

RULES COMMITTEE PRINT OF H.R. 1892

AUGUST 31, 2011

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Intelligence Authorization Act for Fiscal Year 2012”.

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

- Sec. 1. Short title; Table of contents.
- Sec. 2. Definitions.

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.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Annual report on hiring of National Security Education Program participants.
- Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.
- Sec. 305. Preparation of nuclear proliferation assessment statements.
- Sec. 306. Cost estimates.
- Sec. 307. Detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 308. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 309. Submission of information on Guantanamo Bay detainee transfers.
- Sec. 310. Enhanced procurement authority to manage supply chain risk.
- Sec. 311. Modification of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Report and strategic plan on drug trafficking organizations and impact on public lands.
- Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.
- Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.
- Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.

Subtitle B—Central Intelligence Agency

- Sec. 411. Burial allowance.
- Sec. 412. Acceptance of gifts.
- Sec. 413. Foreign language proficiency requirements for Central Intelligence Agency officers.
- Sec. 414. Public availability of information regarding the Inspector General of the Central Intelligence Agency.
- Sec. 415. Creating an official record of the Osama bin Laden operation.
- Sec. 416. Recruitment of personnel in the Office of the Inspector General.

Subtitle C—National Security Agency

- Sec. 421. Confirmation of appointment of the Director of the National Security Agency.
- Sec. 422. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

- Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.
- Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.
- Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.
- Sec. 434. Report on training standards of defense intelligence workforce.

TITLE V—OTHER MATTERS

- Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.
- Sec. 502. Technical amendments to the National Security Act of 1947.
- Sec. 503. Technical amendments to title 18, United States Code.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

1 (A) the Select Committee on Intelligence of
2 the Senate; and

3 (B) the Permanent Select Committee on
4 Intelligence of the House of Representatives.

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

9 **TITLE I—INTELLIGENCE**
10 **ACTIVITIES**

11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2012 for the conduct of the intelligence and
14 intelligence-related activities of the following elements of
15 the United States Government:

16 (1) The Office of the Director of National Intel-
17 ligence.

18 (2) The Central Intelligence Agency.

19 (3) The Department of Defense.

20 (4) The Defense Intelligence Agency.

21 (5) The National Security Agency.

22 (6) The Department of the Army, the Depart-
23 ment of the Navy, and the Department of the Air
24 Force.

25 (7) The Coast Guard.

1 (8) The Department of State.

2 (9) The Department of the Treasury.

3 (10) The Department of Energy.

4 (11) The Department of Justice.

5 (12) The Federal Bureau of Investigation.

6 (13) The Drug Enforcement Administration.

7 (14) The National Reconnaissance Office.

8 (15) The National Geospatial-Intelligence Agen-
9 cy.

10 (16) The Department of Homeland Security.

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

12 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
13 LEVELS.—The amounts authorized to be appropriated
14 under section 101 and, subject to section 104, the author-
15 ized personnel ceilings as of September 30, 2012, for the
16 conduct of the intelligence activities of the elements listed
17 in paragraphs (1) through (16) of section 101, are those
18 specified in the classified Schedule of Authorizations pre-
19 pared to accompany the bill H.R. 1892 of the One Hun-
20 dred Twelfth Congress.

21 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
22 THORIZATIONS.—

23 (1) AVAILABILITY TO COMMITTEES OF CON-
24 GRESS.—The classified Schedule of Authorizations
25 referred to in subsection (a) shall be made available

1 to the Committee on Appropriations of the Senate,
2 the Committee on Appropriations of the House of
3 Representatives, and to the President.

4 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
5 ject to paragraph (3), the President shall provide for
6 suitable distribution of the classified Schedule of Au-
7 thorizations, or of appropriate portions of the Sched-
8 ule, within the executive branch.

9 (3) LIMITS ON DISCLOSURE.—In carrying out
10 paragraph (2), the President may disclose only that
11 budget-related information necessary to execute the
12 classified Schedule of Authorizations and shall not
13 disclose the Schedule or any portion of the Schedule
14 publicly.

15 (c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE
16 CLASSIFIED ANNEX.—In addition to any other purpose
17 authorized by law, the Federal Bureau of Investigation
18 may expend funds authorized in this Act as specified in
19 the Federal Bureau of Investigation Policy Implementa-
20 tion section of the classified annex accompanying this Act.

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

22 (a) AUTHORITY FOR INCREASES.—The Director of
23 National Intelligence may authorize the employment of ci-
24 vilian personnel in excess of the number of full-time equiv-
25 alent positions for fiscal year 2012 authorized by the clas-

1 sified Schedule of Authorizations referred to in section
2 102(a) if the Director of National Intelligence determines
3 that such action is necessary for the performance of im-
4 portant intelligence functions, except that the number of
5 personnel employed in excess of the number authorized
6 under such section may not, for any element of the intel-
7 ligence community, exceed 3 percent of the number of ci-
8 vilian personnel authorized under such section for such
9 element.

10 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES
11 PERFORMED BY CONTRACT PERSONNEL.—

12 (1) IN GENERAL.—In addition to the authority
13 in subsection (a) and subject to paragraph (2), if the
14 head of an element of the intelligence community
15 makes a determination that activities currently being
16 performed by contract personnel should be per-
17 formed by employees of such element, the Director
18 of National Intelligence, in order to reduce a com-
19 parable number of contract personnel, may authorize
20 for that purpose employment of additional full-time
21 equivalent personnel in such element equal to the
22 number of full-time equivalent contract personnel
23 performing such activities.

24 (2) CONCURRENCE AND APPROVAL.—The au-
25 thority described in paragraph (1) may not be exer-

1 cised unless the Director of National Intelligence
2 concurs with the determination described in such
3 paragraph.

4 (c) TREATMENT OF CERTAIN PERSONNEL.—The Di-
5 rector of National Intelligence shall establish guidelines
6 that govern, for each element of the intelligence commu-
7 nity, the treatment under the personnel levels authorized
8 under section 102(a), including any exemption from such
9 personnel levels, of employment or assignment—

10 (1) in a student program, trainee program, or
11 similar program;

12 (2) in a reserve corps or as a reemployed annu-
13 itant; or

14 (3) in details, joint duty, or long-term, full-time
15 training.

16 (d) NOTICE TO CONGRESSIONAL INTELLIGENCE
17 COMMITTEES.—The Director of National Intelligence
18 shall notify the congressional intelligence committees in
19 writing at least 15 days prior to the initial exercise of an
20 authority described in subsection (a) or (b).

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

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated for the Intelligence Commu-
25 nity Management Account of the Director of National In-

1 telligence for fiscal year 2012 the sum of \$576,393,000.
2 Within such amount, funds identified in the classified
3 Schedule of Authorizations referred to in section 102(a)
4 for advanced research and development shall remain avail-
5 able until September 30, 2013.

6 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
7 ments within the Intelligence Community Management
8 Account of the Director of National Intelligence are au-
9 thorized 777 full-time or full-time equivalent personnel as
10 of September 30, 2012. Personnel serving in such ele-
11 ments may be permanent employees of the Office of the
12 Director of National Intelligence or personnel detailed
13 from other elements of the United States Government.

14 (c) CLASSIFIED AUTHORIZATIONS.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—In
16 addition to amounts authorized to be appropriated
17 for the Intelligence Community Management Ac-
18 count by subsection (a), there are authorized to be
19 appropriated for the Community Management Ac-
20 count for fiscal year 2012 such additional amounts
21 as are specified in the classified Schedule of Author-
22 izations referred to in section 102(a). Such addi-
23 tional amounts for advanced research and develop-
24 ment shall remain available until September 30,
25 2013.

1 (2) AUTHORIZATION OF PERSONNEL.—In addi-
2 tion to the personnel authorized by subsection (b)
3 for elements of the Intelligence Community Manage-
4 ment Account as of September 30, 2012, there are
5 authorized such additional personnel for the Com-
6 munity Management Account as of that date as are
7 specified in the classified Schedule of Authorizations
8 referred to in section 102(a).

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

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated for the Cen-
15 tral Intelligence Agency Retirement and Disability Fund
16 for fiscal year 2012 the sum of \$514,000,000.

17 **TITLE III—GENERAL**
18 **PROVISIONS**

19 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
20 **BENEFITS AUTHORIZED BY LAW.**

21 Appropriations authorized by this Act for salary, pay,
22 retirement, and other benefits for Federal employees may
23 be increased by such additional or supplemental amounts
24 as may be necessary for increases in such compensation
25 or benefits authorized by law.

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
5 any intelligence activity which is not otherwise authorized
6 by the Constitution or the laws of the United States.

7 **SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECUR-**
8 **RITY EDUCATION PROGRAM PARTICIPANTS.**

9 Not later than 90 days after the end of each of fiscal
10 years 2012, 2013, and 2014, the head of each element
11 of the intelligence community shall submit to the congress-
12 sional intelligence committees a report, which may be in
13 classified form, containing the number of personnel hired
14 by such element during such fiscal year that were at any
15 time a recipient of a grant or scholarship under the David
16 L. Boren National Security Education Act of 1991 (50
17 U.S.C. 1901 et seq.).

18 **SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE**
19 **PERSONNEL MANAGEMENT AMONG THE ELE-**
20 **MENTS OF THE INTELLIGENCE COMMUNITY.**

21 Section 102A of the National Security Act of 1947
22 (50 U.S.C. 403–1) is amended by adding at the end the
23 following new subsection:

24 “(v) **AUTHORITY TO ESTABLISH POSITIONS IN EX-**
25 **CEPTED SERVICE.**—(1) The Director of National Intel-
26 ligence, with the concurrence of the head of the covered

1 department concerned and in consultation with the Direc-
2 tor of the Office of Personnel Management, may—

3 “(A) convert competitive service positions, and
4 the incumbents of such positions, within an element
5 of the intelligence community in such department, to
6 excepted service positions as the Director of Na-
7 tional Intelligence determines necessary to carry out
8 the intelligence functions of such element; and

9 “(B) establish new positions in the excepted
10 service within an element of the intelligence commu-
11 nity in such department, if the Director of National
12 Intelligence determines such positions are necessary
13 to carry out the intelligence functions of such ele-
14 ment.

15 “(2) An incumbent occupying a position on the date
16 of the enactment of the Intelligence Authorization Act for
17 Fiscal Year 2012 selected to be converted to the excepted
18 service under this section shall have the right to refuse
19 such conversion. Once such individual no longer occupies
20 the position, the position may be converted to the excepted
21 service.

22 “(3) In this subsection, the term ‘covered depart-
23 ment’ means the Department of Energy, the Department
24 of Homeland Security, the Department of State, or the
25 Department of the Treasury.”.

1 **SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION AS-**
2 **SESSMENT STATEMENTS.**

3 Section 102A of the National Security Act of 1947
4 (50 U.S.C. 403–1), as amended by section 304 of this Act,
5 is further amended by adding at the end the following new
6 subsection:

7 “(w) NUCLEAR PROLIFERATION ASSESSMENT
8 STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—
9 The Director of National Intelligence, in consultation with
10 the heads of the appropriate elements of the intelligence
11 community and the Secretary of State, shall provide to
12 the President, the congressional intelligence committees,
13 the Committee on Foreign Affairs of the House of Rep-
14 resentatives, and the Committee on Foreign Relations of
15 the Senate an addendum to each Nuclear Proliferation As-
16 sessment Statement accompanying a civilian nuclear co-
17 operation agreement, containing a comprehensive analysis
18 of the country’s export control system with respect to nu-
19 clear-related matters, including interactions with other
20 countries of proliferation concern and the actual or sus-
21 pected nuclear, dual-use, or missile-related transfers to
22 such countries.”.

23 **SEC. 306. COST ESTIMATES.**

24 (a) IN GENERAL.—Section 506A of the National Se-
25 curity Act of 1947 (50 U.S.C. 415a–1) is amended—

26 (1) in subsection (a)(2)—

1 (A) by inserting “(A)” after “(2)”; and

2 (B) by adding at the end the following new
3 subparagraph:

4 “(B) For major system acquisitions requiring a serv-
5 ice or capability from another acquisition or program to
6 deliver the end-to-end functionality for the intelligence
7 community end users, independent cost estimates shall in-
8 clude, to the maximum extent practicable, all estimated
9 costs across all pertinent elements of the intelligence com-
10 munity. For collection programs, such cost estimates shall
11 include the cost of new analyst training, new hardware
12 and software for data exploitation and analysis, and any
13 unique or additional costs for data processing, storing, and
14 power, space, and cooling across the life cycle of the pro-
15 gram. If such costs for processing, exploitation, dissemina-
16 tion, and storage are scheduled to be executed in other
17 elements of the intelligence community, the independent
18 cost estimate shall identify and annotate such costs for
19 such other elements accordingly.”; and

20 (2) in subsection (e)(2)—

21 (A) by inserting “(A)” after “(2)”; and

22 (B) in subparagraph (A), as so designated,
23 by striking “associated with the acquisition of a
24 major system,” and inserting “associated with
25 the development, acquisition, procurement, op-

1 eration, and sustainment of a major system
2 across its proposed life cycle,”; and

3 (C) by adding at the end the following:

4 “(B) In accordance with subsection (a)(2)(B),
5 each independent cost estimate shall include all costs
6 required across elements of the intelligence commu-
7 nity to develop, acquire, procure, operate, and sus-
8 tain the system to provide the end-to-end intelligence
9 functionality of the system, including—

10 “(i) for collection programs, the cost of
11 new analyst training, new hardware and soft-
12 ware for data exploitation and analysis, and any
13 unique or additional costs for data processing,
14 storing, and power, space, and cooling across
15 the life cycle of the program; and

16 “(ii) costs for processing, exploitation, dis-
17 semination, and storage costs are scheduled to
18 be executed in other elements of the intelligence
19 community, such element shall identify and an-
20 notate such costs accordingly.”.

21 (b) **EFFECTIVE DATE.**—The amendments made by
22 this section shall take effect on the date that is 180 days
23 after the date of the enactment of this Act.

1 **SEC. 307. DETAINEES HELD AT UNITED STATES NAVAL STA-**
2 **TION, GUANTANAMO BAY, CUBA.**

3 (a) DEPARTMENT OF HOMELAND SECURITY APPRO-
4 PRIATIONS ACT, 2010.—Subsection (e) of section 552 of
5 the Department of Homeland Security Appropriations
6 Act, 2010 (Public Law 111–83; 123 Stat. 2178) is amend-
7 ed—

8 (1) in the matter preceding paragraph (1), by
9 striking “15 days” and inserting “30 days”;

10 (2) in paragraph (3), by striking “such agree-
11 ment.” and inserting “such agreement and any mon-
12 itoring assurances provided by such government.”;
13 and

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

16 “(4) The agency or department of the United
17 States responsible for ensuring that the agreement
18 described in paragraph (3) is carried out.”.

19 (b) DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
20 AND RELATED AGENCIES APPROPRIATIONS ACT, 2010.—
21 Subsection (e) of section 428 of the Department of the
22 Interior, Environment, and Related Agencies Appropria-
23 tions Act, 2010 (division A of Public Law 111–88; 123
24 Stat. 2963) is amended—

25 (1) in the matter preceding paragraph (1), by
26 striking “15 days” and inserting “30 days”;

1 (2) in paragraph (3), by striking “such agree-
2 ment.” and inserting “such agreement and any mon-
3 itoring assurances provided by such government.”;
4 and

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

7 “(4) The agency or department of the United
8 States responsible for ensuring that the agreement
9 described in paragraph (3) is carried out.”.

10 (c) SAVINGS CLAUSE.—None of the amendments
11 made by this section shall supersede or otherwise affect
12 the implementation of the following provisions of law:

13 (1) Section 1033 of the Ike Skelton National
14 Defense Authorization Act for Fiscal Year 2011
15 (Public Law 111–383; 124 Stat. 4351).

16 (2) Section 1113 of the Department of Defense
17 and Full-Year Continuing Appropriations Act, 2011
18 (Public Law 112-10; 125 Stat. 104).

19 **SEC. 308. UPDATES OF INTELLIGENCE RELATING TO TER-**
20 **RORIST RECIDIVISM OF DETAINEES HELD AT**
21 **UNITED STATES NAVAL STATION, GUANTA-**
22 **NAMO BAY, CUBA.**

23 (a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

24 (1) IN GENERAL.—Title V of the National Se-
25 curity Act of 1947 (50 U.S.C. 413 et seq.) is

1 amended by inserting after section 506H the fol-
2 lowing new section:

3 “SUMMARY OF INTELLIGENCE RELATING TO TERRORIST
4 RECIDIVISM OF DETAINEES HELD AT UNITED
5 STATES NAVAL STATION, GUANTANAMO BAY, CUBA

6 “SEC. 506I. (a) IN GENERAL.—The Director of Na-
7 tional Intelligence, in consultation with the Director of the
8 Central Intelligence Agency and the Director of the De-
9 fense Intelligence Agency, shall make publicly available an
10 unclassified summary of—

11 “(1) intelligence relating to recidivism of de-
12 tainees currently or formerly held at the Naval De-
13 tention Facility at Guantanamo Bay, Cuba, by the
14 Department of Defense; and

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

18 “(b) UPDATES.—Not less frequently than once every
19 6 months, the Director of National Intelligence, in con-
20 sultation with the Director of the Central Intelligence
21 Agency and the Secretary of Defense, shall update and
22 make publicly available an unclassified summary con-
23 sisting of the information required by subsection (a) and
24 the number of individuals formerly detained at Naval Sta-
25 tion, Guantanamo Bay, Cuba, who are confirmed or sus-

1 pected of returning to terrorist activities after release or
2 transfer from such Naval Station.”.

3 (2) INITIAL UPDATE.—The initial update re-
4 quired by section 506I(b) of such Act, as added by
5 paragraph (1) of this subsection, shall be made pub-
6 licly available not later than 10 days after the date
7 the first report following the date of the enactment
8 of the Intelligence Authorization Act for Fiscal Year
9 2012 is submitted to members and committees of
10 Congress pursuant to section 319 of the Supple-
11 mental Appropriations Act, 2009 (Public Law 111–
12 32; 10 U.S.C. 801 note).

13 (b) TABLE OF CONTENTS AMENDMENT.—The table
14 of contents in the first section of the National Security
15 Act of 1947 is amended by inserting after the item relat-
16 ing to section 506H the following new item:

“Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees
held at United States Naval Station, Guantanamo Bay,
Cuba.”.

17 **SEC. 309. SUBMISSION OF INFORMATION ON GUANTANAMO**
18 **BAY DETAINEE TRANSFERS.**

19 (a) REQUIREMENT FOR SUBMISSION.—Not later
20 than 45 days after the date of the enactment of this Act,
21 the Director of National Intelligence, in consultation with
22 the Secretary of State, shall submit to the congressional
23 intelligence committees and the Committees on Armed
24 Services of the House of Representatives and the Senate

1 information concerning the transfer or potential transfer
2 of individuals who are or have been detained by the United
3 States at Naval Station, Guantanamo Bay, Cuba.

4 (b) INFORMATION REQUIRED.—The information re-
5 quired by subsection (a) shall include the following:

6 (1) An assessment of the sufficiency of the
7 monitoring undertaken by each foreign country to
8 which an individual referred to in subsection (a) has
9 been transferred.

10 (2) Any written or verbal agreement between
11 the Secretary of State and the government of a for-
12 eign country that describes monitoring and security
13 assurances related to such an individual.

14 (3) Each Department of State cable, memo-
15 randum, or report relating to or describing the
16 threat such an individual may or may not pose.

17 **SEC. 310. ENHANCED PROCUREMENT AUTHORITY TO MAN-**
18 **AGE SUPPLY CHAIN RISK.**

19 (a) DEFINITIONS.—In this section:

20 (1) COVERED AGENCY.—The term “covered
21 agency” means any element of the intelligence com-
22 munity other than an element within the Depart-
23 ment of Defense.

24 (2) COVERED ITEM OF SUPPLY.—The term
25 “covered item of supply” means an item of informa-

1 tion technology (as that term is defined in section
2 11101 of title 40, United States Code) that is pur-
3 chased for inclusion in a covered system, and the
4 loss of integrity of which could result in a supply
5 chain risk for a covered system.

6 (3) COVERED PROCUREMENT.—The term “cov-
7 ered procurement” means—

8 (A) a source selection for a covered system
9 or a covered item of supply; or

10 (B) any contract action involving a con-
11 tract for a covered system or a covered item of
12 supply where such contract includes a clause es-
13 tablishing requirements relating to supply chain
14 risk.

15 (4) COVERED PROCUREMENT ACTION.—The
16 term “covered procurement action” means any of
17 the following actions, if the action takes place in the
18 course of conducting a covered procurement:

19 (A) The exclusion of a source for the pur-
20 pose of reducing supply chain risk in the acqui-
21 sition of covered systems.

22 (B) The exclusion of a source that fails to
23 achieve an acceptable rating with regard to an
24 evaluation factor providing for the consideration
25 of supply chain risk in the evaluation of pro-

1 posals for the award of a contract or the
2 issuance of a task or delivery order.

3 (C) The decision to withhold consent for a
4 contractor to subcontract with a particular
5 source or to direct a contractor for a covered
6 system to exclude a particular source from con-
7 sideration for a subcontract under the contract.

8 (5) COVERED SYSTEM.—

9 (A) IN GENERAL.—The term “covered sys-
10 tem” means any information system (including
11 any telecommunications system) used or oper-
12 ated by an agency or by a contractor of an
13 agency, or other organization on behalf of an
14 agency—

15 (i) the function, operation, or use of
16 which—

17 (I) involves intelligence activities;

18 (II) involves cryptologic activities
19 related to national security;

20 (III) involves command and con-
21 trol of military forces;

22 (IV) involves equipment that is
23 an integral part of a weapon or weap-
24 ons system; or

1 (V) subject to subparagraph (B),
2 is critical to the direct fulfillment of
3 military or intelligence missions; or

4 (ii) is protected at all times by proce-
5 dures established for information that have
6 been specifically authorized under criteria
7 established by an Executive order or an
8 Act of Congress to be kept classified in the
9 interest of national defense or foreign pol-
10 icy.

11 (B) EXCEPTION OF ADMINISTRATIVE AND
12 BUSINESS APPLICATIONS.—Subparagraph
13 (A)(i)(V) does not include a system that is to
14 be used for routine administrative and business
15 applications (including payroll, finance, logis-
16 tics, and personnel management applications).

17 (6) SUPPLY CHAIN RISK.—The term “supply
18 chain risk” means the risk that an adversary may
19 sabotage, maliciously introduce unwanted function,
20 or otherwise subvert the design, integrity, manufac-
21 turing, production, distribution, installation, oper-
22 ation, or maintenance of a covered system so as to
23 surveil, deny, disrupt, or otherwise degrade the func-
24 tion, use, or operation of such system.

1 (b) AUTHORITY.—Subject to subsection (c), the head
2 of a covered agency may, in conducting intelligence and
3 intelligence-related activities—

4 (1) carry out a covered procurement action; and

5 (2) limit, notwithstanding any other provision
6 of law, in whole or in part, the disclosure of informa-
7 tion relating to the basis for carrying out a covered
8 procurement action.

9 (c) DETERMINATION AND NOTIFICATION.—The head
10 of a covered agency may exercise the authority provided
11 in subsection (b) only after—

12 (1) any appropriate consultation with procure-
13 ment or other relevant officials of the covered agen-
14 cy;

15 (2) making a determination in writing, which
16 may be in classified form, that—

17 (A) use of the authority in subsection
18 (b)(1) is necessary to protect national security
19 by reducing supply chain risk;

20 (B) less intrusive measures are not reason-
21 ably available to reduce such supply chain risk;
22 and

23 (C) in a case where the head of the covered
24 agency plans to limit disclosure of information
25 under subsection (b)(2), the risk to national se-

1 curity due to the disclosure of such information
2 outweighs the risk due to not disclosing such
3 information;

4 (3) notifying the Director of National Intel-
5 ligence that there is a significant supply chain risk
6 to the covered system concerned, unless the head of
7 the covered agency making the determination is the
8 Director of National Intelligence; and

9 (4) providing a notice, which may be in classi-
10 fied form, of the determination made under para-
11 graph (2) to the congressional intelligence commit-
12 tees that includes a summary of the basis for the de-
13 termination, including a discussion of less intrusive
14 measures that were considered and why they were
15 not reasonably available to reduce supply chain risk.

16 (d) SAVINGS.—The authority under this section is in
17 addition to any other authority under any other provision
18 of law. The authority under this section shall not be con-
19 strued to alter or effect the exercise of any other provision
20 of law.

21 (e) EFFECTIVE DATE.—The requirements of this sec-
22 tion shall take effect on the date that is 180 days after
23 the date of the enactment of this Act and shall apply to
24 contracts that are awarded on or after such date.

1 (f) SUNSET.—The authority provided in this section
2 shall expire on the date that section 806 of the Ike Skelton
3 National Defense Authorization Act for Fiscal Year 2011
4 (Public Law 111–383; 10 U.S.C. 2304 note) expires.

5 **SEC. 311. MODIFICATION OF CERTAIN REPORTING RE-**
6 **QUIREMENTS.**

7 (a) INTELLIGENCE REFORM AND TERRORISM PRE-
8 VENTION ACT OF 2004.—Section 1041(b) of the Intel-
9 ligence Reform and Terrorism Prevention Act of 2004 (50
10 U.S.C. 403–1b(b)) is amended by striking paragraphs (3)
11 and (4).

12 (b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
13 YEAR 2003.—Section 904(d)(1) of the Intelligence Au-
14 thorization Act for Fiscal Year 2003 (50 U.S.C.
15 402e(d)(1)) is amended by striking “on an annual basis”.

16 (c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
17 YEAR 1995.—Section 809 of the Intelligence Authoriza-
18 tion Act for Fiscal Year 1995 (50 U.S.C. App. 2170b)
19 is amended—

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

21 (2) in subsection (c), by striking “reports re-
22 ferred to in subsections (a) and (b)” and inserting
23 “report referred to in subsection (a)”.

24 (d) REPORT ON TEMPORARY PERSONNEL AUTHOR-
25 IZATIONS FOR CRITICAL LANGUAGE TRAINING.—Para-

1 graph (3)(D) of section 102A(e) of the National Security
2 Act of 1947 (50 U.S.C. 403–1(e)), as amended by section
3 306 of the Intelligence Authorization Act for Fiscal Year
4 2010 (Public Law 111–259; 124 Stat. 2661), is amended
5 by striking “The” and inserting “For each of the fiscal
6 years 2010, 2011, and 2012, the”.

7 **TITLE IV—MATTERS RELATING**
8 **TO ELEMENTS OF THE INTEL-**
9 **LIGENCE COMMUNITY**
10 **Subtitle A—Office of the Director**
11 **of National Intelligence**

12 **SEC. 401. REPORT AND STRATEGIC PLAN ON DRUG TRAF-**
13 **FICKING ORGANIZATIONS AND IMPACT ON**
14 **PUBLIC LANDS.**

15 (a) **REQUIREMENT FOR REPORT.**—Not later than
16 one year after the date of the enactment of this Act, the
17 Director of National Intelligence shall submit to the con-
18 gressional intelligence committees a report on—

19 (1) the intelligence collection efforts of the
20 United States that assess the threat from covered
21 entities that are currently or have previously used
22 public lands in the United States to further their op-
23 erations; and

24 (2) efforts to protect public lands of the United
25 States from illegal drug grows.

1 (b) CONTENTS.—The report required by subsection
2 (a) shall include the following:

3 (1) An assessment of the intelligence collection
4 efforts of the United States dedicated to covered en-
5 tities.

6 (2) An assessment of any problems that may
7 reduce the overall effectiveness of United States in-
8 telligence collection and analysis to identify and pro-
9 tect public lands from illegal drug grows and other
10 activities and threats of covered entities, including—

11 (A) intelligence collection gaps or ineffi-
12 ciencies;

13 (B) information sharing practices in the
14 intelligence community and other agencies, in-
15 cluding Federal land management agencies; and

16 (C) cooperation among Federal depart-
17 ments or agencies.

18 (3) A strategic plan prepared by the Director of
19 National Intelligence that describes actions the ap-
20 propriate elements of the intelligence community can
21 take to close intelligence gaps related to covered en-
22 tities, and provide intelligence in support of efforts
23 by Federal land management agencies to counter the
24 use by covered entities of public lands for illegal pur-
25 poses.

1 (4) A description of appropriate goals, sched-
2 ules, milestones, or metrics to measure the long-term
3 effectiveness of actions implemented to carry out the
4 plan described in paragraph (4).

5 (c) IMPLEMENTATION OF STRATEGIC PLAN.—Not
6 later than 30 days after the date on which the Director
7 of National Intelligence submits the report required by
8 subsection (a), the Director shall begin implementation of
9 the strategic plan described in subsection (b)(4).

10 (d) DEFINITIONS.—In this section:

11 (1) COVERED ENTITY.—The term “covered en-
12 tity” means an international drug trafficking organi-
13 zation or other actor involved in drug trafficking
14 generally.

15 (2) FEDERAL LAND MANAGEMENT AGENCY.—
16 The term “Federal land management agency” in-
17 cludes—

18 (A) the Forest Service of the Department
19 of Agriculture;

20 (B) the Bureau of Land Management of
21 the Department of the Interior;

22 (C) the National Park Service of the De-
23 partment of the Interior;

24 (D) the Fish and Wildlife Service of the
25 Department of the Interior; and

1 (E) the Bureau of Reclamation of the De-
2 partment of the Interior.

3 (3) PUBLIC LANDS.—The term “public lands”
4 has the meaning given that term in section 103 of
5 the Federal Land Policy and Management Act of
6 1976 (43 U.S.C. 1702).

7 **SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORT-**
8 **ING REQUIREMENTS TO THE OFFICE OF THE**
9 **DIRECTOR OF NATIONAL INTELLIGENCE.**

10 For each of the fiscal years 2010, 2011, and 2012,
11 the requirements of section 3515 of title 31, United States
12 Code, to submit an audited financial statement shall not
13 apply to the Office of the Director of National Intelligence
14 if the Director of National Intelligence determines and no-
15 tifies Congress that audited financial statements for such
16 years for such Office cannot be produced on a cost-effec-
17 tive basis.

18 **SEC. 403. PUBLIC AVAILABILITY OF INFORMATION RE-**
19 **GARDING THE INSPECTOR GENERAL OF THE**
20 **INTELLIGENCE COMMUNITY.**

21 Section 103H of the National Security Act of 1947
22 (50 U.S.C. 403–3h) is amended by adding at the end the
23 following new subsection:

24 “(o) INFORMATION ON WEBSITE.—(1) The Director
25 of National Intelligence shall establish and maintain on

1 the homepage of the publicly accessible website of the Of-
2 fice of the Director of National Intelligence information
3 relating to the Office of the Inspector General of the Intel-
4 ligence Community including methods to contact the In-
5 spector General.

6 “(2) The information referred to in paragraph (1)
7 shall be obvious and facilitate accessibility to the informa-
8 tion related to the Office of the Inspector General of the
9 Intelligence Community.”.

10 **SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMA-**
11 **TION OFFICER IN THE EXECUTIVE SCHED-**
12 **ULE.**

13 Section 5315 of title 5, United States Code, is
14 amended by inserting after the item relating to the Chief
15 Information Officer, Small Business Administration the
16 following new item:

17 “Chief Information Officer of the Intelligence
18 Community.”.

19 **Subtitle B—Central Intelligence**
20 **Agency**

21 **SEC. 411. BURIAL ALLOWANCE.**

22 (a) IN GENERAL.—Section 11 of the Central Intel-
23 ligence Agency Act of 1949 (50 U.S.C. 403k) is amend-
24 ed—

1 (1) in the heading, by inserting “AND BURIAL
2 ALLOWANCE” after “GRATUITIES”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(c)(1) At the request of a representative of the es-
6 tate of any officer or employee of the Agency (as deter-
7 mined in accordance with the laws of a State) who dies
8 in a manner described in subsection (a)(1), the Director
9 may pay to such estate a burial allowance.

10 “(2) A burial allowance paid under paragraph (1)
11 may be used to cover burial expenses, including recovery,
12 mortuary, funeral or memorial service, cremation, burial
13 costs, and costs of transportation by common carrier to
14 the place selected for final disposition of the deceased.

15 “(3) Each payment made under this subsection shall
16 be—

17 “(A) in an amount not greater than \$15,000
18 plus the actual costs of transportation referred to in
19 paragraph (2); and

20 “(B) in addition to any other benefit that may
21 be due under any other provision of law.

22 “(4) The Director may annually increase the amount
23 in paragraph (3)(A) to reflect any increase in the Con-
24 sumer Price Index occurring during the preceding year.

1 “(5) The Director may pay the burial benefit author-
2 ized under this subsection more than once for funeral, me-
3 morial, or burial expenses stemming from a single death
4 of an officer or employee of the Agency if the remains of
5 such officer or employee were not recovered, were recov-
6 ered after considerable delay, or were not recovered in-
7 tact.”.

8 (b) **EFFECTIVE DATE OF AUTHORITY TO INCREASE**
9 **ALLOWANCE.**—Section 11(c)(4) of the Central Intel-
10 ligence Agency Act of 1949, as added by subsection (a),
11 shall take effect on the date that is one year after the
12 date of the enactment of this Act.

13 **SEC. 412. ACCEPTANCE OF GIFTS.**

14 Section 12 of the Central Intelligence Agency Act of
15 1949 (50 U.S.C. 4031(a)) is amended—

16 (1) in subsection (a)—

17 (A) by inserting “(1)” after “(a)”; and

18 (B) by striking the second and third sen-
19 tences and inserting the following:

20 “(2) Any gift accepted under this section (and any
21 income produced by any such gift)—

22 “(A) may be used only for—”

23 “(i) artistic display;

24 “(ii) purposes relating to the general wel-
25 fare, education, or recreation of employees or

1 dependents of employees of the Agency or for
2 similar purposes; or

3 “(iii) purposes relating to the welfare, edu-
4 cation, or recreation of an individual described
5 in paragraph (3); and

6 “(B) under no circumstances may such a gift
7 (or any income produced by any such gift) be used
8 for operational purposes.

9 “(3) An individual described in this paragraph is an
10 individual who—

11 “(A) is an employee or a former employee of
12 the Agency who suffered injury or illness while em-
13 ployed by the Agency that—

14 “(i) resulted from hostile or terrorist ac-
15 tivities;

16 “(ii) occurred in connection with an intel-
17 ligence activity having a significant element of
18 risk; or

19 “(iii) occurred under other circumstances
20 determined by the Director to be analogous to
21 the circumstances described in clause (i) or (ii);

22 “(B) is a family member of such an employee
23 or former employee; or

24 “(C) is a surviving family member of an em-
25 ployee of the Agency who died in circumstances de-

1 scribed in clause (i), (ii), or (iii) of subparagraph
2 (A).

3 “(4) The Director may not accept any gift under this
4 section that is expressly conditioned upon any expenditure
5 not to be met from the gift itself or from income produced
6 by the gift unless such expenditure has been authorized
7 by law.

8 “(5) The Director may, in the Director’s discretion,
9 determine that an individual described in subparagraph
10 (A) or (B) of paragraph (3) may accept a gift for the pur-
11 poses described in paragraph (2)(A)(iii).”; and

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

14 “(f) The Director, in consultation with the Director
15 of the Office of Government Ethics, shall issue regulations
16 to carry out the authority provided in this section. Such
17 regulations shall ensure that such authority is exercised
18 consistent with all relevant ethical constraints and prin-
19 ciples, including—

20 “(1) the avoidance of any prohibited conflict of
21 interest or appearance of impropriety; and

22 “(2) a prohibition against the acceptance of a
23 gift from a foreign government or an agent of a for-
24 eign government.”.

1 **SEC. 413. FOREIGN LANGUAGE PROFICIENCY REQUIRE-**
2 **MENTS FOR CENTRAL INTELLIGENCE AGEN-**
3 **CY OFFICERS.**

4 (a) IN GENERAL.—Section 104A(g) of the National
5 Security Act of 1947 (50 U.S.C. 403–4a(g)) is amended—

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph

8 (A)—

9 (i) by inserting “in the Directorate of
10 Intelligence career service or the National
11 Clandestine Service career service” after
12 “an individual”;

13 (ii) by inserting “or promoted” after
14 “appointed”; and

15 (iii) by striking “individual—” and in-
16 serting “individual has been certified as
17 having a professional speaking and reading
18 proficiency in a foreign language, such pro-
19 ficiency being at least level 3 on the Inter-
20 agency Language Roundtable Language
21 Skills Level or commensurate proficiency
22 level using such other indicator of pro-
23 ficiency as the Director of the Central In-
24 telligence Agency considers appropriate.”;

25 (B) by striking subparagraphs (A) and
26 (B); and

1 (2) in paragraph (2), by striking “position or
2 category of positions” both places that term appears
3 and inserting “position, category of positions, or oc-
4 cupation”.

5 (b) EFFECTIVE DATE.—Section 611(b) of the Intel-
6 ligence Authorization Act for Fiscal Year 2005 (Public
7 Law 108–487; 50 U.S.C. 403–4a note) is amended—

8 (1) by inserting “or promotions” after “ap-
9 pointments”; and

10 (2) by striking “that is one year after the
11 date”.

12 (c) REPORT ON WAIVERS.—Section 611(c) of the In-
13 telligence Authorization Act for Fiscal Year 2005 (Public
14 Law 108–487; 118 Stat. 3955) is amended—

15 (1) in the first sentence—

16 (A) by striking “positions” and inserting
17 “individual waivers”; and

18 (B) by striking “Directorate of Oper-
19 ations” and inserting “National Clandestine
20 Service”; and

21 (2) in the second sentence, by striking “position
22 or category of positions” and inserting “position,
23 category of positions, or occupation”.

24 (d) REPORT ON TRANSFERS.—Not later than 45
25 days after the date of the enactment of this Act, and on

1 an annual basis for each of the following 3 years, the Di-
2 rector of the Central Intelligence Agency shall submit to
3 the congressional intelligence committees a report on the
4 number of Senior Intelligence Service employees of the
5 Agency who—

6 (1) were transferred during the reporting period
7 to a Senior Intelligence Service position in the Direc-
8 torate of Intelligence career service or the National
9 Clandestine Service career service; and

10 (2) did not meet the foreign language require-
11 ments specified in section 104A(g)(1) of the Na-
12 tional Security Act of 1947 (50 U.S.C. 403–
13 4a(g)(1)) at the time of such transfer.

14 **SEC. 414. PUBLIC AVAILABILITY OF INFORMATION RE-**
15 **GARDING THE INSPECTOR GENERAL OF THE**
16 **CENTRAL INTELLIGENCE AGENCY.**

17 Section 17 of the Central Intelligence Agency Act of
18 1949 (50 U.S.C. 403q) is amended by adding at the end
19 the following new subsection:

20 “(h) INFORMATION ON WEBSITE.—(1) The Director
21 of the Central Intelligence Agency shall establish and
22 maintain on the homepage of the Agency’s publicly acces-
23 sible website information relating to the Office of the In-
24 spector General including methods to contact the Inspec-
25 tor General.

1 “(2) The information referred to in paragraph (1)
2 shall be obvious and facilitate accessibility to the informa-
3 tion related to the Office of the Inspector General.”.

4 **SEC. 415. CREATING AN OFFICIAL RECORD OF THE OSAMA**

5 **BIN LADEN OPERATION.**

6 (a) FINDINGS.—The Congress finds the following:

7 (1) On May 1, 2011, United States personnel
8 killed terrorist leader Osama bin Laden during the
9 course of a targeted strike against his secret com-
10 pound in Abbottabad, Pakistan.

11 (2) Osama bin Laden was the leader of the al
12 Qaeda terrorist organization, the most significant
13 terrorism threat to the United States and the inter-
14 national community.

15 (3) Osama bin Laden was the architect of ter-
16 rorist attacks which killed nearly 3,000 civilians on
17 September 11, 2001, the most deadly terrorist at-
18 tack against our Nation, in which al Qaeda terror-
19 ists hijacked four airplanes and crashed them into
20 the World Trade Center in New York City, the Pen-
21 tagon in Washington, D.C., and, due to heroic ef-
22 forts by civilian passengers to disrupt the terrorists,
23 near Shanksville, Pennsylvania.

24 (4) Osama bin Laden planned or supported nu-
25 merous other deadly terrorist attacks against the

1 United States and its allies, including the 1998
2 bombings of United States embassies in Kenya and
3 Tanzania and the 2000 attack on the U.S.S. Cole in
4 Yemen, and against innocent civilians in countries
5 around the world, including the 2004 attack on com-
6 muter trains in Madrid, Spain and the 2005 bomb-
7 ings of the mass transit system in London, England.

8 (5) Following the September 11, 2001, terrorist
9 attacks, the United States, under President George
10 W. Bush, led an international coalition into Afghani-
11 stan to dismantle al Qaeda, deny them a safe haven
12 in Afghanistan and ungoverned areas along the Pak-
13 istani border, and bring Osama bin Laden to justice.

14 (6) President Barack Obama in 2009 com-
15 mitted additional forces and resources to efforts in
16 Afghanistan and Pakistan as “the central front in
17 our enduring struggle against terrorism and extre-
18 mism”.

19 (7) The valiant members of the United States
20 Armed Forces have courageously and vigorously pur-
21 sued al Qaeda and its affiliates in Afghanistan and
22 around the world.

23 (8) The anonymous, unsung heroes of the intel-
24 ligence community have pursued al Qaeda and affili-
25 ates in Afghanistan, Pakistan, and around the world

1 with tremendous dedication, sacrifice, and profes-
2 sionalism.

3 (9) The close collaboration between the Armed
4 Forces and the intelligence community prompted the
5 Director of National Intelligence, General James
6 Clapper, to state, “Never have I seen a more re-
7 markable example of focused integration, seamless
8 collaboration, and sheer professional magnificence as
9 was demonstrated by the Intelligence Community in
10 the ultimate demise of Osama bin Laden.”.

11 (10) While the death of Osama bin Laden rep-
12 resents a significant blow to the al Qaeda organiza-
13 tion and its affiliates and to terrorist organizations
14 around the world, terrorism remains a critical threat
15 to United States national security.

16 (11) President Obama said, “For over two dec-
17 ades, bin Laden has been al Qaeda’s leader and
18 symbol, and has continued to plot attacks against
19 our country and our friends and allies. The death of
20 bin Laden marks the most significant achievement
21 to date in our Nation’s effort to defeat al Qaeda.”.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

1 (1) the raid that killed Osama bin Laden dem-
2 onstrated the best of the intelligence communities
3 capabilities and teamwork;

4 (2) for years to come, Americans will look back
5 at this event as a defining point in the history of the
6 United States;

7 (3) it is vitally important that the United
8 States memorialize all the events that led to the raid
9 so that future generations will have an official
10 record of the events that transpired before, during,
11 and as a result of the operation; and

12 (4) preserving this history now will allow the
13 United States to have an accurate account of the
14 events while those that participated in the events are
15 still serving in the Government.

16 (c) REPORT ON THE OPERATION THAT KILLED
17 OSAMA BIN LADEN.—Not later than one year after the
18 date of the enactment of this Act, the Director of the Cen-
19 tral Intelligence Agency, in consultation with other agen-
20 cies and entities involved in the operation that killed
21 Osama bin Laden, shall submit to the congressional intel-
22 ligence committees a classified report that memorializes
23 such operation including a description of the events lead-
24 ing up to the discovery of the location of Osama bin

1 Laden, the planning and execution of the raid, and the
2 results of the intelligence gained from the raid.

3 (d) PRESERVATION OF RECORDS.—The Director of
4 the Central Intelligence Agency shall preserve any records,
5 including intelligence information and assessments, used
6 to generate the report described in subsection (c).

7 **SEC. 416. RECRUITMENT OF PERSONNEL IN THE OFFICE OF**
8 **THE INSPECTOR GENERAL.**

9 (a) STUDY.—The Director of the Central Intelligence
10 Agency, in consultation with the Inspector General of the
11 Central Intelligence Agency, shall carry out a study of the
12 personnel issues of the Office of the Inspector General.

13 Such study shall include—

14 (1) identification of any barriers or disincen-
15 tives to the recruitment or retention of experienced
16 investigators within the Office of the Inspector Gen-
17 eral; and

18 (2) a comparison of the personnel authorities of
19 the Inspector General with personnel authorities of
20 Inspectors General of other agencies and depart-
21 ments of the United States, including a comparison
22 of the benefits available to experienced investigators
23 within the Office of the Inspector General of the
24 Central Intelligence Agency with similar benefits

1 available within the offices of Inspectors General of
2 such other agencies or departments.

3 (b) RECOMMENDATIONS.—Not later than 90 days
4 after the date of the enactment of this Act, the Director
5 of the Central Intelligence Agency shall submit to the con-
6 gressional intelligence committees—

7 (1) any recommendations of the Director for
8 legislative action based on the results of the study
9 conducted under subsection (a); and

10 (2) a description of any administrative actions
11 taken by the Director based on such results.

12 **Subtitle C—National Security** 13 **Agency**

14 **SEC. 421. CONFIRMATION OF APPOINTMENT OF THE DI-** 15 **RECTOR OF THE NATIONAL SECURITY AGEN-** 16 **CY.**

17 (a) DIRECTOR OF NATIONAL SECURITY AGENCY.—
18 Section 2 of the National Security Agency Act of 1959
19 (50 U.S.C. 402 note) is amended—

20 (1) by inserting “(b)” before “There”; and

21 (2) by inserting before subsection (b), as so
22 designated by paragraph (1), the following new sub-
23 section

24 “(a)(1) There is a Director of the National Security
25 Agency.

1 “(2) The Director of the National Security Agency
2 shall be appointed by the President, by and with the advice
3 and consent of the Senate.

4 “(3) The Director of the National Security Agency
5 shall be the head of the National Security Agency and
6 shall discharge such functions and duties as are provided
7 by this Act or otherwise by law.”.

8 (b) POSITIONS OF IMPORTANCE AND RESPONSIB-
9 BILITY.—The President may designate the Director of the
10 National Security Agency as a position of importance and
11 responsibility under section 601 of title 10, United States
12 Code.

13 (c) EFFECTIVE DATE AND APPLICABILITY.—

14 (1) IN GENERAL.—The amendments made by
15 subsection (a) shall take effect on the date of the en-
16 actment of this Act and shall apply upon the earlier
17 of—

18 (A) the date of the nomination by the
19 President of an individual to serve as the Direc-
20 tor of the National Security Agency, except that
21 the individual serving as such Director as of the
22 date of the enactment of this Act may continue
23 to perform such duties after such date of nomi-
24 nation and until the individual appointed as
25 such Director, by and with the advice and con-

1 sent of the Senate, assumes the duties of such
2 Director; or

3 (B) the date of the cessation of the per-
4 formance of the duties of such Director by the
5 individual performing such duties as of the date
6 of the enactment of this Act.

7 (2) POSITIONS OF IMPORTANCE AND RESPONSI-
8 BILITY.—Subsection (b) shall take effect on the date
9 of the enactment of this Act.

10 **SEC. 422. ADDITIONAL AUTHORITIES FOR NATIONAL SECU-**
11 **RITY AGENCY SECURITY PERSONNEL.**

12 (a) AUTHORITY TO TRANSPORT APPREHENDED
13 PERSONS.—Paragraph (5) of section 11(a) of the Na-
14 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
15 is amended to read as follows:

16 “(5) Agency personnel authorized by the Director
17 under paragraph (1) may transport an individual appre-
18 hended under the authority of this section from the prem-
19 ises at which the individual was apprehended, as described
20 in subparagraph (A) or (B) of paragraph (1), for the pur-
21 pose of transferring such individual to the custody of law
22 enforcement officials. Such transportation may be pro-
23 vided only to make a transfer of custody at a location with-
24 in 30 miles of the premises described in subparagraphs
25 (A) and (B) of paragraph (1).”.

1 (b) CONFORMING AMENDMENT RELATING TO TORT
2 LIABILITY.—Paragraph (1) of section 11(d) of the Na-
3 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
4 is amended—

5 (1) in subparagraph (B), by striking “or” at
6 the end;

7 (2) in subparagraph (C), by striking the period
8 at the end and inserting “; or”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(D) transport an individual pursuant to sub-
12 section (a)(2).”.

13 **Subtitle D—Other Elements**

14 **SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE** 15 **AND ANALYSIS OF THE DEPARTMENT OF** 16 **HOMELAND SECURITY AS ELEMENT OF THE** 17 **INTELLIGENCE COMMUNITY.**

18 Section 3(4)(K) of the National Security Act of 1947
19 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

20 “(K) The Office of Intelligence and Anal-
21 ysis of the Department of Homeland Security.”.

1 **SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICI-**
2 **PATION IN THE DEPARTMENT OF JUSTICE**
3 **LEAVE BANK.**

4 Subsection (b) of section 6372 of title 5, United
5 States Code, is amended to read as follows:

6 “(b)(1) Except as provided in paragraph (2) and not-
7 withstanding any other provision of this subchapter, nei-
8 ther an excepted agency nor any individual employed in
9 or under an excepted agency may be included in a leave
10 bank program established under any of the preceding pro-
11 visions of this subchapter.

12 “(2) Notwithstanding any other provision of law, the
13 Director of the Federal Bureau of Investigation may au-
14 thorize an individual employed by the Bureau to partici-
15 pate in a leave bank program administered by the Depart-
16 ment of Justice under this subchapter if in the Director’s
17 judgment such participation will not adversely affect the
18 protection of intelligence sources and methods.”.

19 **SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR AP-**
20 **PROPRIATIONS AND OTHER AMOUNTS FOR**
21 **INTELLIGENCE ELEMENTS OF THE DEPART-**
22 **MENT OF DEFENSE.**

23 (a) IN GENERAL.—Chapter 21 of title 10, United
24 States Code, is amended by inserting after section 428 the
25 following new section:

1 **“§ 429. Appropriations for Defense intelligence ele-**
2 **ments: accounts for transfers; transfer**
3 **authority**

4 “(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE
5 INTELLIGENCE ELEMENTS.—The Secretary of Defense
6 may transfer appropriations of the Department of Defense
7 which are available for the activities of Defense intel-
8 ligence elements to an account or accounts established for
9 receipt of such transfers. Each such account may also re-
10 ceive transfers from the Director of National Intelligence
11 if made pursuant to Section 102A of the National Security
12 Act of 1947 (50 U.S.C. 403-1), and transfers and reim-
13 bursements arising from transactions, as authorized by
14 law, between a Defense intelligence element and another
15 entity. Appropriation balances in each such account may
16 be transferred back to the account or accounts from which
17 such appropriations originated as appropriation refunds.

18 “(b) RECORDATION OF TRANSFERS.—Transfers
19 made pursuant to subsection (a) shall be recorded as ex-
20 penditure transfers.

21 “(c) AVAILABILITY OF FUNDS.—Funds transferred
22 pursuant to subsection (a) shall remain available for the
23 same time period and for the same purpose as the appro-
24 priation from which transferred, and shall remain subject
25 to the same limitations provided in the act making the
26 appropriation.

1 “(d) OBLIGATION AND EXPENDITURE OF FUNDS.—
2 Unless otherwise specifically authorized by law, funds
3 transferred pursuant to subsection (a) shall only be obli-
4 gated and expended in accordance with chapter 15 of title
5 31 and all other applicable provisions of law.

6 “(e) DEFENSE INTELLIGENCE ELEMENT DE-
7 FINED.—In this section, the term ‘Defense intelligence
8 element’ means any of the Department of Defense agen-
9 cies, offices, and elements included within the definition
10 of ‘intelligence community’ under section 3(4) of the Na-
11 tional Security Act of 1947 (50 U.S.C. 401a(4)).”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of subchapter I of such chapter is amend-
14 ed by adding at the end the following new item:

 “429. Appropriations for Defense intelligence elements: accounts for transfers;
 transfer authority.”.

15 **SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE**
16 **INTELLIGENCE WORKFORCE.**

17 (a) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Director of National In-
19 telligence and the Under Secretary of Defense for Intel-
20 ligence shall submit to the Permanent Select Committee
21 on Intelligence and the Committee on Armed Services of
22 the House of Representatives and the Select Committee
23 on Intelligence and the Committee on Armed Services of

1 the Senate a report on the training standards of the de-
2 fense intelligence workforce. Such report shall include—

3 (1) a description of existing training, education,
4 and professional development standards applied to
5 personnel of defense intelligence components; and

6 (2) an assessment of the ability to implement a
7 certification program for personnel of the defense in-
8 telligence components based on achievement of re-
9 quired training, education, and professional develop-
10 ment standards.

11 (b) DEFINITIONS.—In this section:

12 (1) DEFENSE INTELLIGENCE COMPONENTS.—

13 The term “defense intelligence components”
14 means—

15 (A) the National Security Agency;

16 (B) the Defense Intelligence Agency;

17 (C) the National Geospatial-Intelligence
18 Agency;

19 (D) the National Reconnaissance Office;

20 (E) the intelligence elements of the Army,
21 the Navy, the Air Force, and the Marine Corps;
22 and

23 (F) other offices within the Department of
24 Defense for the collection of specialized national
25 intelligence through reconnaissance programs.

1 (2) DEFENSE INTELLIGENCE WORKFORCE.—
2 The term “defense intelligence workforce” means
3 the personnel of the defense intelligence components.

4 **TITLE V—OTHER MATTERS**

5 **SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE** 6 **OF UNMANNED AERIAL VEHICLES ALONG** 7 **THE BORDER OF THE UNITED STATES AND** 8 **MEXICO.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of Homeland Security shall
11 submit to the congressional intelligence committees, the
12 Committee on Homeland Security of the House of Rep-
13 resentatives, and the Committee on Homeland Security
14 and Governmental Affairs of the Senate a report on
15 whether restrictions on the use of airspace are hampering
16 the use of unmanned aerial vehicles by the Department
17 of Homeland Security along the international border be-
18 tween the United States and Mexico.

19 **SEC. 502. TECHNICAL AMENDMENTS TO THE NATIONAL SE-** 20 **CURITY ACT OF 1947.**

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

23 (1) in section 3(6) (50 U.S.C. 401a(6)), by
24 striking “Director of Central Intelligence” and in-
25 serting “Director of National Intelligence”;

1 (2) in section 506(b) (50 U.S.C. 415a(b)), by
2 striking “Director of Central Intelligence.” and in-
3 serting “Director of National Intelligence.”; and

4 (3) in section 506A(c)(2)(C) (50 U.S.C. 415a-
5 1(c)(2)(C)), by striking “National Foreign Intel-
6 ligence Program” both places that term appears and
7 inserting “National Intelligence Program”.

8 **SEC. 503. TECHNICAL AMENDMENTS TO TITLE 18, UNITED**
9 **STATES CODE.**

10 Section 351(a) of title 18, United States Code, is
11 amended—

12 (1) by inserting “the Director (or a person
13 nominated to be Director during the pendency of
14 such nomination) or Principal Deputy Director of
15 National Intelligence,” after “in such department,”;
16 and

17 (2) by striking “Central Intelligence,” and in-
18 serting “the Central Intelligence Agency,”.