AND**
8 **PERSONNEL AUTHORIZATIONS**

9 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

10 *Funds are hereby authorized to be appropriated for fis-*
11 *cal year 2009 for the conduct of the intelligence and intel-*
12 *ligence-related activities of the following elements of the*
13 *United States Government:*

14 (1) *The Office of the Director of National Intel-*
15 *ligence.*

16 (2) *The Central Intelligence Agency.*

17 (3) *The Department of Defense.*

18 (4) *The Defense Intelligence Agency.*

19 (5) *The National Security Agency.*

20 (6) *The Department of the Army, the Depart-*
21 *ment of the Navy, and the Department of the Air*
22 *Force.*

23 (7) *The Coast Guard.*

24 (8) *The Department of State.*

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

1 (10) *The Department of Energy.*

2 (11) *The Department of Justice.*

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

4 (13) *The Drug Enforcement Administration.*

5 (14) *The National Reconnaissance Office.*

6 (15) *The National Geospatial-Intelligence Agen-*
7 *cy.*

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

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

10 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
11 *LEVELS.—The amounts authorized to be appropriated*
12 *under section 101 and, subject to section 103, the authorized*
13 *personnel ceilings as of September 30, 2009, for the conduct*
14 *of the intelligence activities of the elements listed in para-*
15 *graphs (1) through (16) of section 101, are those specified*
16 *in the classified Schedule of Authorizations prepared to ac-*
17 *company the conference report on the bill H.R. 5959 of the*
18 *One Hundred Tenth Congress.*

19 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
20 *THORIZATIONS.—The classified Schedule of Authorizations*
21 *referred to in subsection (a) shall be made available to the*
22 *Committee on Appropriations of the Senate, the Committee*
23 *on Appropriations of the House of Representatives, and to*
24 *the President. The President shall provide for suitable dis-*

1 *tribution of the Schedule, or of appropriate portions of the*
2 *Schedule, within the executive branch.*

3 (c) *EARMARKS.—*

4 (1) *IN GENERAL.—Nothing in the classified*
5 *Schedule of Authorizations, the joint explanatory*
6 *statement to accompany the conference report on the*
7 *bill H.R. 5959 of the One Hundred Tenth Congress,*
8 *or the classified annex to this Act, shall be construed*
9 *to authorize or require the expenditure of funds for an*
10 *earmarked purpose.*

11 (2) *EARMARKED PURPOSE DEFINED.—In this*
12 *subsection, the term “earmarked purpose” means a*
13 *provision or report language included primarily at*
14 *the request of a Member, Delegate, Resident Commis-*
15 *sioner of the House of Representatives or a Senator*
16 *providing, authorizing, or recommending a specific*
17 *amount of discretionary budget authority, credit au-*
18 *thority, or other spending authority for a contract,*
19 *loan, loan guarantee, grant, loan authority, or other*
20 *expenditure with or to an entity, or targeted to a spe-*
21 *cific State, locality, or Congressional district, other*
22 *than through a statutory or administrative formula-*
23 *driven or competitive award process.*

1 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

2 (a) *AUTHORITY FOR INCREASES.*—With the approval
3 of the Director of the Office of Management and Budget,
4 the Director of National Intelligence may authorize employ-
5 ment of civilian personnel in excess of the number author-
6 ized for fiscal year 2009 by the classified Schedule of Au-
7 thorizations referred to in section 102(a) if the Director of
8 National Intelligence determines that such action is nec-
9 essary to the performance of important intelligence func-
10 tions, except that the number of personnel employed in ex-
11 cess of the number authorized under such section may not,
12 for any element of the intelligence community, exceed 3 per-
13 cent of the number of civilian personnel authorized under
14 such Schedule for such element.

15 (b) *NOTICE TO CONGRESSIONAL INTELLIGENCE COM-*
16 *MITTEES.*—The Director of National Intelligence shall no-
17 tify the congressional intelligence committees in writing at
18 least 15 days prior to each exercise of an authority de-
19 scribed in subsection (a).

20 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
21 **COUNT.**

22 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
23 authorized to be appropriated for the Intelligence Commu-
24 nity Management Account of the Director of National Intel-
25 ligence for fiscal year 2009 the sum of \$648,842,000. Within
26 such amount, funds identified in the classified Schedule of

1 *Authorizations referred to in section 102(a) for advanced*
2 *research and development shall remain available until Sep-*
3 *tember 30, 2010.*

4 **(b) AUTHORIZED PERSONNEL LEVELS.**—*The elements*
5 *within the Intelligence Community Management Account of*
6 *the Director of National Intelligence are authorized 772*
7 *full-time or full-time equivalent personnel as of September*
8 *30, 2009. Personnel serving in such elements may be perma-*
9 *nent employees of the Office of the Director of National In-*
10 *telligence or personnel detailed from other elements of the*
11 *United States Government.*

12 **(c) CONSTRUCTION OF AUTHORITIES.**—*The authorities*
13 *available to the Director of National Intelligence under sec-*
14 *tion 103 are also available to the Director for the adjust-*
15 *ment of personnel levels within the Intelligence Community*
16 *Management Account.*

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

18 **(1) AUTHORIZATION OF APPROPRIATIONS.**—*In*
19 *addition to amounts authorized to be appropriated*
20 *for the Intelligence Community Management Account*
21 *by subsection (a), there are authorized to be appro-*
22 *propriated for the Community Management Account for*
23 *fiscal year 2009 such additional amounts as are spec-*
24 *ified in the classified Schedule of Authorizations re-*
25 *ferred to in section 102(a). Such additional amounts*

1 *for advanced research and development shall remain*
2 *available until September 30, 2010.*

3 (2) *AUTHORIZATION OF PERSONNEL.—In addi-*
4 *tion to the personnel authorized by subsection (b) for*
5 *elements of the Intelligence Community Management*
6 *Account as of September 30, 2009, there are author-*
7 *ized such additional personnel for the Community*
8 *Management Account as of that date as are specified*
9 *in the classified Schedule of Authorizations referred to*
10 *in section 102(a).*

11 **SEC. 105. LIMITATION ON THE USE OF COVERT ACTION**
12 **FUNDS.**

13 (a) *IN GENERAL.—Not more than 25 percent of the*
14 *funds authorized to be appropriated by this Act for the Na-*
15 *tional Intelligence Program for covert actions may be obli-*
16 *gated or expended until the date on which each member of*
17 *the congressional intelligence committees has been fully and*
18 *currently briefed on all authorizations for covert actions in*
19 *effect on April 24, 2008.*

20 (b) *COVERT ACTION DEFINED.—In this section, the*
21 *term “covert action” has the meaning given the term in*
22 *section 503(g) of the National Security Act of 1947 (50*
23 *U.S.C. 413b(e)).*

1 **SEC. 106. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**
2 **“5 AND OUT” PROGRAM OF THE FEDERAL BU-**
3 **REAU OF INVESTIGATION.**

4 *None of the funds authorized to be appropriated in this*
5 *Act may be used to implement the program of the Federal*
6 *Bureau of Investigation requiring the mandatory reassign-*
7 *ment of a supervisor of the Bureau after such supervisor*
8 *serves in a management position for 5 years (commonly*
9 *known as the “5 and out” program).*

10 **TITLE II—CENTRAL INTEL-**
11 **LIGENCE AGENCY RETIRE-**
12 **MENT AND DISABILITY SYS-**
13 **TEM**

14 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

15 *There is authorized to be appropriated for the Central*
16 *Intelligence Agency Retirement and Disability Fund for fis-*
17 *cal year 2009 the sum of \$279,200,000.*

18 **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RE-**
19 **TIREMENT PROVISION OF THE CENTRAL IN-**
20 **TELLIGENCE AGENCY RETIREMENT ACT.**

21 *Subparagraph (A) of section 235(b)(1) of the Central*
22 *Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1))*
23 *is amended by striking “receiving compensation under the*
24 *Senior Intelligence Service pay schedule at the rate” and*
25 *inserting “who is at the Senior Intelligence Service rank”.*

1 **TITLE III—GENERAL INTEL-**
2 **LIGENCE COMMUNITY MAT-**
3 **TERS**

4 **Subtitle A—Personnel Matters**

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

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

12 **SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**
13 **DETAILS TO ELEMENTS OF THE INTEL-**
14 **LIGENCE COMMUNITY.**

15 *Except as provided in section 113 of the National Se-*
16 *curity Act of 1947 (50 U.S.C. 404h) and section 904(g)(2)*
17 *of the Counterintelligence Enhancement Act of 2002 (title*
18 *IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and not-*
19 *withstanding any other provision of law, in any fiscal year*
20 *after fiscal year 2008 an officer or employee of the United*
21 *States or member of the Armed Forces may be detailed to*
22 *the staff of an element of the intelligence community funded*
23 *through the Community Management Account from another*
24 *element of the United States Government on a reimbursable*
25 *or nonreimbursable basis, as jointly agreed to by the Direc-*

1 *tor of National Intelligence and the head of the detailing*
2 *element (or the designees of such officials), for a period not*
3 *to exceed 2 years.*

4 **SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.**

5 *(a) IN GENERAL.—Section 102A of the National Secu-*
6 *rity Act of 1947 (50 U.S.C. 403–1) is amended by adding*
7 *at the end the following new subsection:*

8 *“(s) MULTI-LEVEL SECURITY CLEARANCES.—The Di-*
9 *rector of National Intelligence shall be responsible for ensur-*
10 *ing that the elements of the intelligence community adopt*
11 *a multi-level security clearance approach in order to enable*
12 *the intelligence community to make more effective and effi-*
13 *cient use of persons proficient in foreign languages or with*
14 *cultural, linguistic, or other subject matter expertise that*
15 *is critical to national security.”.*

16 *(b) IMPLEMENTATION.—The Director of National In-*
17 *telligence shall issue guidelines to the intelligence commu-*
18 *nity on the implementation of subsection (s) of section 102A*
19 *of the National Security Act of 1947, as added by subsection*
20 *(a), not later than 90 days after the date of the enactment*
21 *of this Act.*

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

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

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

8 (2) in paragraph (1), as designated by para-
9 graph (1) of this subsection, by striking “may only
10 delegate” and all that follows and inserting “may del-
11 egate the authority in subsection (a) to the head of
12 any other element of the intelligence community.”;
13 and

14 (3) by adding at the end the following new para-
15 graph:

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

22 (b) *SUBMISSION OF GUIDELINES TO CONGRESS.*—Not
23 later than 6 months after the date of the enactment of this
24 Act, the Director of National Intelligence shall prescribe
25 and submit to the congressional intelligence committees the
26 guidelines referred to in paragraph (2) of section 116(b)

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

3 **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
4 **THE INTELLIGENCE COMMUNITY.**

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

8 “ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE
9 INTELLIGENCE COMMUNITY

10 “SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The
11 *Director of National Intelligence shall, in consultation with*
12 *the head of the element of the intelligence community con-*
13 *cerned, prepare an annual personnel level assessment for*
14 *such element of the intelligence community that assesses the*
15 *personnel levels for each such element for the fiscal year fol-*
16 *lowing the fiscal year in which the assessment is submitted.*

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

22 “(c) CONTENTS.—Each assessment required by sub-
23 *section (a) submitted during a fiscal year shall contain, at*
24 *a minimum, the following information for the element of*
25 *the intelligence community concerned:*

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

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

6 “(3) *The dollar and percentage increase or de-*
7 *crease of such costs as compared to the personnel costs*
8 *during the prior 5 fiscal years.*

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

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

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

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

20 “(8) *The numerical and percentage increase or*
21 *decrease of such costs of contractors as compared to*
22 *the best estimate of the costs of contractors of the cur-*
23 *rent fiscal year.*

24 “(9) *The numerical and percentage increase or*
25 *decrease of such costs of contractors as compared to*

1 *the cost of contractors, and the number of contractors,*
2 *during the prior 5 fiscal years.*

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

5 “(11) *The number of intelligence collectors and*
6 *analysts employed or contracted by each element of*
7 *the intelligence community.*

8 “(12) *A list of all contractors that have been the*
9 *subject of an investigation completed by the Inspector*
10 *General of any element of the intelligence community*
11 *during the preceding fiscal year, or are or have been*
12 *the subject of an investigation by such an Inspector*
13 *General during the current fiscal year.*

14 “(13) *A statement by the Director of National*
15 *Intelligence that, based on current and projected fund-*
16 *ing, the element concerned will have sufficient—*

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

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

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

1 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
2 *the first section of that Act is amended by inserting after*
3 *the item relating to section 506A the following new item:*

 “*Sec. 506B. Annual personnel level assessment for the intelligence community.*”.

4 **SEC. 306. COMPREHENSIVE REPORT ON INTELLIGENCE**
5 **COMMUNITY CONTRACTORS.**

6 **(a) REQUIREMENT FOR REPORT.**—*Not later than No-*
7 *vember 1, 2008, the Director of National Intelligence shall*
8 *submit to the congressional intelligence committees a report*
9 *describing the use of personal services contracts across the*
10 *intelligence community, the impact of such contractors on*
11 *the intelligence community workforce, plans for conversion*
12 *of contractor employment into government employment,*
13 *and the accountability mechanisms that govern the per-*
14 *formance of such contractors.*

15 **(b) CONTENT.**—

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

18 **(A)** *a description of any relevant regula-*
19 *tions or guidance issued by the Director of Na-*
20 *tional Intelligence or the head of an element of*
21 *the intelligence community relating to minimum*
22 *standards required regarding the hiring, train-*
23 *ing, security clearance, and assignment of con-*
24 *tract personnel and how those standards may*

1 *differ from those for government employees per-*
2 *forming substantially similar functions;*

3 *(B) an identification of contracts where the*
4 *contractor is performing a substantially similar*
5 *functions to a government employee;*

6 *(C) an assessment of costs incurred or sav-*
7 *ings achieved by awarding contracts for the per-*
8 *formance of such functions referred to in sub-*
9 *paragraph (B) instead of using full-time employ-*
10 *ees of the elements of the intelligence community*
11 *to perform such functions;*

12 *(D) an assessment of the appropriateness of*
13 *using contractors to perform the activities de-*
14 *scribed in paragraph (2);*

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

19 *(F) a comparison of the compensation of*
20 *contract employees and government employees*
21 *performing substantially similar functions;*

22 *(G) an analysis of the attrition of govern-*
23 *ment personnel for contractor positions that pro-*
24 *vide substantially similar functions;*

1 (H) a description of positions that will be
2 converted from contractor employment to govern-
3 ment employment;

4 (I) an analysis of the oversight and ac-
5 countability mechanisms applicable to personal
6 services contracts awarded for intelligence activi-
7 ties by each element of the intelligence commu-
8 nity during fiscal years 2006 and 2007;

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

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

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

20 (A) Intelligence collection.

21 (B) Intelligence analysis.

22 (C) Covert actions, including rendition, de-
23 tention, and interrogation activities.

1 **SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE**
2 **INTELLIGENCE COMMUNITY PERSONNEL**
3 **MANAGEMENT SYSTEM.**

4 (a) *PROHIBITION ON PAY FOR PERFORMANCE UNTIL*
5 *REPORT.*—*The Director of National Intelligence and the*
6 *head of an element of the intelligence community may not*
7 *implement a plan that provides compensation to personnel*
8 *of that element of the intelligence community based on per-*
9 *formance until the date that is 45 days after the date on*
10 *which the Director of National Intelligence submits a report*
11 *for that element under subsection (b).*

12 (b) *REPORT.*—*The Director of National Intelligence*
13 *shall submit to Congress a report on performance-based*
14 *compensation for each element of the intelligence commu-*
15 *nity, including, with respect to each such element—*

16 (1) *a description of a proposed employee advi-*
17 *sory group to advise management on the implementa-*
18 *tion and management of a pay for performance sys-*
19 *tem in that element, including the scope of responsi-*
20 *bility of the group and the plan for the element for*
21 *ensuring diversity in the selection of members of the*
22 *advisory group;*

23 (2) *a certification that all managers who will*
24 *participate in setting performance standards and pay*
25 *pool administration have been trained on the imple-*

1 *menting guidance of the system and the criteria upon*
2 *which the certification is granted; and*

3 *(3) a description of an external appeals mecha-*
4 *nism for employees who wish to appeal pay decisions*
5 *to someone outside the management chain of the ele-*
6 *ment employing such employee.*

7 **SEC. 308. REPORT ON PLANS TO INCREASE DIVERSITY**
8 **WITHIN THE INTELLIGENCE COMMUNITY.**

9 *(a) REQUIREMENT FOR REPORT.—Not later than No-*
10 *vember 1, 2008, the Director of National Intelligence, in*
11 *coordination with the heads of the elements of the intel-*
12 *ligence community, shall submit to the congressional intel-*
13 *ligence committees a report on the plans of each element*
14 *to increase diversity within the intelligence community.*

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

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

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

4 (3) *specific plans and initiatives for each such*
5 *element to improve retention of diverse Federal em-*
6 *ployees at the junior, midgrade, senior, and manage-*
7 *ment levels;*

8 (4) *a description of specific diversity awareness*
9 *training and education programs for senior officials*
10 *and managers of each such element; and*

11 (5) *a description of performance metrics to*
12 *measure the success of carrying out the plans, initia-*
13 *tives, and programs described in paragraphs (1)*
14 *through (4).*

15 **SEC. 309. REPORT ON SECURITY CLEARANCE DETERMINA-**
16 **TIONS.**

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

20 “*REPORT ON SECURITY CLEARANCE DETERMINATIONS*

21 “*SEC. 508. Not later than February 1 of each year,*
22 *the Director of the Office of Management and Budget shall*
23 *submit to Congress a report on security clearance deter-*
24 *minations completed or ongoing during the preceding fiscal*
25 *year that have taken longer than one year to complete. Such*
26 *report shall include—*

1 “(1) the number of security clearance determina-
2 tions for positions as employees of the Federal Gov-
3 ernment that required more than one year to com-
4 plete;

5 “(2) the number of security clearance determina-
6 tions for contractors that required more than one year
7 to complete;

8 “(3) the agencies that investigated and adju-
9 dicated such determinations; and

10 “(4) the cause of significant delays in such deter-
11 minations.”.

12 (b) *CONFORMING AMENDMENT.*—*The table of contents*
13 *in the first section of the National Security Act of 1947*
14 *(50 U.S.C. 401 et seq.) is further amended by inserting after*
15 *the item relating to section 507 the following new item:*

 “Sec. 508. *Report on security clearance determinations.*”.

16 ***Subtitle B—Other Matters***

17 ***SEC. 311. RESTRICTION ON CONDUCT OF INTELLIGENCE***
18 ***ACTIVITIES.***

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

1 **SEC. 312. CLARIFICATION OF DEFINITION OF INTEL-**
2 **LIGENCE COMMUNITY UNDER THE NATIONAL**
3 **SECURITY ACT OF 1947.**

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

7 **SEC. 313. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
8 **DIFFERENT INTELLIGENCE ACTIVITIES.**

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

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

15 **SEC. 314. PROTECTION OF CERTAIN NATIONAL SECURITY**
16 **INFORMATION.**

17 *(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UN-*
18 *DERCOVER INTELLIGENCE OFFICERS AND AGENTS.—*

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

24 *(2) DISCLOSURE OF AGENT AFTER ACCESS TO*
25 *CLASSIFIED INFORMATION.—Subsection (b) of such*

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

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

6 **SEC. 316. REPORT ON COMPLIANCE WITH THE DETAINEE**
7 **TREATMENT ACT OF 2005 AND RELATED PRO-**
8 **VISIONS OF THE MILITARY COMMISSIONS**
9 **ACT OF 2006.**

10 (a) *REPORT REQUIRED.*—*Not later than November 1,*
11 *2008, the Director of National Intelligence shall submit to*
12 *the congressional intelligence committees a comprehensive*
13 *report on all measures taken by the Office of the Director*
14 *of National Intelligence and by each element, if any, of the*
15 *intelligence community with relevant responsibilities to*
16 *comply with the provisions of the Detainee Treatment Act*
17 *of 2005 (title X of division A of Public Law 109–148; 119*
18 *Stat. 2739) and related provisions of the Military Commis-*
19 *sions Act of 2006 (Public Law 109–366; 120 Stat. 2600).*

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

22 (1) *A description of the detention or interroga-*
23 *tion methods, if any, that have been determined to*
24 *comply with section 1003 of the Detainee Treatment*
25 *Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and*

1 *section 6 of the Military Commissions Act of 2006*
2 *(120 Stat. 2632; 18 U.S.C. 2441 note) (including the*
3 *amendments made by such section 6), and, with re-*
4 *spect to each such method—*

5 *(A) an identification of the official making*
6 *such determination; and*

7 *(B) a statement of the basis for such deter-*
8 *mination.*

9 *(2) A description of the detention or interroga-*
10 *tion methods, if any, the use of which has been dis-*
11 *continued pursuant to the Detainee Treatment Act of*
12 *2005 or the Military Commission Act of 2006, and,*
13 *with respect to each such method—*

14 *(A) an identification of the official making*
15 *the determination to discontinue such method;*
16 *and*

17 *(B) a statement of the basis for such deter-*
18 *mination.*

19 *(3) A description of any actions that have been*
20 *taken to implement section 1004 of the Detainee*
21 *Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.*
22 *2000dd-1), and, with respect to each such action—*

23 *(A) an identification of the official taking*
24 *such action; and*

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

1 (4) *Any other matters that the Director considers*
2 *necessary to fully and currently inform the congres-*
3 *sional intelligence committees about the implementa-*
4 *tion of the Detainee Treatment Act of 2005 and re-*
5 *lated provisions of the Military Commissions Act of*
6 *2006.*

7 (5) *An appendix containing—*

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

14 (B) *all legal justifications of the Depart-*
15 *ment of Justice, including any office thereof,*
16 *about the meaning or application of the Detainee*
17 *Treatment Act of 2005 or related provisions of*
18 *the Military Commissions Act of 2006 with re-*
19 *spect to the detention or interrogation activities,*
20 *if any, of any element of the intelligence commu-*
21 *nity.*

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

24 (d) *SUBMISSION TO THE CONGRESSIONAL ARMED*
25 *SERVICES COMMITTEES.—To the extent that the report re-*

1 *quired by subsection (a) addresses an element of the intel-*
2 *ligence community within the Department of Defense, that*
3 *portion of the report, and any associated material that is*
4 *necessary to make that portion understandable, shall also*
5 *be submitted by the Director of National Intelligence to the*
6 *congressional armed services committees.*

7 *(e) CONGRESSIONAL ARMED SERVICES COMMITTEE*
8 *DEFINED.—In this section, the term “congressional armed*
9 *services committees” means—*

10 *(1) the Committee on Armed Services of the Sen-*
11 *ate; and*

12 *(2) the Committee on Armed Services of the*
13 *House of Representatives.*

14 **SEC. 317. INCORPORATION OF REPORTING REQUIREMENTS.**

15 *Each requirement to submit a report to the congres-*
16 *sional intelligence committees that is included in the classi-*
17 *fied annex to this Act is hereby incorporated into this Act*
18 *and is hereby made a requirement in law.*

19 **SEC. 318. REPEAL OF CERTAIN REPORTING REQUIRE-**
20 **MENTS.**

21 *(a) ANNUAL CERTIFICATION ON COUNTERINTEL-*
22 *LIGENCE INITIATIVES.—Section 1102(b) of the National Se-*
23 *curity Act of 1947 (50 U.S.C. 442a(b)) is amended—*

24 *(1) by striking “(1)”; and*

25 *(2) by striking paragraph (2).*

1 (b) *REPORT AND CERTIFICATION UNDER TERRORIST*
2 *IDENTIFICATION CLASSIFICATION SYSTEM.*—Section 343 of
3 *the Intelligence Authorization Act for Fiscal Year 2003 (50*
4 *U.S.C. 404n–2) is amended—*

5 (1) *by striking subsection (d); and*

6 (2) *by redesignating subsections (e), (f), (g), and*
7 *(h) as subsections (d), (e), (f), and (g), respectively.*

8 (c) *ANNUAL REPORT ON COUNTERDRUG INTEL-*
9 *LIGENCE MATTERS.*—Section 826 of the *Intelligence Au-*
10 *thorization Act for Fiscal Year 2003 (Public Law 107–306;*
11 *116 Stat. 2429; 21 U.S.C. 873 note) is repealed.*

12 (d) *CONFORMING AMENDMENTS.*—Section 507(a)(2) of
13 *the National Security Act of 1947 (50 U.S.C. 415b(a)(2))*
14 *is amended by striking subparagraph (D).*

15 **SEC. 319. ENHANCEMENT OF CRITICAL SKILLS TRAINING**
16 **PROGRAM.**

17 (a) *NATIONAL SECURITY AGENCY.*—Subsection (e) of
18 *section 16 of the National Security Agency Act of 1959 (50*
19 *U.S.C. 402 note) is amended by striking “(1) When an em-*
20 *ployee” and all that follows through “(2) Agency efforts”*
21 *and inserting “Agency efforts”.*

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

1 “(B) to continue in the service of such ele-
2 ment following completion of the assignment for
3 a period of one-and-a-half years for each year of
4 the assignment or part thereof;

5 “(C) to reimburse the United States for the
6 total cost of education (excluding the employee’s
7 pay and allowances) provided under this section
8 to the employee if, prior to the employee’s com-
9 pleting the educational course of training for
10 which the employee is assigned, the assignment
11 or the employee’s employment with such element
12 is terminated either by such element due to mis-
13 conduct by the employee or by the employee vol-
14 untarily; and

15 “(D) to reimburse the United States if, after
16 completing the educational course of training for
17 which the employee is assigned, the employee’s
18 employment with such element is terminated ei-
19 ther by such element due to misconduct by the
20 employee or by the employee voluntarily, prior to
21 the employee’s completion of the service obliga-
22 tion period described in subparagraph (B), in an
23 amount that bears the same ratio to the total
24 cost of the education (excluding the employee’s
25 pay and allowances) provided to the employee as

1 *the unserved portion of the service obligation pe-*
2 *riod described in subparagraph (B) bears to the*
3 *total period of the service obligation described in*
4 *subparagraph (B).*

5 “(2) *DEBT OWING THE UNITED STATES.*—*Subject*
6 *to paragraph (3), the obligation to reimburse the*
7 *United States under an agreement described in para-*
8 *graph (1), including interest due on such obligation,*
9 *is for all purposes a debt owing the United States.*

10 “(3) *REIMBURSEMENT.*—

11 “(A) *BANKRUPTCY.*—*A discharge in bank-*
12 *ruptcy under title 11, United States Code, shall*
13 *not release a person from an obligation to reim-*
14 *burse the United States required under an agree-*
15 *ment described in paragraph (1) if the final de-*
16 *creed of the discharge in bankruptcy is issued*
17 *within five years after the last day of the com-*
18 *bined period of service obligation described in*
19 *subparagraphs (A) and (B) of paragraph (1).*

20 “(B) *RELEASE.*—*The head of an appro-*
21 *priate department may release a person, in*
22 *whole or in part, from the obligation to reim-*
23 *burse the United States under an agreement de-*
24 *scribed in paragraph (1) when, in the discretion*
25 *of such head of an appropriate department, such*

1 *head of an appropriate department determines*
2 *that equity or the interests of the United States*
3 *so require.*

4 “(C) *MONTHLY PAYMENTS.*—*The head of an*
5 *appropriate department shall permit an em-*
6 *ployee assigned under this section who, prior to*
7 *commencing a second academic year of such as-*
8 *signment, voluntarily terminates the assignment*
9 *or the employee’s employment with the element of*
10 *the intelligence community that is a component*
11 *of such appropriate department, to satisfy the*
12 *employee’s obligation under an agreement de-*
13 *scribed in paragraph (1) to reimburse the United*
14 *States by reimbursement according to a schedule*
15 *of monthly payments which results in completion*
16 *of reimbursement by a date five years after the*
17 *date of termination of the assignment or employ-*
18 *ment or earlier at the option of the employee.*

19 “(d) *RECRUITMENT.*—*Efforts by an element of the in-*
20 *telligence community to recruit individuals at educational*
21 *institutions for participation in the undergraduate train-*
22 *ing program established by this section shall be made open-*
23 *ly and according to the common practices of universities*
24 *and employers recruiting at such institutions.*

1 “(e) *INAPPLICATION OF PROVISIONS ON TRAINING.*—
2 *Chapter 41 of title 5 and subsections (a) and (b) of section*
3 *3324 of title 31, United States Code, shall not apply with*
4 *respect to this section.*

5 “(f) *REGULATIONS.*—*A head of the appropriate de-*
6 *partment assigning employees in accordance with this sec-*
7 *tion may issue such regulations as such head of the appro-*
8 *priate department considers necessary to carry out this sec-*
9 *tion.*

10 “(g) *RULES OF CONSTRUCTION.*—

11 “(1) *COMPONENT.*—*For purposes of this sec-*
12 *tion—*

13 “(A) *the Office of the Director of National*
14 *Intelligence shall be considered a component of*
15 *such Office; and*

16 “(B) *the Central Intelligence Agency shall*
17 *be considered a component of such Agency.*

18 “(2) *REQUIRED EDUCATION PROGRAMS.*—*Noth-*
19 *ing in this section shall be construed to modify, affect,*
20 *or supercede any provision of law requiring or other-*
21 *wise authorizing or providing for a training program*
22 *described in this section.*

23 “(h) *APPROPRIATE DEPARTMENT DEFINED.*—*In this*
24 *section, the term ‘appropriate department’ means—*

1 “(1) with respect to the Office of the Director of
2 National Intelligence, the Office of the Director of Na-
3 tional Intelligence;

4 “(2) with respect to the Central Intelligence
5 Agency, Central Intelligence Agency; and

6 “(3) with respect to an element of the intelligence
7 community other than the Office of the Director of
8 National Intelligence and the Central Intelligence
9 Agency, the department of the Federal Government of
10 which such element of the intelligence community is
11 a component.”.

12 (2) *CONFORMING AMENDMENT.*—The table of
13 contents in the first section of the National Security
14 Act of 1947 (50 U.S.C. 401 et seq.) is amended by in-
15 serting after the item relating to section 1021 the fol-
16 lowing new item:

 “Sec. 1022. Intelligence community acquisition of critical skills.”.

17 **SEC. 320. COMPREHENSIVE NATIONAL CYBERSECURITY INI-**
18 **TIATIVE ADVISORY PANEL.**

19 Not later than February 1, 2009, the President shall
20 submit to Congress a report on options for creating an advi-
21 sory panel comprised of representatives of Congress, the Ex-
22 ecutive Branch, and the private sector to make policy and
23 procedural recommendations for—

24 (1) information security for the Federal Govern-
25 ment;

1 (2) *critical infrastructure;*

2 (3) *the authorities, roles, responsibilities of the*
3 *intelligence community, Department of Homeland Se-*
4 *curity, and Department of Defense for purposes of*
5 *supporting the Comprehensive National Cybersecurity*
6 *Initiative as described in National Security Policy*
7 *Directive 54/Homeland Security Policy Directive 23*
8 *entitled “Cybersecurity Policy” signed by the Presi-*
9 *dent on January 8, 2008; and*

10 (4) *other matters related to paragraphs (1)*
11 *through (3) as the President considers appropriate.*

12 **TITLE IV—MATTERS RELATING**
13 **TO ELEMENTS OF THE INTEL-**
14 **LIGENCE COMMUNITY**

15 **Subtitle A—Office of the Director of**
16 **National Intelligence**

17 **SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION**
18 **OF THE OFFICE OF THE DIRECTOR OF NA-**
19 **TIONAL INTELLIGENCE.**

20 *Section 103(e) of the National Security Act of 1947*
21 *(50 U.S.C. 403–3(e)) is amended—*

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

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

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

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

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

8 “(F) The Director of National Intel-
9 ligence.”.

10 **SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF**
11 **SCIENCE AND TECHNOLOGY.**

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

14 (1) in subsection (c)—

15 (A) by redesignating paragraph (5) as
16 paragraph (7);

17 (B) in paragraph (4), by striking “and” at
18 the end; and

19 (C) by inserting after paragraph (4) the fol-
20 lowing:

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

24 “(6) submit to the congressional intelligence com-
25 mittees an annual report on the science and tech-

1 *nology strategy of the Director that shows resources*
 2 *mapped to the goals of the intelligence community;*
 3 *and”;* and

4 (2) *in subsection (d)(3)—*

5 (A) *in subparagraph (A)—*

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

8 (ii) *by striking “; and” and inserting*
 9 *“;”;*

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

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

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

17 **SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OF-**
 18 **FICES AND OFFICIALS.**

19 (a) *NATIONAL COUNTER PROLIFERATION CENTER.—*

20 *Section 119A(a) of the National Security Act of 1947 (50*
 21 *U.S.C. 4040–1(a)) is amended—*

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

1 “(a) *IN GENERAL.*—

2 “(1) *ESTABLISHMENT.*—*The*”; and

3 (2) *by adding at the end the following new para-*
4 *graphs:*

5 “(2) *DIRECTOR.*—*The head of the National*
6 *Counter Proliferation Center shall be the Director of*
7 *the National Counter Proliferation Center, who shall*
8 *be appointed by the Director of National Intelligence.*

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

12 (b) *OFFICERS.*—*Section 103(c) of that Act (50 U.S.C.*
13 *403–3(c)) is amended—*

14 (1) *by redesignating paragraph (9) as para-*
15 *graph (13); and*

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

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

20 “(10) *The Inspector General of the Intelligence*
21 *Community.*

22 “(11) *The Director of the National*
23 *Counterterrorism Center.*

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

1 **SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
2 **THE DATA CENTER ENERGY EFFICIENCY RE-**
3 **PORTS.**

4 (a) *PLAN.*—*The Director of National Intelligence shall*
5 *develop a plan to implement the recommendations of the*
6 *report submitted to Congress under section 1 of the Act enti-*
7 *tled “An Act to study and promote the use of energy effi-*
8 *cient computer servers in the United States” (Public Law*
9 *109–431; 120 Stat. 2920) across the intelligence commu-*
10 *nity.*

11 (b) *REPORT.*—

12 (1) *IN GENERAL.*—*Not later than November 1,*
13 *2008, the Director of National Intelligence shall sub-*
14 *mit to the congressional intelligence committees a re-*
15 *port containing the plan developed under subsection*
16 *(a).*

17 (2) *FORM.*—*The report under paragraph (1)*
18 *shall be submitted in unclassified form, but may con-*
19 *tain a classified annex.*

20 **SEC. 406. SEMIANNUAL REPORTS ON NUCLEAR PROGRAMS**
21 **OF IRAN, SYRIA, AND NORTH KOREA.**

22 (a) *REPORTS.*—

23 (1) *IN GENERAL.*—*Title V of the National Secu-*
24 *rity Act of 1947 (50 U.S.C. 413 et seq.), as amended*
25 *by title III, is further amended by adding at the end*
26 *the following new section:*

1 “SEMIANNUAL REPORTS ON THE NUCLEAR PROGRAMS OF
2 IRAN, SYRIA, AND NORTH KOREA

3 “SEC. 509. (a) *REQUIREMENT FOR REPORTS.*—Not
4 *less frequently than every 180 days, the Director of National*
5 *Intelligence shall submit to the congressional intelligence*
6 *committees a report on the intentions and capabilities of*
7 *the Islamic Republic of Iran, the Syrian Arab Republic,*
8 *and the Democratic People’s Republic of Korea, with regard*
9 *to the nuclear programs of each such country.*

10 “(b) *CONTENT.*—*Each report submitted under sub-*
11 *section (a) shall include, with respect to the Islamic Repub-*
12 *lic of Iran, the Syrian Arab Republic, and the Democratic*
13 *People’s Republic of Korea—*

14 “(1) *an assessment of nuclear weapons programs*
15 *of each such country;*

16 “(2) *an evaluation, consistent with existing re-*
17 *porting standards and practices, of the sources upon*
18 *which the intelligence used to prepare the assessment*
19 *described in paragraph (1) is based, including the*
20 *number of such sources and an assessment of the reli-*
21 *ability of each such source;*

22 “(3) *a summary of any intelligence related to*
23 *any such program gathered or developed since the*
24 *previous report was submitted under subsection (a),*

1 *including intelligence collected from both open and*
2 *clandestine sources for each such country; and*

3 *“(4) a discussion of any dissents, caveats, gaps*
4 *in knowledge, or other information that would reduce*
5 *confidence in the assessment described in paragraph*
6 *(1).*

7 *“(c) NATIONAL INTELLIGENCE ESTIMATE.—The Direc-*
8 *tor of National Intelligence may submit a National Intel-*
9 *ligence Estimate on the intentions and capabilities of the*
10 *Islamic Republic of Iran, the Syrian Arab Republic, or the*
11 *Democratic People’s Republic of Korea in lieu of a report*
12 *required by subsection (a) for that country.*

13 *“(d) FORM.—Each report submitted under subsection*
14 *(a) may be submitted in classified form.”.*

15 *(2) APPLICABILITY DATE.—The first report re-*
16 *quired to be submitted under section 509 of the Na-*
17 *tional Security Act of 1947, as added by paragraph*
18 *(1), shall be submitted not later than 30 days after*
19 *the date of the enactment of this Act.*

20 *(b) CONFORMING AMENDMENT.—The table of contents*
21 *in the first section of the National Security Act of 1947*
22 *(50 U.S.C. 401 et seq.) is amended by inserting after the*
23 *item relating to section 508 the following new item:*

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

1 **SEC. 407. TITLE OF CHIEF INFORMATION OFFICER OF THE**
2 **INTELLIGENCE COMMUNITY.**

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

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

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

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

14 *(4) in subsection (d), by inserting “of the Intel-*
15 *ligence Community” after “Chief Information Offi-*
16 *cer”.*

17 **SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE**
18 **COMMUNITY.**

19 *(a) ESTABLISHMENT.—*

20 *(1) IN GENERAL.—Title I of the National Secu-*
21 *rity Act of 1947 (50 U.S.C. 402 et seq.) is amended*
22 *by inserting after section 103G the following new sec-*
23 *tion:*

24 *“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY*
25 *“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF*
26 *INTELLIGENCE COMMUNITY.—There is within the Office of*

1 *the Director of National Intelligence an Office of the Inspec-*
2 *tor General of the Intelligence Community.*

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

5 “(1) *create an objective and effective office, ap-*
6 *propriately accountable to Congress, to initiate and*
7 *conduct independently investigations, inspections,*
8 *and audits on matters within the responsibility and*
9 *authority of the Director of National Intelligence;*

10 “(2) *recommend policies designed—*

11 “(A) *to promote economy, efficiency, and ef-*
12 *fectiveness in the administration and implemen-*
13 *tation of matters within the responsibility and*
14 *authority of the Director of National Intelligence;*
15 *and*

16 “(B) *to prevent and detect fraud and abuse*
17 *in such matters;*

18 “(3) *provide a means for keeping the Director of*
19 *National Intelligence fully and currently informed*
20 *about—*

21 “(A) *problems and deficiencies relating to*
22 *matters within the responsibility and authority*
23 *of the Director of National Intelligence; and*

24 “(B) *the necessity for, and the progress of,*
25 *corrective actions; and*

1 “(4) in the manner prescribed by this section,
2 ensure that the congressional intelligence committees
3 are kept similarly informed of—

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

8 “(B) the necessity for, and the progress of,
9 corrective actions.

10 “(c) INSPECTOR GENERAL OF INTELLIGENCE COMMU-
11 NITY.—(1) There is an Inspector General of the Intelligence
12 Community, who shall be the head of the Office of the In-
13 spector General of the Intelligence Community, who shall
14 be appointed by the President, by and with the advice and
15 consent of the Senate.

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

18 “(A) without regard to political affiliation;

19 “(B) solely on the basis of integrity, compliance
20 with the security standards of the intelligence commu-
21 nity, and prior experience in the field of intelligence
22 or national security; and

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

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

4 “(4) *The Inspector General may be removed from office*
5 *only by the President. The President shall immediately*
6 *communicate in writing to the congressional intelligence*
7 *committees the reasons for the removal of any individual*
8 *from the position of Inspector General.*

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

12 “(1) *to provide policy direction for, and to plan,*
13 *conduct, supervise, and coordinate independently, the*
14 *investigations, inspections, and audits relating to*
15 *matters within the responsibility and authority of the*
16 *Director of National Intelligence to ensure they are*
17 *conducted efficiently and in accordance with applica-*
18 *ble law and regulations;*

19 “(2) *to keep the Director of National Intelligence*
20 *fully and currently informed concerning violations of*
21 *law and regulations, violations of civil liberties and*
22 *privacy, fraud and other serious problems, abuses,*
23 *and deficiencies that may occur in matters within the*
24 *responsibility and authority of the Director, and to*

1 *report the progress made in implementing corrective*
2 *action;*

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

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

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

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

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

6 “(4) *The Inspector General may submit to the congress-*
7 *sional intelligence committees any comments on a report*
8 *of which the Inspector General has notice under paragraph*
9 *(3) that the Inspector General considers appropriate.*

10 “(f) *AUTHORITIES.—(1) The Inspector General of the*
11 *Intelligence Community shall have direct and prompt ac-*
12 *cess to the Director of National Intelligence when necessary*
13 *for any purpose pertaining to the performance of the duties*
14 *of the Inspector General.*

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

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

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

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

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

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

19 “(A) *the Inspector General shall not disclose the*
20 *identity of the employee without the consent of the*
21 *employee, unless the Inspector General determines*
22 *that such disclosure is unavoidable during the course*
23 *of the investigation or the disclosure is made to an of-*
24 *ficial of the Department of Justice responsible for de-*

1 *termining whether a prosecution should be under-*
2 *taken; and*

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

9 *“(4) The Inspector General shall have authority to ad-*
10 *minister to or take from any person an oath, affirmation,*
11 *or affidavit, whenever necessary in the performance of the*
12 *duties of the Inspector General, which oath, affirmation, or*
13 *affidavit when administered or taken by or before an em-*
14 *ployee of the Office of the Inspector General of the Intel-*
15 *ligence Community designated by the Inspector General*
16 *shall have the same force and effect as if administered or*
17 *taken by, or before, an officer having a seal.*

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

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

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

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

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

13 “(g) *COORDINATION AMONG INSPECTORS GENERAL OF*
14 *INTELLIGENCE COMMUNITY.—(1)(A) In the event of a mat-*
15 *ter within the jurisdiction of the Inspector General of the*
16 *Intelligence Community that may be subject to an inves-*
17 *tigation, inspection, or audit by both the Inspector General*
18 *of the Intelligence Community and an Inspector General,*
19 *whether statutory or administrative, with oversight respon-*
20 *sibility for an element or elements of the intelligence com-*
21 *munity, the Inspector General of the Intelligence Commu-*
22 *nity and such other Inspector or Inspectors General shall*
23 *expeditiously resolve the question of which Inspector Gen-*
24 *eral shall conduct such investigation, inspection, or audit.*

1 “(B) In attempting to resolve a question under sub-
2 paragraph (A), the Inspectors General concerned may re-
3 quest the assistance of the Intelligence Community Inspec-
4 tors General Forum established under subparagraph (C). In
5 the event of a dispute between an Inspector General within
6 an agency or department of the United States Government
7 and the Inspector General of the Intelligence Community
8 that has not been resolved with the assistance of the Forum,
9 the Inspectors General shall submit the question to the Di-
10 rector of National Intelligence and the head of the agency
11 or department for resolution.

12 “(C) There is established the Intelligence Community
13 Inspectors General Forum which shall consist of all statu-
14 tory or administrative Inspectors General with oversight re-
15 sponsibility for an element or elements of the intelligence
16 community. The Inspector General of the Intelligence Com-
17 munity shall serve as the chair of the Forum. The Forum
18 shall have no administrative authority over any Inspector
19 General, but shall serve as a mechanism for informing its
20 members of the work of individual members of the Forum
21 that may be of common interest and discussing questions
22 about jurisdiction or access to employees, employees of a
23 contractor, records, audits, reviews, documents, rec-
24 ommendations, or other materials that may involve or be
25 of assistance to more than 1 of its members.

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

8 “(h) *STAFF AND OTHER SUPPORT.—(1) The Inspector*
9 *General of the Intelligence Community shall be provided*
10 *with appropriate and adequate office space at central and*
11 *field office locations, together with such equipment, office*
12 *supplies, maintenance services, and communications facili-*
13 *ties and services as may be necessary for the operation of*
14 *such offices.*

15 “(2)(A) *Subject to applicable law and the policies of*
16 *the Director of National Intelligence, the Inspector General*
17 *shall select, appoint, and employ such officers and employ-*
18 *ees as may be necessary to carry out the functions of the*
19 *Inspector General. The Inspector General shall ensure that*
20 *any officer or employee so selected, appointed, or employed*
21 *has security clearances appropriate for the assigned duties*
22 *of such officer or employee.*

23 “(B) *In making selections under subparagraph (A),*
24 *the Inspector General shall ensure that such officers and*
25 *employees have the requisite training and experience to en-*

1 *able the Inspector General to carry out the duties of the*
2 *Inspector General effectively.*

3 “(C) *In meeting the requirements of this paragraph,*
4 *the Inspector General shall create within the Office of the*
5 *Inspector General of the Intelligence Community a career*
6 *cadre of sufficient size to provide appropriate continuity*
7 *and objectivity needed for the effective performance of the*
8 *duties of the Inspector General.*

9 “(3)(A) *Subject to the concurrence of the Director, the*
10 *Inspector General may request such information or assist-*
11 *ance as may be necessary for carrying out the duties and*
12 *responsibilities of the Inspector General from any depart-*
13 *ment, agency, or other element of the United States Govern-*
14 *ment.*

15 “(B) *Upon request of the Inspector General for infor-*
16 *mation or assistance under subparagraph (A), the head of*
17 *the department, agency, or element concerned shall, insofar*
18 *as is practicable and not in contravention of any existing*
19 *statutory restriction or regulation of the department, agen-*
20 *cy, or element, furnish to the Inspector General, or to an*
21 *authorized designee, such information or assistance.*

22 “(C) *The Inspector General of the Intelligence Commu-*
23 *nity may, upon reasonable notice to the head of any element*
24 *of the intelligence community, conduct, as authorized by*
25 *this section, an investigation, inspection, or audit of such*

1 *element and may enter into any place occupied by such*
2 *element for purposes of the performance of the duties of the*
3 *Inspector General.*

4 “(i) *REPORTS.—(1)(A) The Inspector General of the*
5 *Intelligence Community shall, not later than January 31*
6 *and July 31 of each year, prepare and submit to the Direc-*
7 *tor of National Intelligence a classified, and, as appro-*
8 *priate, unclassified semiannual report summarizing the ac-*
9 *tivities of the Office of the Inspector General of the Intel-*
10 *ligence Community during the immediately preceding 6-*
11 *month period ending December 31 (of the preceding year)*
12 *and June 30, respectively. The Inspector General of the In-*
13 *telligence Community shall provide any portion of the re-*
14 *port involving a component of a department of the United*
15 *States Government to the head of that department simulta-*
16 *neously with submission of the report to the Director of Na-*
17 *tional Intelligence.*

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

20 “(i) *A list of the title or subject of each investiga-*
21 *tion, inspection, or audit conducted during the period*
22 *covered by such report, including a summary of the*
23 *progress of each particular investigation, inspection,*
24 *or audit since the preceding report of the Inspector*
25 *General under this paragraph.*

1 “(ii) A description of significant problems,
2 abuses, and deficiencies relating to the administration
3 and implementation of programs and operations of
4 the intelligence community, and in the relationships
5 between elements of the intelligence community, iden-
6 tified by the Inspector General during the period cov-
7 ered by such report.

8 “(iii) A description of the recommendations for
9 corrective or disciplinary action made by the Inspec-
10 tor General during the period covered by such report
11 with respect to significant problems, abuses, or defi-
12 ciencies identified in clause (ii).

13 “(iv) A statement whether or not corrective or
14 disciplinary action has been completed on each sig-
15 nificant recommendation described in previous semi-
16 annual reports, and, in a case where corrective action
17 has been completed, a description of such corrective
18 action.

19 “(v) A certification whether or not the Inspector
20 General has had full and direct access to all informa-
21 tion relevant to the performance of the functions of
22 the Inspector General.

23 “(vi) A description of the exercise of the sub-
24 poena authority under subsection (f)(5) by the Inspec-
25 tor General during the period covered by such report.

1 “(vii) *Such recommendations as the Inspector*
2 *General considers appropriate for legislation to pro-*
3 *mote economy, efficiency, and effectiveness in the ad-*
4 *ministration and implementation of matters within*
5 *the responsibility and authority of the Director of Na-*
6 *tional Intelligence, and to detect and eliminate fraud*
7 *and abuse in such matters.*

8 “(C) *Not later than the 30 days after the date of receipt*
9 *of a report under subparagraph (A), the Director shall*
10 *transmit the report to the congressional intelligence com-*
11 *mittees together with any comments the Director considers*
12 *appropriate. The Director shall transmit to the committees*
13 *of the Senate and of the House of Representatives with ju-*
14 *risdiction over a department of the United States Govern-*
15 *ment any portion of the report involving a component of*
16 *such department simultaneously with submission of the re-*
17 *port to the congressional intelligence committees.*

18 “(2)(A) *The Inspector General shall report imme-*
19 *diately to the Director whenever the Inspector General be-*
20 *comes aware of particularly serious or flagrant problems,*
21 *abuses, or deficiencies relating to matters within the respon-*
22 *sibility and authority of the Director of National Intel-*
23 *ligence.*

24 “(B) *The Director shall transmit to the congressional*
25 *intelligence committees each report under subparagraph (A)*

1 *within 7 calendar days of receipt of such report, together*
2 *with such comments as the Director considers appropriate.*
3 *The Director shall transmit to the committees of the Senate*
4 *and of the House of Representatives with jurisdiction over*
5 *a department of the United States Government any portion*
6 *of each report under subparagraph (A) that involves a prob-*
7 *lem, abuse, or deficiency related to a component of such de-*
8 *partment simultaneously with transmission of the report to*
9 *the congressional intelligence committees.*

10 “(3) *In the event that—*

11 “(A) *the Inspector General is unable to resolve*
12 *any differences with the Director affecting the execu-*
13 *tion of the duties or responsibilities of the Inspector*
14 *General;*

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

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

24 “(ii) *holds or held a position in an element*
25 *of the intelligence community, including a posi-*

1 *tion held on an acting basis, that is appointed*
2 *by the Director of National Intelligence; or*

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

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

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

16 *“(E) the Inspector General, after exhausting all*
17 *possible alternatives, is unable to obtain significant*
18 *documentary information in the course of an inves-*
19 *tigation, inspection, or audit,*
20 *the Inspector General shall immediately notify and submit*
21 *a report on such matter to the congressional intelligence*
22 *committees.*

23 *“(4) Pursuant to title V, the Director shall submit to*
24 *the congressional intelligence committees any report or*
25 *findings and recommendations of an investigation, inspec-*

1 tion, or audit conducted by the office which has been re-
2 quested by the Chairman or Vice Chairman or Ranking Mi-
3 nority Member of either committee.

4 “(5)(A) An employee of an element of the intelligence
5 community, an employee assigned or detailed to an element
6 of the intelligence community, or an employee of a con-
7 tractor to the intelligence community who intends to report
8 to Congress a complaint or information with respect to an
9 urgent concern may report such complaint or information
10 to the Inspector General.

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

19 “(C) Upon receipt of a transmittal from the Inspector
20 General under subparagraph (B), the Director shall, within
21 7 calendar days of such receipt, forward such transmittal
22 to the congressional intelligence committees, together with
23 any comments the Director considers appropriate.

24 “(D)(i) If the Inspector General does not find credible
25 under subparagraph (B) a complaint or information sub-

1 *mited under subparagraph (A), or does not transmit the*
2 *complaint or information to the Director in accurate form*
3 *under subparagraph (B), the employee (subject to clause*
4 *(ii)) may submit the complaint or information to Congress*
5 *by contacting either or both of the congressional intelligence*
6 *committees directly.*

7 “(ii) *An employee may contact the intelligence com-*
8 *mittees directly as described in clause (i) only if the em-*
9 *ployee—*

10 “(I) *before making such a contact, furnishes to*
11 *the Director, through the Inspector General, a state-*
12 *ment of the employee’s complaint or information and*
13 *notice of the employee’s intent to contact the congress-*
14 *sional intelligence committees directly; and*

15 “(II) *obtains and follows from the Director,*
16 *through the Inspector General, direction on how to*
17 *contact the intelligence committees in accordance with*
18 *appropriate security practices.*

19 “(iii) *A member or employee of 1 of the congressional*
20 *intelligence committees who receives a complaint or infor-*
21 *mation under clause (i) does so in that member or employ-*
22 *ee’s official capacity as a member or employee of such com-*
23 *mittee.*

24 “(E) *The Inspector General shall notify an employee*
25 *who reports a complaint or information to the Inspector*

1 *General under this paragraph of each action taken under*
2 *this paragraph with respect to the complaint or informa-*
3 *tion. Such notice shall be provided not later than 3 days*
4 *after any such action is taken.*

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

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

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

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

20 “(iii) *An action, including a personnel action*
21 *described in section 2302(a)(2)(A) of title 5, United*
22 *States Code, constituting reprisal or threat of reprisal*
23 *prohibited under subsection (f)(3)(B) of this section in*
24 *response to an employee’s reporting an urgent concern*
25 *in accordance with this paragraph.*

1 “(H) In support of this paragraph, Congress makes the
2 findings set forth in paragraphs (1) through (6) of section
3 701(b) of the Intelligence Community Whistleblower Protec-
4 tion Act of 1998 (title VII of Public Law 105–272; 5 U.S.C.
5 App. 8H note).

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

17 “(j) SEPARATE BUDGET ACCOUNT.—The Director of
18 National Intelligence shall, in accordance with procedures
19 to be issued by the Director in consultation with the con-
20 gressional intelligence committees, include in the National
21 Intelligence Program budget a separate account for the Of-
22 fice of Inspector General of the Intelligence Community.

23 “(k) CONSTRUCTION OF DUTIES REGARDING ELE-
24 MENTS OF INTELLIGENCE COMMUNITY.—Except as resolved
25 pursuant to subsection (g), the performance by the Inspector

1 *General of the Intelligence Community of any duty, respon-*
 2 *sibility, or function regarding an element of the intelligence*
 3 *community shall not be construed to modify or effect the*
 4 *duties and responsibilities of any other Inspector General,*
 5 *whether statutory or administrative, having duties and re-*
 6 *sponsibilities relating to such element.”.*

7 (2) *CLERICAL AMENDMENT.—The table of con-*
 8 *tents in the first section of the National Security Act*
 9 *of 1947 is amended by inserting after the item relat-*
 10 *ing to section 103G the following new item:*

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

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

14 (c) *EXECUTIVE SCHEDULE LEVEL IV.—Section 5315*
 15 *of title 5, United States Code, is amended by adding at*
 16 *the end the following new item:*

17 *“Inspector General of the Intelligence Commu-*
 18 *nity.”.*

19 **SEC. 409. ANNUAL REPORT ON FOREIGN LANGUAGE PRO-**
 20 **FICIENCY IN THE INTELLIGENCE COMMU-**
 21 **NITY.**

22 (a) *REPORT.—*

23 (1) *IN GENERAL.—Title V of the National Secu-*
 24 *rity Act of 1947 (50 U.S.C. 413 et seq.), as amended*

1 *by section 406 of this Act, is further amended by add-*
2 *ing at the end the following new section:*

3 *“REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE*
4 *INTELLIGENCE COMMUNITY*

5 *“SEC. 510. Not later than February 1 of each year,*
6 *the Director of National Intelligence shall submit to the con-*
7 *gressional intelligence committees a report on the pro-*
8 *ficiency in foreign languages and, if appropriate, in foreign*
9 *dialects of each element of the intelligence community, in-*
10 *cluding—*

11 *“(1) the number of positions authorized for such*
12 *element that require foreign language proficiency and*
13 *the level of proficiency required;*

14 *“(2) an estimate of the number of such positions*
15 *that each element will require during the 5-year pe-*
16 *riod beginning on the date of the submission of the re-*
17 *port;*

18 *“(3) the number of positions authorized for such*
19 *element that require foreign language proficiency that*
20 *are filled by—*

21 *“(A) military personnel; and*

22 *“(B) civilian personnel;*

23 *“(4) the number of applicants for positions in*
24 *such element in the previous fiscal year that indicated*
25 *foreign language proficiency, including the foreign*
26 *language indicated and the proficiency level;*

1 “(5) the number of persons hired by such element
2 with foreign language proficiency, including the for-
3 foreign language and proficiency level;

4 “(6) the number of personnel of such element
5 currently attending foreign language training, includ-
6 ing the provider of such training;

7 “(7) a description of such element’s efforts to re-
8 cruit, hire, train, and retain personnel that are pro-
9 ficient in a foreign language;

10 “(8) an assessment of methods and models for
11 basic, advanced, and intensive foreign language train-
12 ing;

13 “(9) for each foreign language and, where appro-
14 priate, dialect of a foreign language—

15 “(A) the number of positions of such ele-
16 ment that require proficiency in the foreign lan-
17 guage or dialect;

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

22 “(C) the number of personnel of such ele-
23 ment that are serving in a position that does not
24 require proficiency in the foreign language or

1 *dialect to perform the primary duty of the posi-*
2 *tion;*

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

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

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

14 “(G) *the number of personnel hired to serve*
15 *as linguists for such element during the pre-*
16 *ceding calendar year;*

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

20 “(I) *the percentage of work requiring lin-*
21 *guistic skills that is fulfilled by an ally of the*
22 *United States; and*

23 “(J) *the percentage of work requiring lin-*
24 *guistic skills that is fulfilled by contractors;*

1 “(10) an assessment of the foreign language ca-
2 pacity and capabilities of the intelligence community
3 as a whole; and

4 “(11) recommendations for eliminating required
5 reports relating to foreign-language proficiency that
6 the Director of National Intelligence considers out-
7 dated or no longer relevant.”.

8 (2) *REPORT DATE.*—Section 507(a)(1) of such
9 Act (50 U.S.C. 415b(a)(1)) is amended—

10 (A) by redesignating subparagraph (N) as
11 subparagraph (J); and

12 (B) by adding at the end the following new
13 subparagraph:

14 “(K) The annual report on foreign language pro-
15 ficiency in the intelligence community required by
16 section 510.”.

17 (b) *CONFORMING AMENDMENT.*—The table of contents
18 in the first section of such Act is further amended by insert-
19 ing after the item relating to section 509 the following new
20 item:

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

1 **SEC. 410. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
2 **THE OFFICE OF THE NATIONAL COUNTER-**
3 **INTELLIGENCE EXECUTIVE.**

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

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

9 (2) by redesignating subsections (e), (f), (g), (k),
10 (l), and (m) as subsections (d), (e), (f), (g), (h), and
11 (i), respectively; and

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

14 (b) *CONFORMING AMENDMENTS.*—Such section 904 is
15 further amended—

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

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

21 (A) in paragraph (1), by striking “sub-
22 section (e)(1)” and inserting “subsection (d)(1)”;
23 and

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

1 **SEC. 411. NATIONAL INTELLIGENCE ESTIMATE ON WEAP-**
2 **ONS OF MASS DESTRUCTION IN SYRIA.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act, the Director of National
5 Intelligence shall submit to Congress a National Intelligence
6 Estimate on the history, status, and projected development
7 of any weapons of mass destruction development program
8 undertaken by the Government of Syria, or by any person
9 on behalf of the Government of Syria.

10 (b) *FORM.*—The National Intelligence Estimate re-
11 quired under subsection (a) may be submitted in classified
12 form.

13 **SEC. 412. REPORT ON INTELLIGENCE RESOURCES DEDI-**
14 **CATED TO IRAQ AND AFGHANISTAN.**

15 Not later than 120 days after the date of the enactment
16 of this Act, the Director of National Intelligence shall sub-
17 mit to the congressional intelligence committees a report on
18 intelligence collection resources dedicated to Iraq and Af-
19 ghanistan during fiscal years 2007 and 2008. Such report
20 shall include detailed information on fiscal, human, tech-
21 nical, and other intelligence collection resources.

22 **SEC. 413. OMBUDSMAN FOR INTELLIGENCE COMMUNITY SE-**
23 **CURITY CLEARANCES.**

24 (a) *IN GENERAL.*—Title I of the National Security Act
25 of 1947 (50 U.S.C. 402 et seq.) is amended by inserting

1 *after section 103H, as added by section 409 of this Act, the*
2 *following new section:*

3 “*OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY*
4 *CLEARANCES*”

5 “*SEC. 103I. (a) APPOINTMENT.—The Director of Na-*
6 *tional Intelligence shall appoint an ombudsman for intel-*
7 *ligence community security clearances.*”

8 “*(b) PROVISION OF INFORMATION.—The head of an*
9 *element of the intelligence community shall provide a per-*
10 *son applying for a security clearance through or in coordi-*
11 *nation with such element with contact information for the*
12 *ombudsman appointed under subsection (a).*”

13 “*(c) REPORT.—Not later than November 1 of each*
14 *year, the ombudsman appointed under subsection (a) shall*
15 *submit to the congressional intelligence committees a report*
16 *containing—*

17 “*(1) the number of persons applying for a secu-*
18 *rity clearance who have contacted the ombudsman*
19 *during the preceding 12 months; and*

20 “*(2) a summary of the concerns, complaints, and*
21 *questions received by the ombudsman from persons*
22 *applying for security clearances.”.*

23 *(b) APPOINTMENT DATE.—The Director of National*
24 *Intelligence shall appoint an ombudsman for intelligence*
25 *community security clearances under section 103I(a) of the*
26 *National Security Act of 1947, as added by subsection (a),*

1 *not later than 60 days after the date of the enactment of*
2 *this Act.*

3 (c) *CONFORMING AMENDMENT.*—*The table of contents*
4 *in the first section of the National Security Act of 1947*
5 *is further amended by inserting after the item relating to*
6 *section 103H the following new item:*

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

7 **SEC. 414. SECURITY CLEARANCE RECIPROCITY.**

8 (a) *AUDIT.*—*The Inspector General of the Intelligence*
9 *Community shall conduct an audit of the reciprocity of se-*
10 *curity clearances in the intelligence community.*

11 (b) *REPORT.*—*Not later than 60 days after the date*
12 *of the enactment of this Act, the Inspector General of the*
13 *Intelligence Community shall submit to the congressional*
14 *intelligence committees a report containing the results of*
15 *the audit conducted under subsection (a). Such report shall*
16 *include an assessment of the time required to obtain a recip-*
17 *rocal security clearance for—*

18 (1) *an employee of an element of the intelligence*
19 *community detailed to another element of the intel-*
20 *ligence community;*

21 (2) *an employee of an element of the intelligence*
22 *community seeking permanent employment with an-*
23 *other element of the intelligence community and;*

24 (3) *a contractor seeking permanent employment*
25 *with an element of the intelligence community.*

1 **SEC. 415. REPORT ON INTERNATIONAL TRAFFIC IN ARMS**
2 **REGULATIONS.**

3 (a) *REPORT.*—Not later than February 1, 2009, the
4 Director of National Intelligence shall submit to the con-
5 gressional intelligence committees a report assessing—

6 (1) *the threat to national security presented by*
7 *the efforts of foreign countries to acquire, through es-*
8 *spionage, diversion, or other means, sensitive equip-*
9 *ment and technology, and the degree to which United*
10 *States export controls (including the International*
11 *Traffic in Arms Regulations) are adequate to defeat*
12 *such efforts; and*

13 (2) *the extent to which United States export con-*
14 *trols are well matched to the scope of the foreign*
15 *threat such controls are designed to defeat and wheth-*
16 *er other means could more successfully defeat such*
17 *threats.*

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

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

1 **SEC. 416. REPORT ON NUCLEAR TRAFFICKING.**

2 (a) *REPORT.*—Not later than February 1, 2009, the
3 Director of National Intelligence shall submit to the con-
4 gressional intelligence committees, the Committee on Armed
5 Services and the Committee on Foreign Affairs of the House
6 of Representatives, and the Committee on Armed Services
7 and the Committee on Foreign Relations of the Senate a
8 report on the illicit trade of nuclear and radiological mate-
9 rial and equipment.

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

13 (1) details of all known or suspected cases of the
14 illicit sale, transfer, brokering, or transport of nuclear
15 or radiological material or equipment useful for the
16 production of nuclear or radiological material or nu-
17 clear explosive devices;

18 (2) an assessment of the countries that represent
19 the greatest risk of nuclear trafficking activities; and

20 (3) a discussion of any dissents, caveats, gaps in
21 knowledge, or other information that would reduce
22 confidence in the assessment referred to in paragraph
23 (2).

24 (c) *FORM.*—The report under subsection (a) may be
25 submitted in classified form, but shall include an unclassi-
26 fied summary.

1 **SEC. 417. STUDY ON REVOKING PENSIONS OF PERSONS**
2 **WHO COMMIT UNAUTHORIZED DISCLOSURES**
3 **OF CLASSIFIED INFORMATION.**

4 (a) *STUDY.*—*The Director of National Intelligence*
5 *shall conduct a study on the feasibility of revoking the pen-*
6 *sions of personnel in the intelligence community who com-*
7 *mit unauthorized disclosures of classified information, in-*
8 *cluding whether revoking such pensions is feasible under ex-*
9 *isting law or under the administrative authority of the Di-*
10 *rector of National Intelligence or any other head of an ele-*
11 *ment of the intelligence community.*

12 (b) *REPORT.*—*Not later than 90 days after the date*
13 *of the enactment of this Act, the Director of National Intel-*
14 *ligence shall submit to the congressional intelligence com-*
15 *mittees a report containing the results of the study con-*
16 *ducted under subsection (a).*

17 **Subtitle B—Central Intelligence**
18 **Agency**

19 **SEC. 421. REVIEW OF COVERT ACTION PROGRAMS BY IN-**
20 **SPECTOR GENERAL OF THE CENTRAL INTEL-**
21 **LIGENCE AGENCY.**

22 (a) *IN GENERAL.*—*Section 503 of the National Secu-*
23 *rity Act of 1947 (50 U.S.C. 413b) is amended by—*

24 (1) *redesignating subsection (e) as subsection (g)*
25 *and transferring such subsection to the end; and*

1 (2) *by inserting after subsection (d) the following*
2 *new subsection:*

3 “(e) *INSPECTOR GENERAL AUDITS OF COVERT AC-*
4 *TIONS.—*

5 “(1) *IN GENERAL.—Subject to paragraph (2), the*
6 *Inspector General of the Central Intelligence Agency*
7 *shall conduct an audit of each covert action at least*
8 *every 3 years. Such audits shall be conducted subject*
9 *to the provisions of paragraphs (3) and (4) of sub-*
10 *section (b) of section 17 of the Central Intelligence*
11 *Agency Act of 1949 (50 U.S.C. 403q).*

12 “(2) *TERMINATED, SUSPENDED PROGRAMS.—The*
13 *Inspector General of the Central Intelligence Agency*
14 *is not required to conduct an audit under paragraph*
15 *(1) of a covert action that has been terminated or sus-*
16 *pended if such covert action was terminated or sus-*
17 *pended prior to the last audit of such covert action*
18 *conducted by the Inspector General and has not been*
19 *restarted after the date on which such audit was com-*
20 *pleted.*

21 “(3) *REPORT.—Not later than 60 days after the*
22 *completion of an audit conducted pursuant to para-*
23 *graph (1), the Inspector General of the Central Intel-*
24 *ligence Agency shall submit to the congressional intel-*

1 *ligence committees a report containing the results of*
2 *such audit.”.*

3 (b) **CONFORMING AMENDMENTS.**—*Title V of the Na-*
4 *tional Security Act of 1947 (50 U.S.C. 413 et seq.) is*
5 *amended—*

6 (1) *in section 501(f) (50 U.S.C. 413(f)), by strik-*
7 *ing “503(e)” and inserting “503(g)”;*

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

10 (3) *in section 504(c) (50 U.S.C. 414(c)), by*
11 *striking “503(e)” and inserting “503(g)”.*

12 **SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL**
13 **INTELLIGENCE AGENCY OF REQUIREMENT**
14 **FOR ANNUAL REPORT ON PROGRESS IN**
15 **AUDITABLE FINANCIAL STATEMENTS.**

16 *Section 114A of the National Security Act of 1947 (50*
17 *U.S.C. 404i–1) is amended by striking “the Director of the*
18 *Central Intelligence Agency,”.*

19 **SEC. 423. 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 amend-*
24 *ed—*

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

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

6 (3) *in subclause (III), by striking “Deputy Di-*
7 *rector for Intelligence” and inserting “Director of In-*
8 *telligence”;*

9 (4) *in subclause (IV), by striking “Deputy Direc-*
10 *tor for Administration” and inserting “Director of*
11 *Support”;* and

12 (5) *in subclause (V), by striking “Deputy Direc-*
13 *tor for Science and Technology” and inserting “Di-*
14 *rector of Science and Technology”.*

15 **SEC. 424. CLARIFYING AMENDMENTS RELATING TO SEC-**
16 **TION 105 OF THE INTELLIGENCE AUTHORIZA-**
17 **TION ACT FOR FISCAL YEAR 2004.**

18 *Section 105(b) of the Intelligence Authorization Act for*
19 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;*
20 *31 U.S.C. 311 note) is amended—*

21 (1) *by striking “Director of Central Intelligence”*
22 *and inserting “Director of National Intelligence”;* and

23 (2) *by inserting “or in section 313 of such title,”*
24 *after “subsection (a),”.*

1 **SEC. 425. PROHIBITION ON THE USE OF PRIVATE CONTRAC-**
2 **TORS FOR INTERROGATIONS INVOLVING PER-**
3 **SONS IN THE CUSTODY OR CONTROL OF THE**
4 **CENTRAL INTELLIGENCE AGENCY.**

5 (a) *PROHIBITION.*—Notwithstanding any other provi-
6 sion of law, the Director of the Central Intelligence Agency
7 shall not expend or obligate funds for payment to any con-
8 tractor to conduct the interrogation of a detainee or pris-
9 oner in custody or under the effective control of the Central
10 Intelligence Agency.

11 (b) *EXCEPTION.*—

12 (1) *IN GENERAL.*—The Director of the Central
13 Intelligence Agency may request, and the Director of
14 National Intelligence may grant, a written waiver of
15 the requirement under subsection (a) if the Director
16 of the Central Intelligence Agency determines that—

17 (A) no employee of the Federal Government
18 is—

19 (i) capable of performing such interro-
20 gation; and

21 (ii) available to perform such interro-
22 gation; and

23 (B) such interrogation is in the national in-
24 terest of the United States and requires the use
25 of a contractor.

1 (2) *CLARIFICATION OF APPLICABILITY OF CER-*
2 *TAIN LAWS.—Any contractor conducting an interro-*
3 *gation pursuant to a waiver under paragraph (1)*
4 *shall be subject to all laws on the conduct of interro-*
5 *gations that would apply if an employee of the Fed-*
6 *eral Government were conducting the interrogation.*

7 ***Subtitle C—Defense Intelligence***
8 ***Components***

9 ***SEC. 431. INTEGRATION OF THE COUNTERINTELLIGENCE***
10 ***FIELD ACTIVITY INTO THE DEFENSE INTEL-***
11 ***LIGENCE AGENCY.***

12 (a) *REPORT.—Not later than November 1, 2008, the*
13 *Under Secretary of Defense for Intelligence shall submit to*
14 *the congressional intelligence and armed services commit-*
15 *tees a report outlining the process by which the Counter-*
16 *intelligence Field Activity is to be integrated into the De-*
17 *fense Intelligence Agency. Such report shall include—*

18 (1) *a description of the nature of any law en-*
19 *forcement authorities to be delegated to the Defense*
20 *Intelligence Agency;*

21 (2) *the authority under which the delegation of*
22 *authority referred to in paragraph (1) would occur;*
23 *and*

24 (3) *the guidelines for the implementation of such*
25 *law enforcement authorities.*

1 (b) *CONGRESSIONAL INTELLIGENCE AND ARMED*
2 *SERVICES COMMITTEES.*—*In this section, the term “con-*
3 *gressional intelligence and armed services committees”*
4 *means—*

5 (1) *the Permanent Select Committee on Intel-*
6 *ligence of the House of Representatives;*

7 (2) *the Select Committee on Intelligence of the*
8 *Senate; and*

9 (3) *the Committees on Armed Services of the*
10 *House of Representatives and the Senate.*

11 ***Subtitle D—Other Elements***

12 ***SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD*** 13 ***AND DRUG ENFORCEMENT ADMINISTRATION*** 14 ***AS ELEMENTS OF THE INTELLIGENCE COM-*** 15 ***MUNITY.***

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

18 (1) *in subparagraph (H)—*

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

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

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

1 **SEC. 442. REPORT ON TRANSFORMATION OF THE INTEL-**
2 **LIGENCE CAPABILITIES OF THE FEDERAL BU-**
3 **REAU OF INVESTIGATION.**

4 *Not later than 120 days after the date of the enactment*
5 *of this Act, the Director of the Federal Bureau of Investiga-*
6 *tion shall submit to the congressional intelligence commit-*
7 *tees a report describing the Director's long term vision for*
8 *transforming the intelligence capabilities of the Bureau and*
9 *the progress of the internal reforms of the Bureau intended*
10 *to achieve that vision. Such report shall include—*

11 *(1) the direction, strategy, and goals for trans-*
12 *forming the intelligence capabilities of the Bureau;*

13 *(2) a description of what the fully functional in-*
14 *telligence and national security functions of the Bu-*
15 *reau should entail;*

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

21 *(4) an assessment of how well the Bureau per-*
22 *forms tasks that are critical to the effective func-*
23 *tioning of the Bureau as an intelligence agency, in-*
24 *cluding—*

25 *(A) identifying new intelligence targets*
26 *within the scope of the national security func-*

1 *tions of the Bureau, outside the parameters of an*
2 *existing case file or ongoing investigation;*

3 *(B) collecting intelligence domestically, in-*
4 *cluding collection through human and technical*
5 *sources;*

6 *(C) recruiting human sources;*

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

9 *(E) working collaboratively with other Fed-*
10 *eral departments and agencies to jointly collect*
11 *intelligence on domestic counterterrorism and*
12 *counterintelligence targets;*

13 *(F) producing a common intelligence pic-*
14 *ture of domestic threats to the national security*
15 *of the United States;*

16 *(G) producing high quality and timely in-*
17 *telligence analysis;*

18 *(H) integrating intelligence analysts into*
19 *its intelligence collection operations; and*

20 *(I) sharing intelligence information with*
21 *intelligence community partners.*

1 **TITLE V—OTHER MATTERS**
2 **Subtitle A—General Intelligence**
3 **Matters**

4 **SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE**
5 **REVIEW OF THE RESEARCH AND DEVELOP-**
6 **MENT PROGRAMS OF THE UNITED STATES IN-**
7 **TELLIGENCE COMMUNITY.**

8 (a) *EXTENSION.*—

9 (1) *IN GENERAL.*—*Subsection (a) of section 1007*
10 *of the Intelligence Authorization Act for Fiscal Year*
11 *2003 (Public Law 107–306; 116 Stat. 2442) is*
12 *amended by striking “September 1, 2004” and insert-*
13 *ing “December 31, 2009”.*

14 (2) *EFFECTIVE DATE.*—*Subject to paragraph (3),*
15 *the amendment made by paragraph (1) shall take ef-*
16 *fect as if included in the enactment of such section*
17 *1007.*

18 (3) *COMMISSION MEMBERSHIP.*—

19 (A) *IN GENERAL.*—*The membership of the*
20 *National Commission for the Review of the Re-*
21 *search and Development Programs of the United*
22 *States Intelligence Community established under*
23 *subsection (a) of section 1002 of such Act (Public*
24 *Law 107–306; 116 Stat. 2438) (referred to in*
25 *this section as the “Commission”) shall be con-*

1 *sidered vacant and new members shall be ap-*
2 *pointed in accordance with such section 1002, as*
3 *amended by subparagraph (B).*

4 (B) *TECHNICAL AMENDMENT.*—Paragraph
5 (1) of section 1002(b) of such Act is amended by
6 striking “*The Deputy Director of Central Intel-*
7 *ligence for Community Management.*” and in-
8 serting “*The Principal Deputy Director of Na-*
9 *tional Intelligence.*”.

10 (4) *CLARIFICATION OF DUTIES.*—Section 1002(i)
11 of such Act is amended in the matter preceding para-
12 graph (1) by striking “*including—*” and inserting
13 “*including advanced research and development pro-*
14 *grams and activities. Such review shall include—*”.

15 (b) *FUNDING.*—

16 (1) *IN GENERAL.*—Of the amounts authorized to
17 be appropriated by this Act for the Intelligence Com-
18 munity Management Account, the Director of Na-
19 tional Intelligence shall make \$2,000,000 available to
20 the Commission to carry out title X of the Intelligence
21 Authorization Act for Fiscal Year 2003 (Public Law
22 107–306; 116 Stat. 2437).

23 (2) *AVAILABILITY.*—Amounts made available to
24 the Commission pursuant to paragraph (1) shall re-
25 main available until expended.

1 **SEC. 502. AMENDMENTS TO THE NATIONAL SECURITY ACT**
2 **OF 1947.**

3 (a) *GENERAL CONGRESSIONAL OVERSIGHT.*—Section
4 501(a) of the National Security Act of 1947 (50 U.S.C.
5 413(a)) is amended by adding at the end the following new
6 paragraph:

7 “(3) In carrying out paragraph (1), the President shall
8 provide to the congressional intelligence committees all in-
9 formation necessary to assess the lawfulness, effectiveness,
10 cost, benefit, intelligence gain, budgetary authority, and
11 risk of an intelligence activity, including—

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

14 “(B) any legal issues upon which guidance was
15 sought in carrying out or planning the intelligence
16 activity, including dissenting legal views;

17 “(C) any specific operational concerns arising
18 from the intelligence activity, including the risk of
19 disclosing intelligence sources or methods;

20 “(D) the likelihood that the intelligence activity
21 will exceed the planned or authorized expenditure of
22 funds or other resources; and

23 “(E) the likelihood that the intelligence activity
24 will fail.”.

1 **(b) REPORTING ON ACTIVITIES OTHER THAN COVERT**
2 *ACTIONS.*—Section 502 of such Act (50 U.S.C. 413a) is
3 amended by adding at the end the following new subsection:

4 “(d) *DISTRIBUTION OF INFORMATION.*—

5 “(1) *REQUEST.*—Information or material pro-
6 vided in accordance with subsection (a) shall be made
7 available to each member of the congressional intel-
8 ligence committees, unless the President requests that
9 access to the information or material be limited after
10 determining that limiting such access is essential to
11 meet extraordinary circumstances affecting vital in-
12 terests of the United States. A request under this
13 paragraph and the extraordinary circumstances re-
14 ferred to in this paragraph shall be detailed in writ-
15 ing to the Chair and ranking minority member of the
16 congressional intelligence committees.

17 “(2) *DISTRIBUTION.*—If the President submits a
18 request under paragraph (1), the Chair and ranking
19 minority member of each congressional intelligence
20 committee may jointly determine whether and how to
21 limit access to the information or material within
22 such committee. If the Chair and ranking minority
23 member of such committee are unable to agree on
24 whether or how to limit such access, access to the in-
25 formation or material will be limited. Any informa-

1 *tion or material to which access is limited shall subse-*
2 *quently be made available to each member of the con-*
3 *gressional intelligence communities at the earliest*
4 *possible time and shall include a detailed statement*
5 *of the reasons for not providing prior access.”.*

6 *(c) APPROVAL OF COVERT ACTIONS.—Section 503(d)*
7 *of the National Security Act of 1947 (50 U.S.C. 413b(d))*
8 *is amended—*

9 *(1) by striking “(d) The President” and insert-*
10 *ing “(d)(1) The President”; and*

11 *(2) by adding at the end the following new para-*
12 *graph:*

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

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

16 *“(B) requires an expansion of existing authori-*
17 *ties, including authorities relating to research, devel-*
18 *opment, or operations;*

19 *“(C) results in the expenditure of significant*
20 *funds or other resources;*

21 *“(D) requires notification under section 504;*

22 *“(E) gives rise to a significant risk of disclosing*
23 *intelligence sources or methods; or*

1 “(F) could cause serious damage to the diplo-
2 matic relations of the United States if such activity
3 were disclosed without authorization.”.

4 **SEC. 503. REPORT ON FINANCIAL INTELLIGENCE ON TER-**
5 **RORIST ASSETS.**

6 (a) *ANNUAL REPORTS.*—Section 118 of the National
7 *Security Act of 1947 (50 U.S.C. 404m)* is amended—

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

10 (2) in subsection (a)—

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

13 (B) in the matter preceding paragraph
14 (1)—

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

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

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

20 (D) by redesignating paragraphs (3) and
21 (4) as paragraphs (2) and (3), respectively.

22 (b) *CONFORMING AMENDMENT.*—Section 507 of the
23 *National Security Act of 1947 (50 U.S.C. 415b)* is amend-
24 *ed—*

1 (1) in subsection (a)(1), by adding at the end the
2 following new subparagraph:

3 “(L) The annual report on financial intelligence
4 on terrorist assets required by section 118.”; and

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

6 **SEC. 504. NOTICE OF INTELLIGENCE REGARDING NORTH**
7 **KOREA AND CHINA.**

8 Section 501 of the National Security Act of 1947 (50
9 U.S.C. 413) is amended—

10 (1) by redesignating subsection (f) as subsection
11 (g); and

12 (2) by inserting after subsection (e) the following
13 new subsection:

14 “(f) A notification to the congressional intelligence
15 committees regarding intelligence information relating to
16 North Korea or China after all or part of the information
17 has been communicated to the governments of North Korea
18 or China, respectively, shall not be construed to fulfill the
19 duty under this title to keep the congressional intelligence
20 committees fully and currently informed of the intelligence
21 activities of the United States.”.

22 **SEC. 505. SENSE OF CONGRESS REGARDING USE OF INTEL-**
23 **LIGENCE RESOURCES.**

24 It is the sense of Congress that the resources authorized
25 under this Act should not be diverted from human intel-

1 *ligence collection and other intelligence programs designed*
 2 *to combat al Qaeda in order to study global climate change.*

3 ***Subtitle B—Technical Amendments***

4 ***SEC. 511. TECHNICAL AMENDMENT TO THE CENTRAL IN-***
 5 ***TELLIGENCE AGENCY ACT OF 1949.***

6 *Section 5(a)(1) of the Central Intelligence Agency Act*
 7 *of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “au-*
 8 *thorized under paragraphs (2) and (3) of section 102(a),*
 9 *subsections (c)(7) and (d) of section 103, subsections (a) and*
 10 *(g) of section 104, and section 303 of the National Security*
 11 *Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d),*
 12 *403–4(a), (g), and 405)” and inserting “authorized under*
 13 *section 104A of the National Security Act of 1947 (50*
 14 *U.S.C. 403–4a)”.*

15 ***SEC. 512. TECHNICAL AMENDMENTS RELATING TO THE***
 16 ***MULTIYEAR NATIONAL INTELLIGENCE PRO-***
 17 ***GRAM.***

18 *(a) IN GENERAL.—Subsection (a) of section 1403 of*
 19 *the National Defense Authorization Act for Fiscal Year*
 20 *1991 (50 U.S.C. 404b) is amended—*

21 *(1) in the heading, by striking “FOREIGN”; and*

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

23 *(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-*
 24 *TELLIGENCE.—That section is further amended—*

1 (1) *in subsections (a) and (c), by striking “Di-*
2 *rector of Central Intelligence” and inserting “Director*
3 *of National Intelligence”;* and

4 (2) *in subsection (b), by inserting “of National*
5 *Intelligence” after “Director”.*

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

8 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
9 **GRAM.”.**

10 **SEC. 513. TECHNICAL CLARIFICATION OF CERTAIN REF-**
11 **ERENCES TO JOINT MILITARY INTELLIGENCE**
12 **PROGRAM AND TACTICAL INTELLIGENCE AND**
13 **RELATED ACTIVITIES.**

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

16 (1) *in subsection (c)(3)(A), by striking “annual*
17 *budgets for the Joint Military Intelligence Program*
18 *and for Tactical Intelligence and Related Activities”*
19 *and inserting “annual budget for the Military Intel-*
20 *ligence Program or any successor program or pro-*
21 *grams”;* and

22 (2) *in subsection (d)(1)(B), by striking “Joint*
23 *Military Intelligence Program” and inserting “Mili-*
24 *tary Intelligence Program or any successor program*
25 *or programs”.*

1 **SEC. 514. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
2 **CURITY ACT OF 1947.**

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

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

6 (A) *in subsection (d)—*

7 (i) *in paragraph (3), by striking “sub-*
8 *paragraph (A)” in the matter preceding*
9 *subparagraph (A) and inserting “para-*
10 *graph (1)(A)”;*

11 (ii) *in paragraph (5)(A), by striking*
12 *“or personnel” in the matter preceding*
13 *clause (i); and*

14 (iii) *in paragraph (5)(B), by striking*
15 *“or agency involved” in the second sentence*
16 *and inserting “involved or the Director of*
17 *the Central Intelligence Agency (in the case*
18 *of the Central Intelligence Agency)”;*

19 (B) *in subsection (l)(2)(B), by striking “sec-*
20 *tion” and inserting “paragraph”; and*

21 (C) *in subsection (n), by inserting “AND*
22 *OTHER” after “ACQUISITION”.*

23 (2) *In section 119(c)(2)(B) (50 U.S.C.*
24 *4040(c)(2)(B)), by striking “subsection (h)” and in-*
25 *serting “subsection (i)”.*

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

4 **SEC. 515. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
5 **REFORM AND TERRORISM PREVENTION ACT**
6 **OF 2004.**

7 (a) *AMENDMENTS TO NATIONAL SECURITY INTEL-*
8 *LIGENCE REFORM ACT OF 2004.—The National Security*
9 *Intelligence Reform Act of 2004 (title I of Public Law 108–*
10 *458; 118 Stat. 3643) is amended as follows:*

11 (1) *In section 1016(e)(10)(B) (6 U.S.C.*
12 *485(e)(10)(B)), by striking “Attorney General” the*
13 *second place it appears and inserting “Department of*
14 *Justice”.*

15 (2) *In section 1071(e), by striking “(1)”.*

16 (3) *In section 1072(b), in the subsection heading*
17 *by inserting “AGENCY” after “INTELLIGENCE”.*

18 (b) *OTHER AMENDMENTS TO INTELLIGENCE REFORM*
19 *AND TERRORISM PREVENTION ACT OF 2004.—The Intel-*
20 *ligence Reform and Terrorism Prevention Act of 2004 (Pub-*
21 *lic Law 108–458; 118 Stat. 3638) is amended as follows:*

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

23 (A) *in subsection (c)(1), by inserting “of”*
24 *before “an institutional culture”;*

1 (B) in subsection (e)(2), by striking “the
2 National Intelligence Director in a manner con-
3 sistent with section 112(e)” and inserting “the
4 Director of National Intelligence in a manner
5 consistent with applicable law”; and

6 (C) in subsection (f), by striking “shall,” in
7 the matter preceding paragraph (1) and insert-
8 ing “shall”.

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

10 (A) in paragraph (2), by striking “the Fed-
11 eral” and inserting “Federal”; and

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

14 **SEC. 516. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
15 **SCHEDULE.**

16 (a) *EXECUTIVE SCHEDULE LEVEL II.*—Section 5313
17 of title 5, United States Code, is amended by striking the
18 item relating to the Director of Central Intelligence and in-
19 serting the following new item:

20 “Director of the Central Intelligence Agency.”.

21 (b) *EXECUTIVE SCHEDULE LEVEL III.*—Section 5314
22 of title 5, United States Code, is amended by striking the
23 item relating to the Deputy Directors of Central Intelligence
24 and inserting the following new item:

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

1 (c) *EXECUTIVE SCHEDULE LEVEL IV.—Section 5315*
2 *of title 5, United States Code, is amended by striking the*
3 *item relating to the General Counsel of the Office of the*
4 *National Intelligence Director and inserting the following*
5 *new item:*

6 “*General Counsel of the Office of the Director of Na-*
7 *tional Intelligence.*”.

8 **SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE NA-**
9 **TIONAL GEOSPATIAL-INTELLIGENCE AGENCY.**

10 (a) *TITLE 5.—Title 5, United States Code, is amended*
11 *by striking “National Imagery and Mapping Agency” each*
12 *place it appears and inserting “National Geospatial-Intel-*
13 *ligence Agency”.*

14 (b) *TITLE 44.—Title 44, United States Code, is*
15 *amended—*

16 (1) *in section 1336—*

17 (A) *in the heading, by striking “**National***
18 ***Imagery and Mapping Agency**” and in-*
19 *serting “**National Geospatial-Intel-***
20 ***ligence Agency**”; and*

21 (B) *by striking “National Imagery and*
22 *Mapping Agency” each place it appears and in-*
23 *serting “National Geospatial-Intelligence Agen-*
24 *cy”; and*

1 (2) *in the table of sections at the beginning of*
2 *chapter 13, by striking the item relating to section*
3 *1336 and inserting the following new item:*

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

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

Union Calendar No. 418

110TH CONGRESS
2^D SESSION

H. R. 5959

[Report No. 110-665]

A BILL

To authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MAY 21, 2008

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