

Union Calendar No. 225

109TH CONGRESS
2^D SESSION

H. R. 5020

[Report No. 109-411]

To authorize appropriations for fiscal year 2007 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

MARCH 28, 2006

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

APRIL 6, 2006

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

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

[For text of introduced bill, see copy of bill as introduced on March 28, 2006]

A BILL

To authorize appropriations for fiscal year 2007 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 **SEC. 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 2007”.*

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Incorporation of reporting requirements.

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

Sec. 201. Authorization of appropriations.

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

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

Sec. 302. Restriction on conduct of intelligence Activities.

Sec. 303. Clarification of definition of Intelligence Community under the Na-
tional Security Act of 1947.

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

Sec. 305. Retention and use of amounts paid as debts to Elements of the Intel-
ligence Community.

Sec. 306. Availability of funds for travel and transportation of personal effects,
household goods, and automobiles.

Sec. 307. Purchases by elements of the intelligence community of products of fed-
eral prison industries.

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of delegation of transfer or reprogramming authority.

Sec. 402. Clarification of limitation on co-location of the Office of the Director
of National Intelligence.

Sec. 403. Additional duties of the Director of Science and Technology of the Office
of the Director of National Intelligence.

- Sec. 404. Appointment and title of Chief Information Officer of the Intelligence Community.*
- Sec. 405. Leadership and location of certain offices and officials.*
- Sec. 406. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.*
- Sec. 407. Repeal of certain authorities relating to the Office of the national counterintelligence Executive.*
- Sec. 408. Membership of the Director of National Intelligence on the transportation security oversight Board.*
- Sec. 409. Temporary inapplicability to the Office of the Director of National Intelligence of certain financial reporting requirements.*
- Sec. 410. Comprehensive inventory of special access programs.*
- Sec. 411. Sense of Congress on multi-level security clearances.*
- Sec. 412. Access to information by staff and members of the congressional intelligence committees.*
- Sec. 413. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.*

Subtitle B—Central Intelligence Agency

- Sec. 421. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.*
- Sec. 422. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.*
- Sec. 423. Additional functions and authorities for protective personnel of the central intelligence agency.*
- Sec. 424. Protective services for former officials of the intelligence community.*
- Sec. 425. Strategic review process.*

Subtitle C—Defense Intelligence Components

- Sec. 431. Enhancements of National Security Agency training Program.*
- Sec. 432. Codification of authorities of national security agency protective personnel.*

Subtitle D—Other Elements

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

TITLE V—OTHER MATTERS

- Sec. 501. Aerial reconnaissance platforms.*
- Sec. 502. Elimination of certain reporting requirements.*
- Sec. 503. Technical amendments to the National Security Act of 1947.*
- Sec. 504. Technical clarification of certain references to joint military intelligence Program and tactical intelligence and related Activities.*
- Sec. 505. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.*
- Sec. 506. Technical amendment to the Central Intelligence Agency Act of 1949.*
- Sec. 507. Technical amendments relating to the multiyear National Intelligence Program.*
- Sec. 508. Technical amendments to the Executive Schedule.*

Sec. 509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency.

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

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

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2007 for the conduct of the intelligence and intel-*
6 *ligence-related activities of the following elements of the*
7 *United States Government:*

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

10 (2) *The Central Intelligence Agency.*

11 (3) *The Department of Defense.*

12 (4) *The Defense Intelligence Agency.*

13 (5) *The National Security Agency.*

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

17 (7) *The Department of State.*

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

19 (9) *The Department of Energy.*

20 (10) *The Department of Justice.*

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

22 (12) *The National Reconnaissance Office.*

23 (13) *The National Geospatial-Intelligence Agen-*
24 *cy.*

1 (14) *The Coast Guard.*

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

3 (16) *The Drug Enforcement Administration.*

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

5 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
6 *CEILINGS.*—*The amounts authorized to be appropriated*
7 *under section 101, and the authorized personnel ceilings as*
8 *of September 30, 2007, for the conduct of the intelligence*
9 *and intelligence-related activities of the elements listed in*
10 *such section, are those specified in the classified Schedule*
11 *of Authorizations prepared to accompany the conference re-*
12 *port on the bill H.R. 5020 of the One Hundred Ninth Con-*
13 *gress.*

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

21 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

22 (a) *AUTHORITY FOR ADJUSTMENTS.*—*With the ap-*
23 *proval of the Director of the Office of Management and*
24 *Budget, the Director of National Intelligence may authorize*
25 *employment of civilian personnel in excess of the number*

1 *authorized for fiscal year 2007 under section 102 when the*
2 *Director of National Intelligence determines that such ac-*
3 *tion is necessary to the performance of important intel-*
4 *ligence functions, except that the number of personnel em-*
5 *ployed in excess of the number authorized under such sec-*
6 *tion may not, for any element of the intelligence commu-*
7 *nity, exceed 2 percent of the number of civilian personnel*
8 *authorized under such section for such element.*

9 **(b) NOTICE TO INTELLIGENCE COMMITTEES.**—*The Di-*
10 *rector of National Intelligence shall promptly notify the Se-*
11 *lect Committee on Intelligence of the Senate and the Perma-*
12 *nent Select Committee on Intelligence of the House of Rep-*
13 *resentatives whenever the Director exercises the authority*
14 *granted by this section.*

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

17 **(a) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
18 *authorized to be appropriated for the Intelligence Commu-*
19 *nity Management Account of the Director of National Intel-*
20 *ligence for fiscal year 2007 the sum of \$990,000,000. Within*
21 *such amount, funds identified in the classified Schedule of*
22 *Authorizations referred to in section 102(a) for advanced*
23 *research and development shall remain available until Sep-*
24 *tember 30, 2008.*

1 **(b) AUTHORIZED PERSONNEL LEVELS.**—*The elements*
2 *within the Intelligence Community Management Account of*
3 *the Director of National Intelligence are authorized 1,539*
4 *full-time personnel as of September 30, 2007. Personnel*
5 *-serving in such elements may be permanent employees of*
6 *the Intelligence Community Management Account or per-*
7 *sonnel detailed from other elements of the United States*
8 *Government.*

9 **(c) CLASSIFIED AUTHORIZATIONS.**—

10 **(1) AUTHORIZATION OF APPROPRIATIONS.**—*In*
11 *addition to amounts authorized to be appropriated*
12 *for the Intelligence Community Management Account*
13 *by subsection (a), there are also authorized to be ap-*
14 *propriated for the Intelligence Community Manage-*
15 *ment Account for fiscal year 2007 such additional*
16 *amounts as are specified in the classified Schedule of*
17 *Authorizations referred to in section 102(a). Such ad-*
18 *ditional amounts for research and development shall*
19 *remain available until September 30, 2007.*

20 **(2) AUTHORIZATION OF PERSONNEL.**—*In addi-*
21 *tion to the personnel authorized by subsection (b) for*
22 *elements of the Intelligence Community Management*
23 *Account as of September 30, 2007, there are also au-*
24 *thorized such additional personnel for such elements*

1 *as of that date as are specified in the classified Sched-*
2 *ule of Authorizations.*

3 *(d) REIMBURSEMENT.—Except as provided in section*
4 *113 of the National Security Act of 1947 (50 U.S.C. 404h),*
5 *during fiscal year 2007 any officer or employee of the*
6 *United States or a member of the Armed Forces who is de-*
7 *tailed to the staff of the Intelligence Community Manage-*
8 *ment Account from another element of the United States*
9 *Government shall be detailed on a reimbursable basis, ex-*
10 *cept that any such officer, employee, or member may be de-*
11 *tailed on a nonreimbursable basis for a period of less than*
12 *one year as the Director of National Intelligence considers*
13 *necessary.*

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

15 *(a) IN GENERAL.—Each requirement to submit a re-*
16 *port to the congressional intelligence committees that is in-*
17 *cluded in the joint explanatory statement to accompany the*
18 *conference report on the bill H.R. 5020 of the One Hundred*
19 *Ninth Congress, or in the classified annex to this Act, is*
20 *hereby incorporated into this Act, and is hereby made a*
21 *requirement in law.*

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

1 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
2 **ACTIVITIES.**

3 *The authorization of appropriations by this Act shall*
4 *not be deemed to constitute authority for the conduct of any*
5 *intelligence activity which is not otherwise authorized by*
6 *the Constitution or the laws of the United States.*

7 **SEC. 303. CLARIFICATION OF DEFINITION OF INTEL-**
8 **LIGENCE COMMUNITY UNDER THE NATIONAL**
9 **SECURITY ACT OF 1947.**

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

13 **SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON**
14 **COMMON CARRIERS FOR INTELLIGENCE COL-**
15 **LECTION PERSONNEL.**

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

19 *(1) by inserting “(1)” before “The Director”;*

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

24 *(3) by adding at the end the following new para-*
25 *graph:*

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

7 **(b) SUBMITTAL OF GUIDELINES TO CONGRESS.**—*Not*
8 *later than six months after the date of the enactment of this*
9 *Act, the Director of National Intelligence shall prescribe*
10 *and submit to the congressional intelligence committees the*
11 *guidelines referred to in paragraph (2) of section 116(b)*
12 *of the National Security Act of 1947, as added by subsection*
13 *(a).*

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

17 (1) *the Select Committee on Intelligence of the*
18 *Senate; and*

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

1 **SEC. 305. RETENTION AND USE OF AMOUNTS PAID AS**
2 **DEBTS TO ELEMENTS OF THE INTELLIGENCE**
3 **COMMUNITY.**

4 (a) *IN GENERAL.*—*Title XI of the National Security*
5 *Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding*
6 *at the end the following new section:*

7 “*RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO*
8 *ELEMENTS OF THE INTELLIGENCE COMMUNITY*

9 “*SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS*
10 *PAID.*—*Notwithstanding section 3302 of title 31, United*
11 *States Code, or any other provision of law, the head of an*
12 *element of the intelligence community may retain amounts*
13 *paid or reimbursed to the United States, including amounts*
14 *paid by an employee of the Federal Government from per-*
15 *sonal funds, for repayment of a debt owed to the element*
16 *of the intelligence community.*

17 “(b) *CREDITING OF AMOUNTS RETAINED.*—(1)
18 *Amounts retained under subsection (a) shall be credited to*
19 *the current appropriation or account from which such funds*
20 *were derived or whose expenditure formed the basis for the*
21 *underlying activity from which the debt concerned arose.*

22 “(2) *Amounts credited to an appropriation or account*
23 *under paragraph (1) shall be merged with amounts in such*
24 *appropriation or account, and shall be available in accord-*
25 *ance with subsection (c).*

1 “(c) *AVAILABILITY OF AMOUNTS.*—Amounts credited
2 to an appropriation or account under subsection (b) with
3 respect to a debt owed to an element of the intelligence com-
4 munity shall be available to the head of such element, for
5 such time as is applicable to amounts in such appropria-
6 tion or account, or such longer time as may be provided
7 by law, for purposes as follows:

8 “(1) *In the case of a debt arising from lost or*
9 *damaged property of such element, the repair of such*
10 *property or the replacement of such property with al-*
11 *ternative property that will perform the same or*
12 *similar functions as such property.*

13 “(2) *The funding of any other activities author-*
14 *ized to be funded by such appropriation or account.*

15 “(d) *DEBT OWED TO AN ELEMENT OF THE INTEL-*
16 *LIGENCE COMMUNITY DEFINED.*—*In this section, the term*
17 *‘debt owed to an element of the intelligence community’*
18 *means any of the following:*

19 “(1) *A debt owed to an element of the intelligence*
20 *community by an employee or former employee of*
21 *such element for the negligent or willful loss of or*
22 *damage to property of such element that was procured*
23 *by such element using appropriated funds.*

24 “(2) *A debt owed to an element of the intelligence*
25 *community by an employee or former employee of*

1 *such element as repayment for default on the terms*
2 *and conditions associated with a scholarship, fellow-*
3 *ship, or other educational assistance provided to such*
4 *individual by such element, whether in exchange for*
5 *future services or otherwise, using appropriated*
6 *funds.*

7 *“(3) Any other debt or repayment owed to an*
8 *element of the intelligence community by a private*
9 *person or entity by reason of the negligent or willful*
10 *action of such person or entity, as determined by a*
11 *court of competent jurisdiction or in a lawful admin-*
12 *istrative proceeding.”.*

13 *(b) CLERICAL AMENDMENT.—The table of contents in*
14 *the first section of that Act is amended by adding at the*
15 *end the following new item:*

“Sec. 1103. Retention and use of amounts paid as debts to elements of the intel-
 ligence community.”.

16 **SEC. 306. AVAILABILITY OF FUNDS FOR TRAVEL AND**
17 **TRANSPORTATION OF PERSONAL EFFECTS,**
18 **HOUSEHOLD GOODS, AND AUTOMOBILES.**

19 *(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL IN-*
20 *TELLIGENCE.—Funds appropriated to the Office of the Di-*
21 *rector of National Intelligence and available for travel and*
22 *transportation expenses shall be available for such expenses*
23 *when any part of the travel or transportation concerned*
24 *begins in a fiscal year pursuant to travel orders issued in*

1 *such fiscal year, notwithstanding that such travel or trans-*
2 *portation is or may not be completed during such fiscal*
3 *year.*

4 (b) *FUNDS OF CENTRAL INTELLIGENCE AGENCY.—*
5 *Funds appropriated to the Central Intelligence Agency and*
6 *available for travel and transportation expenses shall be*
7 *available for such expenses when any part of the travel or*
8 *transportation concerned begins in a fiscal year pursuant*
9 *to travel orders issued in such fiscal year, notwithstanding*
10 *that such travel or transportation is or may not be com-*
11 *pleted during such fiscal year.*

12 (c) *TRAVEL AND TRANSPORTATION EXPENSES DE-*
13 *FINED.—In this section, the term “travel and transpor-*
14 *tation expenses” means the following:*

15 (1) *Expenses in connection with travel of per-*
16 *sonnel, including travel of dependents.*

17 (2) *Expenses in connection with transportation*
18 *of personal effects, household goods, or automobiles of*
19 *personnel.*

20 **SEC. 307. PURCHASES BY ELEMENTS OF THE INTEL-**
21 **LIGENCE COMMUNITY OF PRODUCTS OF FED-**
22 **ERAL PRISON INDUSTRIES.**

23 *Section 404 of the Intelligence Authorization Act for*
24 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2632)*
25 *is amended—*

1 (1) *by striking “by the Central Intelligence*
2 *Agency” and inserting “by an element of the intel-*
3 *ligence community (as defined in section 3(4) of the*
4 *National Security Act of 1947 (50 U.S.C. 401a(4))”;*
5 *and*

6 (2) *by striking “the Director of the Central Intel-*
7 *ligence Agency determines that the product or service”*
8 *and inserting “the head of that element determines*
9 *that the product or service (including a surveying or*
10 *mapping service)”.*

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

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

16 ***SEC. 401. CLARIFICATION OF DELEGATION OF TRANSFER***
17 ***OR REPROGRAMMING AUTHORITY.***

18 *Section 102A(d)(5)(B) of the National Security Act of*
19 *1947 (50 U.S.C. 403–1(d)(5)(B)), as added by section*
20 *1011(a) of the National Security Intelligence Reform Act*
21 *of 2004 (title I of Public Law 108–458; 118 Stat. 3643),*
22 *is amended in the second sentence by striking “or agency*
23 *involved” and inserting “involved or the Director of the*
24 *Central Intelligence Agency (in the case of the Central Intel-*
25 *ligence Agency)”.*

1 **SEC. 402. CLARIFICATION OF LIMITATION ON CO-LOCATION**
2 **OF THE OFFICE OF THE DIRECTOR OF NA-**
3 **TIONAL INTELLIGENCE.**

4 *Section 103(e) of the National Security Act of 1947*
5 *(50 U.S.C. 403–3(e)) is amended—*

6 *(1) in the heading, by striking “WITH” and in-*
7 *serting “OF HEADQUARTERS WITH HEADQUARTERS*
8 *OF” ;*

9 *(2) by inserting “the headquarters of” before “the*
10 *Office”;* and

11 *(3) by striking “any other element” and insert-*
12 *ing “the headquarters of any other element”.*

13 **SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF**
14 **SCIENCE AND TECHNOLOGY OF THE OFFICE**
15 **OF THE DIRECTOR OF NATIONAL INTEL-**
16 **LIGENCE.**

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

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

24 *(2) by adding at the end the following new para-*
25 *graph:*

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

5 **(b) DEVELOPMENT OF TECHNOLOGY GOALS.**—*Such*
6 *section is further amended—*

7 (1) *in subsection (c)—*

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

10 (B) *by redesignating paragraph (5) as*
11 *paragraph (6); and*

12 (C) *by inserting after paragraph (4) the fol-*
13 *lowing new paragraph:*

14 “(5) *assist the Director in establishing goals for*
15 *the elements of the intelligence community to meet the*
16 *technology needs of the intelligence community; and*”;
17 *and*

18 (2) *by adding at the end the following new sub-*
19 *section:*

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

23 “(1) *systematically identify and assess the most*
24 *significant intelligence challenges that require tech-*
25 *nical solutions; and*

1 “(2) *examine options to enhance the responsive-*
2 *ness of research and design programs of elements of*
3 *the intelligence community to meet the requirements*
4 *of the intelligence community for timely support.*”.

5 (c) *REPORT.—(1) Not later than June 30, 2007, the*
6 *Director of National Intelligence shall submit to Congress*
7 *a report containing a strategy for the development and use*
8 *of technology in the intelligence community through 2021.*

9 (2) *The report shall include—*

10 (A) *an assessment of the highest priority intel-*
11 *ligence gaps across the intelligence community that*
12 *may be resolved by the use of technology;*

13 (B) *goals for advanced research and development*
14 *and a strategy to achieve such goals;*

15 (C) *an explanation of how each advanced re-*
16 *search and development project funded under the Na-*
17 *tional Intelligence Program addresses an identified*
18 *intelligence gap;*

19 (D) *a list of all current and projected research*
20 *and development projects by research type (basic, ad-*
21 *vanced, or applied) with estimated funding levels, es-*
22 *timated initiation dates, and estimated completion*
23 *dates; and*

1 *(E) a plan to incorporate technology from re-*
2 *search and development projects into National Intel-*
3 *ligence Program acquisition programs.*

4 *(3) The report may be submitted in classified form.*

5 **SEC. 404. APPOINTMENT AND TITLE OF CHIEF INFORMA-**
6 **TION OFFICER OF THE INTELLIGENCE COM-**
7 **MUNITY.**

8 *(a) APPOINTMENT.—*

9 *(1) IN GENERAL.—Subsection (a) of section 103G*
10 *of the National Security Act of 1947 (50 U.S.C. 403-*
11 *3g) is amended by striking “the President, by and*
12 *with the advice and consent of the Senate” and in-*
13 *serting “the Director of National Intelligence”.*

14 *(2) APPLICABILITY.—The amendment made by*
15 *paragraph (1) shall take effect on the date of the en-*
16 *actment of this Act, and shall apply with respect to*
17 *any nomination of an individual as Chief Informa-*
18 *tion Officer of the Intelligence Community that is*
19 *made on or after that date.*

20 *(b) TITLE.—Such section is further amended—*

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

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

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

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

10 **SEC. 405. LEADERSHIP AND LOCATION OF CERTAIN OF-**
11 **FICES AND OFFICIALS.**

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

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

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

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

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

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

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

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

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

12 “(10) *The Inspector General of the intelligence*
13 *community.*

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

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

18 **SEC. 406. ELIGIBILITY FOR INCENTIVE AWARDS OF PER-**
19 **SONNEL ASSIGNED TO THE OFFICE OF THE**
20 **DIRECTOR OF NATIONAL INTELLIGENCE.**

21 (a) *IN GENERAL.*—*Subsection (a) of section 402 of the*
22 *Intelligence Authorization Act for Fiscal Year 1984 (50*
23 *U.S.C. 403e–1) is amended to read as follows:*

24 “(a) *AUTHORITY FOR PAYMENT OF AWARDS.*—(1) *The*
25 *Director of National Intelligence may exercise the authority*

1 *granted in section 4503 of title 5, United States Code, with*
2 *respect to Federal employees and members of the Armed*
3 *Forces detailed or assigned to the Office of the Director of*
4 *National Intelligence in the same manner as such authority*
5 *may be exercised with respect to personnel of the Office.*

6 “(2) *The Director of the Central Intelligence Agency*
7 *may exercise the authority granted in section 4503 of title*
8 *5, United States Code, with respect to Federal employees*
9 *and members of the Armed Forces detailed or assigned to*
10 *the Central Intelligence Agency in the same manner as such*
11 *authority may be exercised with respect to personnel of the*
12 *Agency.*”

13 (b) *REPEAL OF OBSOLETE AUTHORITY.—Such section*
14 *is further amended—*

15 (1) *by striking subsection (c); and*

16 (2) *by redesignating subsection (d) as subsection*
17 *(c).*

18 (c) *CONFORMING AMENDMENTS.—Such section is fur-*
19 *ther amended—*

20 (1) *in subsection (b), by striking “to the Central*
21 *Intelligence Agency or to the Intelligence Community*
22 *Staff” and inserting “to the Office of the Director of*
23 *National Intelligence or to the Central Intelligence*
24 *Agency”; and*

1 (2) *in subsection (c), as redesignated by sub-*
2 *section (b)(2) of this section, by striking “Director of*
3 *Central Intelligence” and inserting “Director of Na-*
4 *tional Intelligence or Director of the Central Intel-*
5 *ligence Agency”.*

6 (d) *TECHNICAL AND STYLISTIC AMENDMENTS.—That*
7 *section is further amended—*

8 (1) *in subsection (b)—*

9 (A) *by inserting “PERSONNEL ELIGIBLE*
10 *FOR AWARDS.—” after “(b)”;*

11 (B) *by striking “subsection (a) of this sec-*
12 *tion” and inserting “subsection (a)”;* and

13 (C) *by striking “a date five years before the*
14 *date of enactment of this section” and inserting*
15 *“December 9, 1978”;* and

16 (2) *in subsection (c), as so redesignated, by in-*
17 *serting “PAYMENT AND ACCEPTANCE OF AWARDS.—”*
18 *after “(c)”.*

19 **SEC. 407. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
20 **THE OFFICE OF THE NATIONAL COUNTER-**
21 **INTELLIGENCE EXECUTIVE.**

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

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

3 (2) *by redesignating subsections (e), (f), (k), (l),*
4 *and (m) as subsections (d), (e), (f), (g), and (h), re-*
5 *spectively.*

6 (b) *CONFORMING AMENDMENTS.—That section is fur-*
7 *ther amended—*

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

12 (2) *in subsection (e)(2), as so redesignated, by*
13 *striking “subsection (e)(2)” and inserting “subsection*
14 *(d)(2)”.*

15 **SEC. 408. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
16 **INTELLIGENCE ON THE TRANSPORTATION**
17 **SECURITY OVERSIGHT BOARD.**

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

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

1 **SEC. 409. TEMPORARY INAPPLICABILITY TO THE OFFICE OF**
2 **THE DIRECTOR OF NATIONAL INTELLIGENCE**
3 **OF CERTAIN FINANCIAL REPORTING RE-**
4 **QUIREMENTS.**

5 *The Director of National Intelligence shall not be re-*
6 *quired to submit an audited financial statement under sec-*
7 *tion 3515 of title 31, United States Code, for the Office of*
8 *the Director of National Intelligence with respect to fiscal*
9 *year 2005 or 2006.*

10 **SEC. 410. COMPREHENSIVE INVENTORY OF SPECIAL AC-**
11 **CESS PROGRAMS.**

12 *Not later than January 15, 2007, the Director of Na-*
13 *tional Intelligence shall submit to the congressional intel-*
14 *ligence committees (as defined in section 3(7) of the Na-*
15 *tional Security Act of 1947 (50 U.S.C. 401a(7))) a classi-*
16 *fied report providing a comprehensive inventory of all spe-*
17 *cial access programs under the National Intelligence Pro-*
18 *gram (as defined in section 3(6) of the National Security*
19 *Act of 1947 (50 U.S.C. 401a(6))).*

20 **SEC. 411. SENSE OF CONGRESS ON MULTI-LEVEL SECURITY**
21 **CLEARANCES.**

22 *It is the sense of Congress that the Director of National*
23 *Intelligence should promptly establish and oversee the im-*
24 *plementation of a multi-level security clearance system*
25 *across the intelligence community to leverage the cultural*
26 *and linguistic skills of subject matter experts and individ-*

1 uals proficient in foreign languages critical to national se-
2 curity.

3 **SEC. 412. ACCESS TO INFORMATION BY STAFF AND MEM-**
4 **BERS OF THE CONGRESSIONAL INTEL-**
5 **LIGENCE COMMITTEES.**

6 *Not later than 180 days after the date of the enactment*
7 *of this Act, the Director of National Intelligence shall pro-*
8 *vide to the members and staff of the Permanent Select Com-*
9 *mittee on Intelligence of the House of Representatives and*
10 *the Select Committee on Intelligence of the Senate accounts*
11 *for and access to the Intelink System (or any successor sys-*
12 *tem) through the Joint Worldwide Intelligence Communica-*
13 *tions System (or any successor system). Such access shall*
14 *include access up to and including the level of sensitive com-*
15 *partmented information and shall be provided in the sen-*
16 *sitive compartmented information facilities of each Com-*
17 *mittee.*

18 **SEC. 413. STUDY ON REVOKING PENSIONS OF PERSONS**
19 **WHO COMMIT UNAUTHORIZED DISCLOSURES**
20 **OF CLASSIFIED INFORMATION.**

21 (a) *STUDY.*—*The Director of National Intelligence*
22 *shall conduct a study on the feasibility of revoking the pen-*
23 *sions of personnel in the intelligence community (as defined*
24 *in section 3(4) of the National Security Act of 1947 (50*
25 *U.S.C. 401a(4))) who commit unauthorized disclosures of*

1 *classified information, including whether revoking such*
 2 *pensions is feasible under existing law or under the admin-*
 3 *istrative authority of the Director of National Intelligence*
 4 *or any other head of an element of the intelligence commu-*
 5 *nity.*

6 (b) *REPORT.*—*Not later than 90 days after the date*
 7 *of the enactment of this Act, the Director of National Intel-*
 8 *ligence shall submit to the Permanent Select Committee on*
 9 *Intelligence of the House of Representatives and the Select*
 10 *Committee on Intelligence of the Senate a report containing*
 11 *the results of the study conducted under subsection (a).*

12 ***Subtitle B—Central Intelligence***
 13 ***Agency***

14 ***SEC. 421. ENHANCED PROTECTION OF CENTRAL INTEL-***
 15 ***LIGENCE AGENCY INTELLIGENCE SOURCES***
 16 ***AND METHODS FROM UNAUTHORIZED DIS-***
 17 ***CLOSURE.***

18 (a) *RESPONSIBILITY OF DIRECTOR OF CENTRAL IN-*
 19 *TELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF*
 20 *1947.*—*Subsection (d) of section 104A of the National Secu-*
 21 *rity Act of 1947 (50 U.S.C. 403–4a) is amended—*

22 (1) *in paragraph (3), by striking “and” at the*
 23 *end;*

24 (2) *by redesignating paragraph (4) as para-*
 25 *graph (5); and*

1 (3) by inserting after paragraph (3) the fol-
2 lowing new paragraph:

3 “(4) protect intelligence sources and methods of
4 the Central Intelligence Agency from unauthorized
5 disclosure, consistent with any direction issued by the
6 President or the Director of National Intelligence;
7 and”.

8 (b) *PROTECTION UNDER CENTRAL INTELLIGENCE*
9 *AGENCY ACT OF 1949.*—Section 6 of the Central Intel-
10 ligence Agency Act of 1949 (50 U.S.C. 403g) is amended
11 by striking “section 102A(i)” and all that follows through
12 “unauthorized disclosure” and inserting “sections 102A(i)
13 and 104A(d)(4) of the National Security Act of 1947 (50
14 U.S.C. 403–1(i), 403–4a(d)(4))”.

15 (c) *CONSTRUCTION WITH EXEMPTION FROM RE-*
16 *QUIREMENT FOR DISCLOSURE OF INFORMATION TO PUB-*
17 *LIC.*—Section 104A(d)(4) of the National Security Act of
18 1947, as amended by subsection (a), and section 6 of the
19 Central Intelligence Agency Act of 1949, as amended by
20 subsection (b), shall be treated as statutes that specifically
21 exempt from disclosure the matters specified in such sections
22 for purposes of section 552(b)(3) of title 5, United States
23 Code.

24 (d) *TECHNICAL AMENDMENTS TO CENTRAL INTEL-*
25 *LIGENCE AGENCY RETIREMENT ACT.*—Section 201(c) of the

1 *Central Intelligence Agency Retirement Act (50 U.S.C.*
2 *2011(c)) is amended—*

3 *(1) in the subsection heading, by striking “OF*
4 *DCI”;*

5 *(2) by striking “section 102A(i)” and inserting*
6 *“sections 102A(i) and 104A(d)(4)”;*

7 *(3) by striking “of National Intelligence”; and*

8 *(4) by inserting “of the Central Intelligence*
9 *Agency” after “methods”.*

10 ***SEC. 422. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE***
11 ***PROFICIENCY REQUIREMENT FOR CERTAIN***
12 ***SENIOR LEVEL POSITIONS IN THE CENTRAL***
13 ***INTELLIGENCE AGENCY.***

14 *(a) ADDITIONAL EXCEPTION.—Subsection (g) of sec-*
15 *tion 104A of the National Security Act of 1947 (50 U.S.C.*
16 *403–4a) is amended—*

17 *(1) in paragraph (1), by striking “paragraph*
18 *(2)” and inserting “paragraphs (2) and (3)”;*

19 *(2) in paragraph (2), by striking “position or*
20 *category of positions” each place it appears and in-*
21 *serting “individual, individuals, position, or category*
22 *of positions”; and*

23 *(3) by adding at the end the following new para-*
24 *graph:*

1 “(3) Paragraph (1) shall not apply to any individual
2 in the Directorate of Intelligence or the Directorate of Oper-
3 ations of the Central Intelligence Agency who is serving in
4 a Senior Intelligence Service position as of December 23,
5 2005, regardless of whether such individual is a member
6 of the Senior Intelligence Service.”.

7 (b) *REPORT ON WAIVERS*.—Section 611(c) of the Intel-
8 ligence Authorization Act for Fiscal Year 2005 (Public Law
9 108–487; 118 Stat. 3955) is amended—

10 (1) in the first sentence, by inserting “individ-
11 uals or” before “positions”; and

12 (2) in the second sentence, by striking “position
13 or category of positions” and inserting “individual,
14 individuals, position, or category of positions”.

15 **SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
16 **PROTECTIVE PERSONNEL OF THE CENTRAL**
17 **INTELLIGENCE AGENCY.**

18 (a) *PROTECTION OF CERTAIN PERSONS*.—Section
19 5(a)(4) of the Central Intelligence Agency Act of 1949 (50
20 U.S.C. 403f(a)(4)) is amended—

21 (1) by striking “and the protection” and insert-
22 ing “the protection”; and

23 (2) by striking the semicolon and inserting “,
24 and the protection of the Director of National Intel-
25 ligence and such personnel of the Office of the Direc-

1 *tor of National Intelligence as the Director of Na-*
2 *tional Intelligence may designate;”.*

3 *(b) AUTHORITY TO ARREST.—*

4 *(1) Chapter 203 of title 18, United States Code,*
5 *is amended by adding at the end the following:*

6 **“§ 3065. Powers of authorized personnel in the Central**
7 ***Intelligence Agency***

8 *“(a) The Director of the Central Intelligence Agency*
9 *may issue regulations to allow personnel designated to*
10 *carry out protective functions for the Central Intelligence*
11 *Agency under section 5(a)(4) of the Central Intelligence*
12 *Agency Act of 1949 (50 U.S.C. 403f) to, while engaged in*
13 *such protective functions, make arrests without a warrant*
14 *for any offense against the United States committed in the*
15 *presence of such personnel, or for any felony cognizable*
16 *under the laws of the United States, if such personnel have*
17 *probable cause to believe that the person to be arrested has*
18 *committed or is committing that felony offense.*

19 *“(b) The powers granted under subsection (a) may be*
20 *exercised only in accordance with guidelines approved by*
21 *the Attorney General.”.*

22 *(2) The table of sections at the beginning of*
23 *chapter 203 of title 18, United States Code, is amend-*
24 *ed by adding at the end the following:*

“3065. Powers of authorized personnel in the Central Intelligence Agency.”.

1 **SEC. 424. PROTECTIVE SERVICES FOR FORMER OFFICIALS**
2 **OF THE INTELLIGENCE COMMUNITY.**

3 (a) *IN GENERAL.*—*Title III of the National Security*
4 *Act of 1947 (50 U.S.C. 409a et seq.) is amended by insert-*
5 *ing after section 303 the following new section:*

6 “*PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE*
7 *INTELLIGENCE COMMUNITY*

8 “*SEC. 304. (a) IN GENERAL.*—*Subject to subsection*
9 *(b), the head of an element of the intelligence community*
10 *may not provide personnel for the protection of a former*
11 *official of an element of the intelligence community un-*
12 *less—*

13 “*(1) there is a specific and credible threat to such*
14 *former official arising from the service of such former offi-*
15 *cial to the United States; and*

16 “*(2) such head of an element of the intelligence commu-*
17 *nity submits to the Director of National Intelligence notice*
18 *of the intention to provide such personnel and an assess-*
19 *ment of—*

20 “*(A) the threat to such former official; and*

21 “*(B) the level of protective services necessary to*
22 *protect such former official based on such threat.*

23 “*(b) EXCEPTION FOR RECENT TERMINATION OF EM-*
24 *PLOYMENT.*—*The head of an element of the intelligence com-*
25 *munity may provide personnel for the protection of a*
26 *former official of an element of the intelligence community*

1 *without a specific and credible threat to such former official*
2 *for not more than one year after the termination of the em-*
3 *ployment of such former official if such former official re-*
4 *quests such protection.*

5 “(c) *THREAT ASSESSMENT UPDATES.*—*Not later than*
6 *180 days after the date on which the head of an element*
7 *of the intelligence community begins providing personnel*
8 *for the protection of a former official of an element of the*
9 *intelligence community, and at least every 180 days there-*
10 *after until such head of an element of the intelligence com-*
11 *munity determines that there is no longer a threat to such*
12 *former official, such head of an element of the intelligence*
13 *community shall submit to the Director of National Intel-*
14 *ligence an updated assessment of the threat to such former*
15 *official and the level of protective services necessary to pro-*
16 *tect such former official based on such threat.*

17 “(d) *TERMINATION OF PROTECTIVE SERVICES.*—*If the*
18 *head of an element of the intelligence community that is*
19 *providing personnel for the protection of a former official*
20 *of an element of the intelligence community pursuant to*
21 *subsection (a) determines that there is no longer a threat*
22 *to such former official, such head of an element of the intel-*
23 *ligence community shall cease providing personnel for the*
24 *protection of such former official not later than 30 days*
25 *after determining such threat no longer exists.*

1 “(e) *REPORT.*—Not later than 7 days after the date
 2 on which the head of an element of the intelligence commu-
 3 nity begins providing personnel for the protection of a
 4 former official of an element of the intelligence community,
 5 the Director of National Intelligence shall submit to the con-
 6 gressional intelligence committees notice of the provision of
 7 personnel for the protection of such former official.”.

8 (b) *TABLE OF CONTENTS.*—The table of contents of
 9 such Act is amended by—

10 (1) striking the second item relating to section
 11 301;

12 (2) striking the second item relating to section
 13 302;

14 (3) striking the items relating to sections 304,
 15 305, and 306; and

16 (4) inserting after the item relating to section
 17 303 the following new item:

 “Sec. 304. *Protective services for former officials of the intelligence community.*”.

18 **SEC. 425. STRATEGIC REVIEW PROCESS.**

19 Section 102A(f) of the National Security Act of 1947
 20 (50 U.S.C. 403–1(f)) is amended by adding at the end the
 21 following new paragraph:

22 “(9) Not later than September 30, 2007, and every four
 23 years thereafter, the Director of National Intelligence shall,
 24 in consultation with the heads of the elements of the intel-
 25 ligence community, manage and oversee the conduct of a

1 *strategic review of the intelligence community to develop in-*
 2 *telligence capabilities required to address threats to na-*
 3 *tional security. Such review shall analyze near-term, mid-*
 4 *term, and future threats to national security and shall in-*
 5 *clude estimates of the allocation of resources and structural*
 6 *change that should be reflected in future budget requests.”.*

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

9 ***SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGEN-***
 10 ***CY TRAINING PROGRAM.***

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

16 *“(i) by the Agency due to misconduct by the*
 17 *employee;*

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

19 *“(iii) by the Agency for the failure of the*
 20 *employee to maintain such level of academic*
 21 *standing in the educational course of training as*
 22 *the Director of the National Security Agency*
 23 *shall have specified in the agreement of the em-*
 24 *ployee under this subsection; and”.*

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

6 **SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL**
7 **SECURITY AGENCY PROTECTIVE PERSONNEL.**

8 (a) *PROTECTION OF CERTAIN PERSONS.*—The Na-
9 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
10 is amended by adding at the end the following new section:

11 “SEC. 20. (a) The Director is authorized to designate
12 personnel of the Agency to perform protective functions for
13 the Director and for any personnel of the Agency designated
14 by the Director.

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

19 (b) *AUTHORITY TO ARREST.*—

20 (1) Chapter 203 of title 18, United States Code,
21 as amended by section 423 of this Act, is amended by
22 adding at the end the following:

1 **“§ 3066. Powers of authorized personnel in the Na-**
2 **tional Security Agency**

3 “(a) *The Director of the National Security Agency*
4 *may issue regulations to allow personnel designated to*
5 *carry out protective functions for the Agency to—*

6 “(1) *carry firearms; and*

7 “(2) *make arrests without warrant for any of-*
8 *fense against the United States committed in the*
9 *presence of such personnel, or for any felony cog-*
10 *nizable under the laws of the United States, if such*
11 *personnel have probable cause to believe that the per-*
12 *son to be arrested has committed or is committing*
13 *that felony offense.*

14 “(b) *The powers granted under subsection (a) may be*
15 *exercised only in accordance with guidelines approved by*
16 *the Attorney General.”.*

17 (2) *CLERICAL AMENDMENT.—The table of sec-*
18 *tions at the beginning of chapter 203 of title 18,*
19 *United States Code, as amended by section 423 of this*
20 *Act, is amended by adding at the end the following:*

“3066. Powers of authorized personnel in the National Security Agency.”.

Subtitle D—Other Elements

1 ***SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD***
2
3 ***AND DRUG ENFORCEMENT ADMINISTRATION***
4 ***ELEMENTS IN THE INTELLIGENCE COMMU-***
5 ***NITY.***

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

8 (1) *in subparagraph (H)—*

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

11 (B) *by inserting “the Drug Enforcement*
12 *Administration,” after “the Federal Bureau of*
13 *Investigation,”; and*

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

16 ***SEC. 442. CLARIFYING AMENDMENTS RELATING TO SEC-***
17 ***TION 105 OF THE INTELLIGENCE AUTHORIZA-***
18 ***TION ACT FOR FISCAL YEAR 2004.***

19 *Section 105(b) of the Intelligence Authorization Act for*
20 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;*
21 *31 U.S.C. 311 note) is amended—*

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

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

1 **TITLE V—OTHER MATTERS**

2 **SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.**

3 (a) *LIMITATION ON TERMINATION OF U-2 AIRCRAFT*
4 *PROGRAM.*—*The Secretary of Defense may not begin the*
5 *process to terminate the U-2 aircraft program until the*
6 *Secretary certifies in accordance with subsection (b) that*
7 *there would be no loss of national or Department of Defense*
8 *intelligence, surveillance, and reconnaissance (ISR) capa-*
9 *bilities in transitioning from the U-2 aircraft program to*
10 *the Global Hawk RQ-4 unmanned aerial vehicle platform.*

11 (b) *REPORT AND CERTIFICATION.*—

12 (1) *STUDY.*—*The Secretary of Defense shall con-*
13 *duct a study of aerial reconnaissance platforms to de-*
14 *termine whether the Global Hawk RQ-4 unmanned*
15 *aerial vehicle has reached mission capability and has*
16 *attained collection capabilities on a par with the col-*
17 *lection capabilities of the U-2 Block 20 aircraft pro-*
18 *gram as of April 1, 2006.*

19 (2) *REPORT.*—*The Secretary shall submit to the*
20 *congressional committees specified in subsection (c) a*
21 *report containing the results of the study. The Sec-*
22 *retary shall include in the report the Secretary's de-*
23 *termination as to whether the Global Hawk RQ-4 un-*
24 *manned aerial vehicle—*

25 (A) *has reached mission capability; and*

1 (B) has attained collection capabilities on a
2 par with the collection capabilities of the U-2
3 Block 20 aircraft program as of April 1, 2006.

4 (3) *CERTIFICATION.*—The Secretary shall include
5 with the report the Secretary’s certification, based on
6 the results of the study, as to whether or not there
7 would be a loss of national or Department of Defense
8 intelligence, surveillance, and reconnaissance capa-
9 bilities with a transition from the U-2 aircraft pro-
10 gram to the Global Hawk RQ-4 unmanned aerial ve-
11 hicle platform.

12 (c) *SPECIFIED COMMITTEES.*—The congressional com-
13 mittees specified in this subsection are the following:

14 (1) *The Committee on Armed Services and the*
15 *Select Committee on Intelligence of the Senate.*

16 (2) *The Committee on Armed Services and the*
17 *Permanent Select Committee on Intelligence of the*
18 *House of Representatives.*

19 **SEC. 502. ELIMINATION OF CERTAIN REPORTING REQUIRE-**
20 **MENTS.**

21 (a) *INTELLIGENCE SHARING WITH UN.*—Section 112
22 of the National Security Act of 1947 (50 U.S.C. 404g) is
23 amended by striking subsection (b).

1 (b) *IMPROVEMENT OF FINANCIAL STATEMENTS FOR*
 2 *AUDITING PURPOSES.*—*The National Security Act of 1947*
 3 *(50 U.S.C. 401 et seq.) is amended—*

4 (1) *by striking section 114A; and*

5 (2) *in the table of contents in the first section,*
 6 *by striking the item relating to section 114A.*

7 (c) *FINANCIAL INTELLIGENCE ON TERRORIST AS-*
 8 *SETS.*—*The National Security Act of 1947 (50 U.S.C. 401*
 9 *et seq.) is amended—*

10 (1) *by striking section 118; and*

11 (2) *in the table of contents in the first section,*
 12 *by striking the item relating to section 118.*

13 (d) *COUNTERDRUG INTELLIGENCE.*—*The Intelligence*
 14 *Authorization Act for Fiscal Year 2003 (Public Law 107-*
 15 *306) is amended—*

16 (1) *by striking section 826; and*

17 (2) *in the table of contents in section 1(b), by*
 18 *striking the item relating to section 826.*

19 **SEC. 503. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
 20 **CURITY ACT OF 1947.**

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

23 (1) *In section 102A (50 U.S.C. 403-1)—*

24 (A) *in subsection (c)(7)(A), by striking “sec-*
 25 *tion” and inserting “subsection”;*

1 (B) in subsection (d)—

2 (i) in paragraph (3), by striking “sub-
3 paragraph (A)” in the matter preceding
4 subparagraph (A) and inserting “para-
5 graph (1)(A)”; and

6 (ii) in paragraph (5)(A), by striking
7 “or personnel” in the matter preceding
8 clause (i); and

9 (C) in subsection (l)(2)(B), by striking “sec-
10 tion” and inserting “paragraph”.

11 (2) In section 119(c)(2)(B) (50 U.S.C.
12 4040(c)(2)(B)), by striking “subsection (h)” and in-
13 serting “subsection (i)”.

14 **SEC. 504. TECHNICAL CLARIFICATION OF CERTAIN REF-**
15 **ERENCES TO JOINT MILITARY INTELLIGENCE**
16 **PROGRAM AND TACTICAL INTELLIGENCE AND**
17 **RELATED ACTIVITIES.**

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

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

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

5 **SEC. 505. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
6 **REFORM AND TERRORISM PREVENTION ACT**
7 **OF 2004.**

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

12 (1) *In section 1016(e)(10)(B) (6 U.S.C.*
13 *458(e)(10)(B)), by striking “Attorney General” the*
14 *second place it appears and inserting “Department of*
15 *Justice”.*

16 (2) *In section 1061 (5 U.S.C. 601 note)—*

17 (A) *in subsection (d)(4)(A), by striking*
18 *“National Intelligence Director” and inserting*
19 *“Director of National Intelligence”; and*

20 (B) *in subsection (h), by striking “National*
21 *Intelligence Director” and inserting “Director of*
22 *National Intelligence”.*

23 (3) *In section 1071(e), by striking “(1)”.*

24 (4) *In section 1072(b), by inserting “AGENCY”*
25 *after “INTELLIGENCE”.*

1 (b) *OTHER AMENDMENTS TO INTELLIGENCE REFORM*
2 *AND TERRORISM PREVENTION ACT OF 2004.—The Intel-*
3 *ligence Reform and Terrorism Prevention Act of 2004 (Pub-*
4 *lic Law 108–458) is amended as follows:*

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

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

8 (B) *in subsection (e)(2), by striking “the*
9 *National Intelligence Director in a manner con-*
10 *sistent with section 112(e)” and inserting “the*
11 *Director of National Intelligence in a manner*
12 *consistent with applicable law”;* and

13 (C) *in subsection (f), by striking “shall,” in*
14 *the matter preceding paragraph (1) and insert-*
15 *ing “shall”.*

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

17 (A) *in paragraph (2), by striking “the Fed-*
18 *eral” and inserting “Federal”;* and

19 (B) *in paragraph (3), by striking “the spe-*
20 *cific” and inserting “specific”.*

21 **SEC. 506. TECHNICAL AMENDMENT TO THE CENTRAL IN-**
22 **TELLIGENCE AGENCY ACT OF 1949.**

23 Section 5(a)(1) of the Central Intelligence Agency Act
24 of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “au-
25 thorized under paragraphs (2) and (3) of section 102(a),

1 *subsections (c)(7) and (d) of section 103, subsections (a) and*
 2 *(g) of section 104, and section 303 of the National Security*
 3 *Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d),*
 4 *403–4(a), (g), and 405)” and inserting “authorized under*
 5 *subsections (c), (d), (e), and (f) of section 104A of the Na-*
 6 *tional Security Act of 1947 (50 U.S.C. 403–4a)”.*

7 **SEC. 507. TECHNICAL AMENDMENTS RELATING TO THE**
 8 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
 9 **GRAM.**

10 *(a) IN GENERAL.—Subsection (a) of section 1403 of*
 11 *the National Defense Authorization Act for Fiscal Year*
 12 *1991 (50 U.S.C. 404b) is amended—*

13 *(1) in the subsection heading, by striking “FOR-*
 14 *EIGN”;* and

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

16 *(b) RESPONSIBILITY OF DNI.—That section is further*
 17 *amended—*

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

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

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

1 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
2 **GRAM.”**

3 **SEC. 508. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
4 **SCHEDULE.**

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

9 “Director of the Central Intelligence Agen-
10 cy.”.

11 (b) *EXECUTIVE SCHEDULE LEVEL IV.*—Section 5315
12 of title 5, United States Code, is amended by striking the
13 item relating to the General Counsel of the Office of the
14 National Intelligence Director and inserting the following
15 new item:

16 “General Counsel of the Office of the Direc-
17 tor of National Intelligence.”.

18 **§509. Technical amendments relating to redesigna-**
19 **tion of the National Imagery and Map-**
20 **ping Agency as the national Geospatial-**
21 **Intelligence Agency**

22 (a) *TITLE 5, UNITED STATES CODE.*—(1) Title 5,
23 United States Code, is amended by striking “National Im-
24 agery and Mapping Agency” each place it appears in a
25 provision as follows and inserting “National Geospatial-In-
26 telligence Agency”:

1 (A) Section 2302(a)(2)(C)(ii).

2 (B) Section 3132(a)(1)(B).

3 (C) Section 4301(1) (in clause (ii)).

4 (D) Section 4701(a)(1)(B).

5 (E) Section 5102(a)(1) (in clause (x)).

6 (F) Section 5342(a)(1) (in clause (K)).

7 (G) Section 6339(a)(1)(E).

8 (H) Section 7323(b)(2)(B)(i)(XIII).

9 (2) Section 6339(a)(2)(E) of such title is amended by
10 striking “National Imagery and Mapping Agency, the Di-
11 rector of the National Imagery and Mapping Agency” and
12 inserting “National Geospatial-Intelligence Agency, the Di-
13 rector of the National Geospatial-Intelligence Agency”.

14 (b) TITLE 44, UNITED STATES CODE.—(1)(A) Section
15 1336 of title 44, United States Code, is amended by striking
16 “National Imagery and Mapping Agency” both places it
17 appears and inserting “National Geospatial-Intelligence
18 Agency”.

19 (B) The heading of such section is amended to read
20 as follows:

21 “**§ 1336. National Geospatial-Intelligence Agency: spe-**
22 **cial publications**”.

23 (2) The table of sections at the beginning of chapter
24 13 of such title is amended by striking the item relating
25 to section 1336 and inserting the following new item:

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

1 (c) *HOMELAND SECURITY ACT OF 2002*.—Section
2 201(f)(2)(E) of the *Homeland Security Act of 2002* (6
3 *U.S.C. 121(f)(2)(E)*) is amended by striking “National Im-
4 agery and Mapping Agency” and inserting “National
5 *Geospatial-Intelligence Agency*”.

6 (d) *INSPECTOR GENERAL ACT OF 1978*.—Section 8H
7 of the *Inspector General Act of 1978* (5 *U.S.C. App.*) is
8 amended by striking “National Imagery and Mapping
9 Agency” each place it appears and inserting “National
10 *Geospatial-Intelligence Agency*”.

11 (e) *ETHICS IN GOVERNMENT ACT OF 1978*.—Section
12 105(a)(1) of the *Ethics in Government Act of 1978* (5
13 *U.S.C. App.*) is amended by striking “National Imagery
14 and Mapping Agency” and inserting “National *Geospatial-*
15 *Intelligence Agency*”.

16 (f) *OTHER ACTS*.—(1) Section 7(b)(2)(A)(i) of the *Em-*
17 *ployee Polygraph Protection Act of 1988* (29 *U.S.C.*
18 *2006(b)(2)(A)(i)*) is amended by striking “National Im-
19 agery and Mapping Agency” and inserting “National
20 *Geospatial-Intelligence Agency*”.

21 (2) Section 207(a)(2)(B) of the *Legislative Branch Ap-*
22 *propriations Act, 1993* (44 *U.S.C. 501 note*) is amended
23 by striking “National Imagery and Mapping Agency” and
24 inserting “National *Geospatial-Intelligence Agency*”.

Union Calendar No. 225

109TH CONGRESS
2^D SESSION

H. R. 5020

[Report No. 109-411]

A BILL

To authorize appropriations for fiscal year 2007 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.

APRIL 6, 2006

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