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## **TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY**

**SEC. 1001. SHORT TITLE.**

*This title may be cited as the “National Security Intelligence Reform Act of 2004”.*

### **Subtitle A—Establishment of Director of National Intelligence**

**SEC. 1011. REORGANIZATION AND IMPROVEMENT OF MANAGEMENT OF INTELLIGENCE COMMUNITY.**

*(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:*

*“DIRECTOR OF NATIONAL INTELLIGENCE*

*“SEC. 102. (a) DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise.*

*“(2) The Director of National Intelligence shall not be located within the Executive Office of the President.*

*“(b) PRINCIPAL RESPONSIBILITY.—Subject to the authority, direction, and control of the President, the Director of National Intelligence shall—*

*“(1) serve as head of the intelligence community;*

*“(2) act as the principal adviser to the President, to the National Security Council, and the Homeland Security Council for intelligence matters related to the national security; and*

*“(3) consistent with section 1018 of the National Security Intelligence Reform Act of 2004, oversee and direct the implementation of the National Intelligence Program.*

*“(c) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director of National Intelligence shall not, while so*

*...serving, also serve as the Director of the Central Intelligence Agency or as the head of any other element of the intelligence community.*

*“RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE*

*“SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—*

*“(A) to the President;*

*“(B) to the heads of departments and agencies of the executive branch;*

*“(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;*

*“(D) to the Senate and House of Representatives and the committees thereof; and*

*“(E) to such other persons as the Director of National Intelligence determines to be appropriate.*

*“(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.*

*“(b) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.*

*“(c) BUDGET AUTHORITIES.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—*

*“(A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;*

*“(B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and*

*“(C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.*

*“(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.*

*“(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities.*

*“(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.*

*“(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.*

*“(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.*

*“(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.*

*“(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations.*

*“(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).*

*“(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.*

*“(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.*

*“(d) ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN TRANSFER AND REPROGRAMMING OF FUNDS.—(1)(A) No funds made available under the National Intelligence Program may be transferred or*

reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

“(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Joint Military Intelligence Program.

“(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program to another such program.

“(3) The Director of National Intelligence may only transfer or reprogram funds referred to in subparagraph (A)—

“(A) with the approval of the Director of the Office of Management and Budget; and

“(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

“(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

“(5)(A) A transfer or reprogramming of funds or personnel may be made under this subsection only if—

“(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

“(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

“(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

“(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

“(I) that is less than \$150,000,000, and

“(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

“(v) the transfer or reprogramming does not terminate an acquisition program.

“(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department or agency involved to the deputy of such officer.

“(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

“(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

“(e) TRANSFER OF PERSONNEL.—(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

“(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

- “(i) the congressional intelligence committees;
- “(ii) the Committees on Appropriations of the Senate and the House of Representatives;
- “(iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
- “(iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

“(C) The Director shall include in any notice under subparagraph (B) an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

“(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years.

“(B) A transfer of personnel may be made under this paragraph only if—

- “(i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and
- “(ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.

“(C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

- “(i) the congressional intelligence committees;

“(ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

“(iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

“(D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.

“(3) It is the sense of Congress that—

“(A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;

“(B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be fully and properly supported with appropriate levels of personnel resources and that the President’s yearly budget requests adequately support those needs; and

“(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

“(f) TASKING AND OTHER AUTHORITIES.—(1)(A) The Director of National Intelligence shall—

“(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

“(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

“(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

“(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

“(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

“(B) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

“(i) insofar as the President so directs;

“(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

*“(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).*

*“(2) The Director of National Intelligence shall oversee the National Counterterrorism Center and may establish such other national intelligence centers as the Director determines necessary.*

*“(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—*

*“(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;*

*“(ii) set standards for education, training, and career development of personnel of the intelligence community;*

*“(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;*

*“(iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;*

*“(v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and*

*“(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.*

*“(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.*

*“(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.*

*“(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.*

*“(6) The Director of National Intelligence shall establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.*

*“(7) The Director of National Intelligence shall perform such other functions as the President may direct.*

*“(8) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.*

*“(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—*

*“(A) establish uniform security standards and procedures;*

*“(B) establish common information technology standards, protocols, and interfaces;*

*“(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;*

*“(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;*

*“(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture; and*

*“(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program.*

*“(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).*

*“(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.*

*“(4) Not later than February 1 of each year, the Director of National Intelligence shall submit to the President and to the Congress an annual report that identifies any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively implement paragraph (1).*

*“(h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—*

*“(1) implement policies and procedures—*

*“(A) to encourage sound analytic methods and tradecraft throughout the elements of the intelligence community;*

*“(B) to ensure that analysis is based upon all sources available; and*

*“(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;*

“(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

“(3) ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and

“(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

“(i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—

(1) The Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

“(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement guidelines for the intelligence community for the following purposes:

“(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

“(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

“(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

“(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

“(j) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

“(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

“(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

“(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies; and

“(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security.

“(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

*“(l) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—*

*“(i) on the staff of the Director of National Intelligence;*

*“(ii) on the staff of the national intelligence centers;*

*“(iii) on the staff of the National Counterterrorism Center;*

*and*

*“(iv) in other positions in support of the intelligence community management functions of the Director.*

*“(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.*

*“(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.*

*“(B) The Director may prescribe regulations to carry out this section.*

*“(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.*

*“(B) The mechanisms prescribed under subparagraph (A) may include the following:*

*“(i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.*

*“(ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.*

*“(iii) The establishment of requirements for education, training, service, and evaluation for service involving more than one element of the intelligence community.*

*“(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater–Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433).*

*“(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.*

*“(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent*

with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

“(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

“(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

“(m) ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.—

(1) In addition to the authorities under subsection (f)(3), the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this subsection to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

“(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this subsection.

“(n) ACQUISITION AUTHORITIES.—(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) other than the authorities referred to in section 8(b) of that Act (50 U.S.C. 403j(b)).

“(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

“(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

“(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official’s discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

“(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

*“(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.*

*“(o) CONSIDERATION OF VIEWS OF ELEMENTS OF INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.*

*“(p) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING THE DEPARTMENT OF DEFENSE.—Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.*

*“(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—*

*“(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;*

*“(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and*

*“(C) periodically—*

*“(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and*

*“(ii) submit to Congress a report on the results of such review and assessment.*

*“(2) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.*

*“(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.*

*“(4) In this subsection:*

*“(A) The term ‘intelligence program’, with respect to the acquisition of a major system, means a program that—*

“(i) is carried out to acquire such major system for an element of the intelligence community; and

“(ii) is funded in whole out of amounts available for the National Intelligence Program.

“(B) The term ‘major system’ has the meaning given such term in section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9)).

“(r) PERFORMANCE OF COMMON SERVICES.—The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

“OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 103. (a) OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—There is an Office of the Director of National Intelligence.

“(b) FUNCTION.—The function of the Office of the Director of National Intelligence is to assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

“(c) COMPOSITION.—The Office of the Director of National Intelligence is composed of the following:

“(1) The Director of National Intelligence.

“(2) The Principal Deputy Director of National Intelligence.

“(3) Any Deputy Director of National Intelligence appointed under section 103A.

“(4) The National Intelligence Council.

“(5) The General Counsel.

“(6) The Civil Liberties Protection Officer.

“(7) The Director of Science and Technology.

“(8) The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).

“(9) Such other offices and officials as may be established by law or the Director may establish or designate in the Office, including national intelligence centers.

“(d) STAFF.—(1) To assist the Director of National Intelligence in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the Director of National Intelligence a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

“(2) The staff of the Office of the Director of National Intelligence under paragraph (1) shall include the staff of the Office of the Deputy Director of Central Intelligence for Community Management that is transferred to the Office of the Director of National In-

telligence under section 1091 of the National Security Intelligence Reform Act of 2004.

“(e) LIMITATION ON CO-LOCATION WITH OTHER ELEMENTS OF INTELLIGENCE COMMUNITY.—Commencing as of October 1, 2008, the Office of the Director of National Intelligence may not be co-located with any other element of the intelligence community.

“DEPUTY DIRECTORS OF NATIONAL INTELLIGENCE

“SEC. 103A. (a) PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Principal Deputy Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) In the event of a vacancy in the position of Principal Deputy Director of National Intelligence, the Director of National Intelligence shall recommend to the President an individual for appointment as Principal Deputy Director of National Intelligence.

“(3) Any individual nominated for appointment as Principal Deputy Director of National Intelligence shall have extensive national security experience and management expertise.

“(4) The individual serving as Principal Deputy Director of National Intelligence shall not, while so serving, serve in any capacity in any other element of the intelligence community.

“(5) The Principal Deputy Director of National Intelligence shall assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director.

“(6) The Principal Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence.

“(b) DEPUTY DIRECTORS OF NATIONAL INTELLIGENCE.—(1) There may be not more than four Deputy Directors of National Intelligence who shall be appointed by the Director of National Intelligence.

“(2) Each Deputy Director of National Intelligence appointed under this subsection shall have such duties, responsibilities, and authorities as the Director of National Intelligence may assign or are specified by law.

“(c) MILITARY STATUS OF DIRECTOR OF NATIONAL INTELLIGENCE AND PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) Not more than one of the individuals serving in the positions specified in paragraph (2) may be a commissioned officer of the Armed Forces in active status.

“(2) The positions referred to in this paragraph are the following:

“(A) The Director of National Intelligence.

“(B) The Principal Deputy Director of National Intelligence.

“(3) It is the sense of Congress that, under ordinary circumstances, it is desirable that one of the individuals serving in the positions specified in paragraph (2)—

“(A) be a commissioned officer of the Armed Forces, in active status; or

“(B) have, by training or experience, an appreciation of military intelligence activities and requirements.

“(4) A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (2)—

“(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

“(B) shall not exercise, by reason of the officer’s status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

“(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

“(5) Except as provided in subparagraph (A) or (B) of paragraph (4), the appointment of an officer of the Armed Forces to a position specified in paragraph (2) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

“(6) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in paragraph (2), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of National Intelligence.

“NATIONAL INTELLIGENCE COUNCIL

“SEC. 103B. (a) NATIONAL INTELLIGENCE COUNCIL.—There is a National Intelligence Council.

“(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of National Intelligence.

“(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

“(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

“(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community and other information as specified in paragraph (2);

“(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

“(C) otherwise assist the Director of National Intelligence in carrying out the responsibilities of the Director under section 102A.

“(2) *The Director of National Intelligence shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence.*

“(d) *SERVICE AS SENIOR INTELLIGENCE ADVISERS.—Within their respective areas of expertise and under the direction of the Director of National Intelligence, the members of the National Intelligence Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the United States Government.*

“(e) *AUTHORITY TO CONTRACT.—Subject to the direction and control of the Director of National Intelligence, the National Intelligence Council may carry out its responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.*

“(f) *STAFF.—The Director of National Intelligence shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its responsibilities under this section.*

“(g) *AVAILABILITY OF COUNCIL AND STAFF.—(1) The Director of National Intelligence shall take appropriate measures to ensure that the National Intelligence Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.*

“(2) *The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.*

“(h) *SUPPORT.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the Director of National Intelligence.*

“(i) *NATIONAL INTELLIGENCE COUNCIL PRODUCT.—For purposes of this section, the term ‘National Intelligence Council product’ includes a National Intelligence Estimate and any other intelligence community assessment that sets forth the judgment of the intelligence community as a whole on a matter covered by such product.*

#### “GENERAL COUNSEL

“SEC. 103C. (a) *GENERAL COUNSEL.—There is a General Counsel of the Office of the Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.*

“(b) *PROHIBITION ON DUAL SERVICE AS GENERAL COUNSEL OF ANOTHER AGENCY.—The individual serving in the position of General Counsel may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.*

“(c) *SCOPE OF POSITION.—The General Counsel is the chief legal officer of the Office of the Director of National Intelligence.*

“(d) *FUNCTIONS.—The General Counsel shall perform such functions as the Director of National Intelligence may prescribe.*

#### “CIVIL LIBERTIES PROTECTION OFFICER

“SEC. 103D. (a) *CIVIL LIBERTIES PROTECTION OFFICER.—(1) Within the Office of the Director of National Intelligence, there is a*

*Civil Liberties Protection Officer who shall be appointed by the Director of National Intelligence.*

*“(2) The Civil Liberties Protection Officer shall report directly to the Director of National Intelligence.*

*“(b) DUTIES.—The Civil Liberties Protection Officer shall—*

*“(1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the Office of the Director of National Intelligence and the elements of the intelligence community within the National Intelligence Program;*

*“(2) oversee compliance by the Office and the Director of National Intelligence with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy;*

*“(3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the Director of National Intelligence and, as appropriate, investigate any such complaint or information;*

*“(4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;*

*“(5) ensure that personal information contained in a system of records subject to section 552a of title 5, United States Code (popularly referred to as the ‘Privacy Act’), is handled in full compliance with fair information practices as set out in that section;*

*“(6) conduct privacy impact assessments when appropriate or as required by law; and*

*“(7) perform such other duties as may be prescribed by the Director of National Intelligence or specified by law.*

*“(c) USE OF AGENCY INSPECTORS GENERAL.—When appropriate, the Civil Liberties Protection Officer may refer complaints to the Office of Inspector General having responsibility for the affected element of the department or agency of the intelligence community to conduct an investigation under paragraph (3) of subsection (b).*

*“DIRECTOR OF SCIENCE AND TECHNOLOGY*

*“SEC. 103E. (a) DIRECTOR OF SCIENCE AND TECHNOLOGY.—There is a Director of Science and Technology within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.*

*“(b) REQUIREMENT RELATING TO APPOINTMENT.—An individual appointed as Director of Science and Technology shall have a professional background and experience appropriate for the duties of the Director of Science and Technology.*

*“(c) DUTIES.—The Director of Science and Technology shall—*

*“(1) act as the chief representative of the Director of National Intelligence for science and technology;*

*“(2) chair the Director of National Intelligence Science and Technology Committee under subsection (d);*

*“(3) assist the Director in formulating a long-term strategy for scientific advances in the field of intelligence;*

“(4) assist the Director on the science and technology elements of the budget of the Office of the Director of National Intelligence; and

“(5) perform other such duties as may be prescribed by the Director of National Intelligence or specified by law.

“(d) DIRECTOR OF NATIONAL INTELLIGENCE SCIENCE AND TECHNOLOGY COMMITTEE.—(1) There is within the Office of the Director of Science and Technology a Director of National Intelligence Science and Technology Committee.

“(2) The Committee shall be composed of the principal science officers of the National Intelligence Program.

“(3) The Committee shall—

“(A) coordinate advances in research and development related to intelligence; and

“(B) perform such other functions as the Director of Science and Technology shall prescribe.

“NATIONAL COUNTERINTELLIGENCE EXECUTIVE

“SEC. 103F. (a) NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—The National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.) is a component of the Office of the Director of National Intelligence.

“(b) DUTIES.—The National Counterintelligence Executive shall perform the duties provided in the Counterintelligence Enhancement Act of 2002 and such other duties as may be prescribed by the Director of National Intelligence or specified by law.

“CENTRAL INTELLIGENCE AGENCY

“SEC. 104. (a) CENTRAL INTELLIGENCE AGENCY.—There is a Central Intelligence Agency.

“(b) FUNCTION.—The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 104A(c).

“DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 104A. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) SUPERVISION.—The Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency.

“(c) DUTIES.—The Director of the Central Intelligence Agency shall—

“(1) serve as the head of the Central Intelligence Agency; and

“(2) carry out the responsibilities specified in subsection (d).

“(d) RESPONSIBILITIES.—The Director of the Central Intelligence Agency shall—

“(1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

“(2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

“(3) provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and

“(4) perform such other functions and duties related to intelligence affecting the national security as the President or the Director of National Intelligence may direct.

“(e) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director deems the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

“(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.

“(f) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the Director of National Intelligence and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of the Central Intelligence Agency shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the human intelligence officers of the intelligence community have performed admirably and honorably in the face of great personal dangers;

(2) during an extended period of unprecedented investment and improvements in technical collection means, the human intelligence capabilities of the United States have not received the necessary and commensurate priorities;

(3) human intelligence is becoming an increasingly important capability to provide information on the asymmetric threats to the national security of the United States;

(4) the continued development and improvement of a robust and empowered and flexible human intelligence work force is critical to identifying, understanding, and countering the plans and intentions of the adversaries of the United States; and

(5) an increased emphasis on, and resources applied to, enhancing the depth and breadth of human intelligence capabilities of the United States intelligence community must be among the top priorities of the Director of National Intelligence.

(c) *TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.*—*The Director of the Central Intelligence Agency shall, in accordance with standards developed by the Director in consultation with the Director of National Intelligence—*

*(1) enhance the analytic, human intelligence, and other capabilities of the Central Intelligence Agency;*

*(2) develop and maintain an effective language program within the Agency;*

*(3) emphasize the hiring of personnel of diverse backgrounds for purposes of improving the capabilities of the Agency;*

*(4) establish and maintain effective relationships between human intelligence and signals intelligence within the Agency at the operational level; and*

*(5) achieve a more effective balance within the Agency with respect to unilateral operations and liaison operations.*

(d) *REPORT.*—(1) *Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the Director of National Intelligence and the congressional intelligence committees a report setting forth the following:*

*(A) A strategy for improving the conduct of analysis (including strategic analysis) by the Central Intelligence Agency, and the progress of the Agency in implementing that strategy.*

*(B) A strategy for improving the human intelligence and other capabilities of the Agency, and the progress of the Agency in implementing that strategy.*

*(2)(A) The information in the report under paragraph (1) on the strategy referred to in paragraph (1)(B) shall—*

*(i) identify the number and types of personnel required to implement that strategy;*

*(ii) include a plan for the recruitment, training, equipping, and deployment of such personnel; and*

*(iii) set forth an estimate of the costs of such activities.*

*(B) If as of the date of the report under paragraph (1), a proper balance does not exist between unilateral operations and liaison operations, such report shall set forth the steps to be taken to achieve such balance.*

**SEC. 1012. REVISED DEFINITION OF NATIONAL INTELLIGENCE.**

*Paragraph (5) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:*

*“(5) The terms ‘national intelligence’ and ‘intelligence related to national security’ refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—*

*“(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and*

*“(B) that involves—*

*“(i) threats to the United States, its people, property, or interests;*

*“(ii) the development, proliferation, or use of weapons of mass destruction; or*

*“(iii) any other matter bearing on United States national or homeland security.”.*

**SEC. 1013. JOINT PROCEDURES FOR OPERATIONAL COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY.**

(a) *DEVELOPMENT OF PROCEDURES.*—The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Central Intelligence Agency, shall develop joint procedures to be used by the Department of Defense and the Central Intelligence Agency to improve the coordination and deconfliction of operations that involve elements of both the Armed Forces and the Central Intelligence Agency consistent with national security and the protection of human intelligence sources and methods. Those procedures shall, at a minimum, provide the following:

(1) *Methods by which the Director of the Central Intelligence Agency and the Secretary of Defense can improve communication and coordination in the planning, execution, and sustainment of operations, including, as a minimum—*

(A) *information exchange between senior officials of the Central Intelligence Agency and senior officers and officials of the Department of Defense when planning for such an operation commences by either organization; and*

(B) *exchange of information between the Secretary and the Director of the Central Intelligence Agency to ensure that senior operational officials in both the Department of Defense and the Central Intelligence Agency have knowledge of the existence of the ongoing operations of the other.*

(2) *When appropriate, in cases where the Department of Defense and the Central Intelligence Agency are conducting separate missions in the same geographical area, a mutual agreement on the tactical and strategic objectives for the region and a clear delineation of operational responsibilities to prevent conflict and duplication of effort.*

(b) *IMPLEMENTATION REPORT.*—Not later than 180 days after the date of the enactment of the Act, the Director of National Intelligence shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) and the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a report describing the procedures established pursuant to subsection (a) and the status of the implementation of those procedures.

**SEC. 1014. ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN APPOINTMENT OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.**

Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by striking all after the heading and inserting the following:

“(a) *RECOMMENDATION OF DNI IN CERTAIN APPOINTMENTS.*—

(1) *In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.*

“(2) *Paragraph (1) applies to the following positions:*

“(A) *The Principal Deputy Director of National Intelligence.*

“(B) *The Director of the Central Intelligence Agency.*

“(b) *CONCURRENCE OF DNI IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.*—(1) *In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concur-*

rence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

“(2) Paragraph (1) applies to the following positions:

“(A) The Director of the National Security Agency.

“(B) The Director of the National Reconnaissance Office.

“(C) The Director of the National Geospatial-Intelligence Agency.

“(D) The Assistant Secretary of State for Intelligence and Research.

“(E) The Director of the Office of Intelligence of the Department of Energy.

“(F) The Director of the Office of Counterintelligence of the Department of Energy.

“(G) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

“(H) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

“(I) The Assistant Secretary of Homeland Security for Information Analysis.

“(c) CONSULTATION WITH DNI IN CERTAIN POSITIONS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

“(2) Paragraph (1) applies to the following positions:

“(A) The Director of the Defense Intelligence Agency.

“(B) The Assistant Commandant of the Coast Guard for Intelligence.”.

**SEC. 1015. EXECUTIVE SCHEDULE MATTERS.**

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of National Intelligence.”.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

“Principal Deputy Director of National Intelligence.

“Director of the National Counterterrorism Center.

“Director of the National Counter Proliferation Center.”.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence; and

(2) by adding at the end the following new item:

“General Counsel of the Office of the National Intelligence Director.”.

**SEC. 1016. INFORMATION SHARING.**

(a) **DEFINITIONS.**—In this section:

(1) **INFORMATION SHARING COUNCIL.**—The term “Information Sharing Council” means the Information Systems Council established by Executive Order 13356, or any successor body designated by the President, and referred to under subsection (g).

(2) **INFORMATION SHARING ENVIRONMENT; ISE.**—The terms “information sharing environment” and “ISE” mean an approach that facilitates the sharing of terrorism information, which approach may include any methods determined necessary and appropriate for carrying out this section.

(3) **PROGRAM MANAGER.**—The term “program manager” means the program manager designated under subsection (f).

(4) **TERRORISM INFORMATION.**—The term “terrorism information” means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(C) communications of or by such groups or individuals; or

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(b) **INFORMATION SHARING ENVIRONMENT.**—

(1) **ESTABLISHMENT.**—The President shall—

(A) create an information sharing environment for the sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties;

(B) designate the organizational and management structures that will be used to operate and manage the ISE; and

(C) determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE.

(2) **ATTRIBUTES.**—The President shall, through the structures described in subparagraphs (B) and (C) of paragraph (1), ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies. The President shall, to the greatest extent practicable, ensure that the ISE provides the functional equivalent of, or otherwise supports, a decentralized, distributed, and coordinated environment that—

(A) connects existing systems, where appropriate, provides no single points of failure, and allows users to share

information among agencies, between levels of government, and, as appropriate, with the private sector;

(B) ensures direct and continuous online electronic access to information;

(C) facilitates the availability of information in a form and manner that facilitates its use in analysis, investigations and operations;

(D) builds upon existing systems capabilities currently in use across the Government;

(E) employs an information access management approach that controls access to data rather than just systems and networks, without sacrificing security;

(F) facilitates the sharing of information at and across all levels of security;

(G) provides directory services, or the functional equivalent, for locating people and information;

(H) incorporates protections for individuals' privacy and civil liberties; and

(I) incorporates strong mechanisms to enhance accountability and facilitate oversight, including audits, authentication, and access controls.

(c) **PRELIMINARY REPORT.**—Not later than 180 days after the date of the enactment of this Act, the program manager shall, in consultation with the Information Sharing Council—

(1) submit to the President and Congress a description of the technological, legal, and policy issues presented by the creation of the ISE, and the way in which these issues will be addressed;

(2) establish an initial capability to provide electronic directory services, or the functional equivalent, to assist in locating in the Federal Government intelligence and terrorism information and people with relevant knowledge about intelligence and terrorism information; and

(3) conduct a review of relevant current Federal agency capabilities, databases, and systems for sharing information.

(d) **GUIDELINES AND REQUIREMENTS.**—As soon as possible, but in no event later than 270 days after the date of the enactment of this Act, the President shall—

(1) leverage all ongoing efforts consistent with establishing the ISE and issue guidelines for acquiring, accessing, sharing, and using information, including guidelines to ensure that information is provided in its most shareable form, such as by using tearlines to separate out data from the sources and methods by which the data are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the ISE; and

(B) shall be made public, unless nondisclosure is clearly necessary to protect national security; and

(3) require the heads of Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including over-classification of information and unnecessary

requirements for originator approval, consistent with applicable laws and regulations; and

(B) providing affirmative incentives for information sharing.

(e) **IMPLEMENTATION PLAN REPORT.**—Not later than one year after the date of the enactment of this Act, the President shall, with the assistance of the program manager, submit to Congress a report containing an implementation plan for the ISE. The report shall include the following:

(1) A description of the functions, capabilities, resources, and conceptual design of the ISE, including standards.

(2) A description of the impact on enterprise architectures of participating agencies.

(3) A budget estimate that identifies the incremental costs associated with designing, testing, integrating, deploying, and operating the ISE.

(4) A project plan for designing, testing, integrating, deploying, and operating the ISE.

(5) The policies and directives referred to in subsection (b)(1)(C), as well as the metrics and enforcement mechanisms that will be utilized.

(6) Objective, systemwide performance measures to enable the assessment of progress toward achieving the full implementation of the ISE.

(7) A description of the training requirements needed to ensure that the ISE will be adequately implemented and properly utilized.

(8) A description of the means by which privacy and civil liberties will be protected in the design and operation of the ISE.

(9) The recommendations of the program manager, in consultation with the Information Sharing Council, regarding whether, and under what conditions, the ISE should be expanded to include other intelligence information.

(10) A delineation of the roles of the Federal departments and agencies that will participate in the ISE, including an identification of the agencies that will deliver the infrastructure needed to operate and manage the ISE (as distinct from individual department or agency components that are part of the ISE), with such delineation of roles to be consistent with—

(A) the authority of the Director of National Intelligence under this title, and the amendments made by this title, to set standards for information sharing throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the Attorney General, and the role of the Department of Homeland Security and the Attorney General, in coordinating with State, local, and tribal officials and the private sector.

(11) The recommendations of the program manager, in consultation with the Information Sharing Council, for a future management structure for the ISE, including whether the position of program manager should continue to remain in existence.

(f) **PROGRAM MANAGER.**—

(1) *DESIGNATION.*—Not later than 120 days after the date of the enactment of this Act, with notification to Congress, the President shall designate an individual as the program manager responsible for information sharing across the Federal Government. The individual designated as the program manager shall serve as program manager during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced by the President (at the President's sole discretion). The program manager shall have and exercise governmentwide authority.

(2) *DUTIES AND RESPONSIBILITIES.*—

(A) *IN GENERAL.*—The program manager shall, in consultation with the Information Sharing Council—

(i) plan for and oversee the implementation of, and manage, the ISE;

(ii) assist in the development of policies, procedures, guidelines, rules, and standards as appropriate to foster the development and proper operation of the ISE; and

(iii) assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency and policy compliance; and regularly report the findings to Congress.

(B) *CONTENT OF POLICIES, PROCEDURES, GUIDELINES, RULES, AND STANDARDS.*—The policies, procedures, guidelines, rules, and standards under subparagraph (A)(ii) shall—

(i) take into account the varying missions and security requirements of agencies participating in the ISE;

(ii) address development, implementation, and oversight of technical standards and requirements;

(iii) take into account ongoing and planned efforts that support development, implementation and management of the ISE;

(iv) address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the homeland security community and the law enforcement community;

(v) address and facilitate information sharing between Federal departments and agencies and State, tribal, and local governments;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vii) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and

(viii) ensure the protection of privacy and civil liberties.

(g) *INFORMATION SHARING COUNCIL.*—

(1) *ESTABLISHMENT.*—There is established an Information Sharing Council that shall assist the President and the pro-

gram manager in their duties under this section. The Information Sharing Council shall serve during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced by the President (at the sole discretion of the President) with a successor body.

(2) *SPECIFIC DUTIES.*—In assisting the President and the program manager in their duties under this section, the Information Sharing Council shall—

(A) advise the President and the program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE;

(B) work to ensure coordination among the Federal departments and agencies participating in the ISE in the establishment, implementation, and maintenance of the ISE;

(C) identify and, as appropriate, recommend the consolidation and elimination of current programs, systems, and processes used by Federal departments and agencies to share information, and recommend, as appropriate, the redirection of existing resources to support the ISE;

(D) identify gaps, if any, between existing technologies, programs and systems used by Federal departments and agencies to share information and the parameters of the proposed information sharing environment;

(E) recommend solutions to address any gaps identified under subparagraph (D);

(F) recommend means by which the ISE can be extended to allow interchange of information between Federal departments and agencies and appropriate authorities of State and local governments; and

(G) recommend whether or not, and by which means, the ISE should be expanded so as to allow future expansion encompassing other relevant categories of information.

(3) *CONSULTATION.*—In performing its duties, the Information Sharing Council shall consider input from persons and entities outside the Federal Government having significant experience and expertise in policy, technical matters, and operational matters relating to the ISE.

(4) *INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.*—The Information Sharing Council shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(h) *PERFORMANCE MANAGEMENT REPORTS.*—

(1) *IN GENERAL.*—Not later than two years after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on the state of the ISE and of information sharing across the Federal Government.

(2) *CONTENT.*—Each report under this subsection shall include—

(A) a progress report on the extent to which the ISE has been implemented, including how the ISE has fared on the performance measures and whether the performance goals set in the preceding year have been met;

(B) objective system-wide performance goals for the following year;

(C) an accounting of how much was spent on the ISE in the preceding year;

(D) actions taken to ensure that procurement of and investments in systems and technology are consistent with the implementation plan for the ISE;

(E) the extent to which all terrorism watch lists are available for combined searching in real time through the ISE and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

(F) the extent to which State, tribal, and local officials are participating in the ISE;

(G) the extent to which private sector data, including information from owners and operators of critical infrastructure, is incorporated in the ISE, and the extent to which individuals and entities outside the government are receiving information through the ISE;

(H) the measures taken by the Federal government to ensure the accuracy of information in the ISE, in particular the accuracy of information about individuals;

(I) an assessment of the privacy and civil liberties protections of the ISE, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections; and

(J) an assessment of the security protections used in the ISE.

(i) **AGENCY RESPONSIBILITIES.**—The head of each department or agency that possesses or uses intelligence or terrorism information, operates a system in the ISE, or otherwise participates (or expects to participate) in the ISE shall—

(1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established under subsections (b) and (f);

(2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the ISE;

(3) ensure full department or agency cooperation in the development of the ISE to implement governmentwide information sharing; and

(4) submit, at the request of the President or the program manager, any reports on the implementation of the requirements of the ISE within such department or agency.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2005 and 2006.

**SEC. 1017. ALTERNATIVE ANALYSIS OF INTELLIGENCE BY THE INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall establish a process and assign an individual or entity the responsibility for ensuring that, as appropriate, elements of the intelligence community conduct alternative analysis (commonly referred to as “red-team

analysis”) of the information and conclusions in intelligence products.

(b) *REPORT*.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives on the implementation of subsection (a).

**SEC. 1018. PRESIDENTIAL GUIDELINES ON IMPLEMENTATION AND PRESERVATION OF AUTHORITIES.**

The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

(1) the authority of the Director of the Office of Management and Budget; and

(2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—

(A) section 199 of the Revised Statutes (22 U.S.C. 2651);

(B) title II of the Department of Energy Organization Act (42 U.S.C. 7131 *et seq.*);

(C) the State Department Basic Authorities Act of 1956;

(D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)); and

(E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

**SEC. 1019. ASSIGNMENT OF RESPONSIBILITIES RELATING TO ANALYTIC INTEGRITY.**

(a) *ASSIGNMENT OF RESPONSIBILITIES*.—For purposes of carrying out section 102A(h) of the National Security Act of 1947 (as added by section 1011(a)), the Director of National Intelligence shall, not later than 180 days after the date of the enactment of this Act, assign an individual or entity to be responsible for ensuring that finished intelligence products produced by any element or elements of the intelligence community are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft.

(b) *RESPONSIBILITIES*.—(1) The individual or entity assigned responsibility under subsection (a)—

(A) may be responsible for general oversight and management of analysis and production, but may not be directly responsible for, or involved in, the specific production of any finished intelligence product;

(B) shall perform, on a regular basis, detailed reviews of finished intelligence product or other analytic products by an element or elements of the intelligence community covering a particular topic or subject matter;

(C) shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review under subparagraph (B); and

(D) upon completion of any review under subparagraph (B), may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

(2) Each review under paragraph (1)(B) should—

(A) include whether the product or products concerned were based on all sources of available intelligence, properly describe the quality and reliability of underlying sources, properly caveat and express uncertainties or confidence in analytic judgments, properly distinguish between underlying intelligence and the assumptions and judgments of analysts, and incorporate, where appropriate, alternative analyses; and

(B) ensure that the analytic methodologies, tradecraft, and practices used by the element or elements concerned in the production of the product or products concerned meet the standards set forth in subsection (a).

(3) Information drafted under paragraph (1)(D) should, as appropriate, be included in analysis teaching modules and case studies for use throughout the intelligence community.

(c) ANNUAL REPORTS.—Not later than December 1 each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing a description, and the associated findings, of each review under subsection (b)(1)(B) during such year.

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

- (1) the Select Committee on Intelligence of the Senate; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1020. SAFEGUARD OF OBJECTIVITY IN INTELLIGENCE ANALYSIS.**

(a) IN GENERAL.—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall identify an individual within the Office of the Director of National Intelligence who shall be available to analysts within the Office of the Director of National Intelligence to counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis.

(b) REPORT.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the implementation of subsection (a).

**Subtitle B—National Counterterrorism Center, National Counter Proliferation Center, and National Intelligence Centers**

**SEC. 1021. NATIONAL COUNTERTERRORISM CENTER.**

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

"NATIONAL COUNTERTERRORISM CENTER

"SEC. 119. (a) ESTABLISHMENT OF CENTER.—*There is within the Office of the Director of National Intelligence a National Counterterrorism Center.*

"(b) DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—(1) *There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, and who shall be appointed by the President, by and with the advice and consent of the Senate.*

"(2) *The Director of the National Counterterrorism Center may not simultaneously serve in any other capacity in the executive branch.*

"(c) REPORTING.—(1) *The Director of the National Counterterrorism Center shall report to the Director of National Intelligence with respect to matters described in paragraph (2) and the President with respect to matters described in paragraph (3).*

"(2) *The matters described in this paragraph are as follows:*

"(A) *The budget and programs of the National Counterterrorism Center.*

"(B) *The activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (h).*

"(C) *The conduct of intelligence operations implemented by other elements of the intelligence community; and*

"(3) *The matters described in this paragraph are the planning and progress of joint counterterrorism operations (other than intelligence operations).*

"(d) PRIMARY MISSIONS.—*The primary missions of the National Counterterrorism Center shall be as follows:*

"(1) *To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.*

"(2) *To conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.*

"(3) *To assign roles and responsibilities as part of its strategic operational planning duties to lead Departments or agencies, as appropriate, for counterterrorism activities that are consistent with applicable law and that support counterterrorism strategic operational plans, but shall not direct the execution of any resulting operations.*

"(4) *To ensure that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis.*

"(5) *To ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.*

"(6) *To serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups,*

*as well as their goals, strategies, capabilities, and networks of contacts and support.*

*“(e) DOMESTIC COUNTERTERRORISM INTELLIGENCE.—(1) The Center may, consistent with applicable law, the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.*

*“(2) Any agency authorized to conduct counterterrorism activities may request information from the Center to assist it in its responsibilities, consistent with applicable law and the guidelines referred to in section 102A(b).*

*“(f) DUTIES AND RESPONSIBILITIES OF DIRECTOR.—(1) The Director of the National Counterterrorism Center shall—*

*“(A) serve as the principal adviser to the Director of National Intelligence on intelligence operations relating to counterterrorism;*

*“(B) provide strategic operational plans for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;*

*“(C) advise the Director of National Intelligence on the extent to which the counterterrorism program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the priorities established by the President;*

*“(D) disseminate terrorism information, including current terrorism threat analysis, to the President, the Vice President, the Secretaries of State, Defense, and Homeland Security, the Attorney General, the Director of the Central Intelligence Agency, and other officials of the executive branch as appropriate, and to the appropriate committees of Congress;*

*“(E) support the Department of Justice and the Department of Homeland Security, and other appropriate agencies, in fulfillment of their responsibilities to disseminate terrorism information, consistent with applicable law, guidelines referred to in section 102A(b), Executive orders and other Presidential guidance, to State and local government officials, and other entities, and coordinate dissemination of terrorism information to foreign governments as approved by the Director of National Intelligence;*

*“(F) develop a strategy for combining terrorist travel intelligence operations and law enforcement planning and operations into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility;*

*“(G) have primary responsibility within the United States Government for conducting net assessments of terrorist threats;*

*“(H) consistent with priorities approved by the President, assist the Director of National Intelligence in establishing requirements for the intelligence community for the collection of terrorism information; and*

*“(I) perform such other duties as the Director of National Intelligence may prescribe or are prescribed by law.*

“(2) Nothing in paragraph (1)(G) shall limit the authority of the departments and agencies of the United States to conduct net assessments.

“(g) *LIMITATION.*—The Director of the National Counterterrorism Center may not direct the execution of counterterrorism operations.

“(h) *RESOLUTION OF DISPUTES.*—The Director of National Intelligence shall resolve disagreements between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on designations, assignments, plans, or responsibilities under this section. The head of such a department, agency, or element may appeal the resolution of the disagreement by the Director of National Intelligence to the President.

“(i) *DIRECTORATE OF INTELLIGENCE.*—The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence which shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations (except for purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence, whether collected inside or outside the United States.

“(j) *DIRECTORATE OF STRATEGIC OPERATIONAL PLANNING.*—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Strategic Operational Planning which shall provide strategic operational plans for counterterrorism operations conducted by the United States Government.

“(2) Strategic operational planning shall include the mission, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities.

“(3) The Director of the National Counterterrorism Center shall monitor the implementation of strategic operational plans, and shall obtain information from each element of the intelligence community, and from each other department, agency, or element of the United States Government relevant for monitoring the progress of such entity in implementing such plans.

**SEC. 1022. NATIONAL COUNTER PROLIFERATION CENTER.**

Title I of the National Security Act of 1947, as amended by section 1021 of this Act, is further amended by adding at the end the following new section:

“NATIONAL COUNTER PROLIFERATION CENTER

“SEC. 119A. (a) *ESTABLISHMENT.*—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the President shall establish a National Counter Proliferation Center, taking into account all appropriate government tools to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(b) *MISSIONS AND OBJECTIVES.*—In establishing the National Counter Proliferation Center, the President shall address the following missions and objectives to prevent and halt the proliferation

of weapons of mass destruction, their delivery systems, and related materials and technologies:

“(1) Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to proliferation.

“(2) Ensuring that appropriate agencies have full access to and receive all-source intelligence support needed to execute their counter proliferation plans or activities, and perform independent, alternative analyses.

“(3) Establishing a central repository on known and suspected proliferation activities, including the goals, strategies, capabilities, networks, and any individuals, groups, or entities engaged in proliferation.

“(4) Disseminating proliferation information, including proliferation threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

“(5) Conducting net assessments and warnings about the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(6) Coordinating counter proliferation plans and activities of the various departments and agencies of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(7) Conducting strategic operational counter proliferation planning for the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(c) NATIONAL SECURITY WAIVER.—The President may waive the requirements of this section, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in subsection (b) are being met.

“(d) REPORT TO CONGRESS.—(1) Not later than nine months after the implementation of this Act, the President shall submit to Congress, in classified form if necessary, the findings and recommendations of the President’s Commission on Weapons of Mass Destruction established by Executive Order in February 2004, together with the views of the President regarding the establishment of a National Counter Proliferation Center.

“(2) If the President decides not to exercise the waiver authority granted by subsection (c), the President shall submit to Congress from time to time updates and plans regarding the establishment of a National Counter Proliferation Center.

“(e) SENSE OF CONGRESS.—It is the sense of Congress that a central feature of counter proliferation activities, consistent with the President’s Proliferation Security Initiative, should include the physical interdiction, by air, sea, or land, of weapons of mass destruction, their delivery systems, and related materials and technologies, and enhanced law enforcement activities to identify and

disrupt proliferation networks, activities, organizations, and persons.”.

**SEC. 1023. NATIONAL INTELLIGENCE CENTERS.**

*Title I of the National Security Act of 1947, as amended by section 1022 of this Act, is further amended by adding at the end the following new section:*

“NATIONAL INTELLIGENCE CENTERS

“SEC. 119B. (a) **AUTHORITY TO ESTABLISH.**—*The Director of National Intelligence may establish one or more national intelligence centers to address intelligence priorities, including, but not limited to, regional issues.*

“(b) **RESOURCES OF DIRECTORS OF CENTERS.**—(1) *The Director of National Intelligence shall ensure that the head of each national intelligence center under subsection (a) has appropriate authority, direction, and control of such center, and of the personnel assigned to such center, to carry out the assigned mission of such center.*

“(2) *The Director of National Intelligence shall ensure that each national intelligence center has appropriate personnel to accomplish effectively the mission of such center.*

“(c) **INFORMATION SHARING.**—*The Director of National Intelligence shall, to the extent appropriate and practicable, ensure that each national intelligence center under subsection (a) and the other elements of the intelligence community share information in order to facilitate the mission of such center.*

“(d) **MISSION OF CENTERS.**—*Pursuant to the direction of the Director of National Intelligence, each national intelligence center under subsection (a) may, in the area of intelligence responsibility assigned to such center—*

“(1) *have primary responsibility for providing all-source analysis of intelligence based upon intelligence gathered both domestically and abroad;*

“(2) *have primary responsibility for identifying and proposing to the Director of National Intelligence intelligence collection and analysis and production requirements; and*

“(3) *perform such other duties as the Director of National Intelligence shall specify.*

“(e) **REVIEW AND MODIFICATION OF CENTERS.**—*The Director of National Intelligence shall determine on a regular basis whether—*

“(1) *the area of intelligence responsibility assigned to each national intelligence center under subsection (a) continues to meet appropriate intelligence priorities; and*

“(2) *the staffing and management of such center remains appropriate for the accomplishment of the mission of such center.*

“(f) **TERMINATION.**—*The Director of National Intelligence may terminate any national intelligence center under subsection (a).*

“(g) **SEPARATE BUDGET ACCOUNT.**—*The Director of National Intelligence shall, as appropriate, include in the National Intelligence Program budget a separate line item for each national intelligence center under subsection (a).”.*

## **Subtitle C—Joint Intelligence Community Council**

### **SEC. 1031. JOINT INTELLIGENCE COMMUNITY COUNCIL.**

*Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 101 the following new section:*

#### *“JOINT INTELLIGENCE COMMUNITY COUNCIL*

*“SEC. 101A. (a) JOINT INTELLIGENCE COMMUNITY COUNCIL.—There is a Joint Intelligence Community Council.*

*“(b) MEMBERSHIP.—The Joint Intelligence Community Council shall consist of the following:*

*“(1) The Director of National Intelligence, who shall chair the Council.*

*“(2) The Secretary of State.*

*“(3) The Secretary of the Treasury.*

*“(4) The Secretary of Defense.*

*“(5) The Attorney General.*

*“(6) The Secretary of Energy.*

*“(7) The Secretary of Homeland Security.*

*“(8) Such other officers of the United States Government as the President may designate from time to time.*

*“(c) FUNCTIONS.—The Joint Intelligence Community Council shall assist the Director of National Intelligence to in developing and implementing a joint, unified national intelligence effort to protect national security by—*

*“(1) advising the Director on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request; and*

*“(2) ensuring the timely execution of programs, policies, and directives established or developed by the Director.*

*“(d) MEETINGS.—The Director of National Intelligence shall convene regular meetings of the Joint Intelligence Community Council.*

*“(e) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) A member of the Joint Intelligence Community Council (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Director of National Intelligence to the President or the National Security Council, in the role of the Chairman as Chairman of the Joint Intelligence Community Council. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents the advice of the Chairman to the President or the National Security Council, as the case may be.*

*“(2) The Chairman shall establish procedures to ensure that the presentation of the advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.*

*“(f) RECOMMENDATIONS TO CONGRESS.—Any member of the Joint Intelligence Community Council may make such recommenda-*

tions to Congress relating to the intelligence community as such member considers appropriate.”.

## **Subtitle D—Improvement of Education for the Intelligence Community**

### **SEC. 1041. ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS.**

(a) *FINDINGS.*—Congress makes the following findings:

(1) *Foreign language education is essential for the development of a highly-skilled workforce for the intelligence community.*

(2) *Since September 11, 2001, the need for language proficiency levels to meet required national security functions has been raised, and the ability to comprehend and articulate technical and scientific information in foreign languages has become critical.*

(b) *LINGUISTIC REQUIREMENTS.*—(1) *The Director of National Intelligence shall—*

(A) *identify the linguistic requirements for the Office of the Director of National Intelligence;*

(B) *identify specific requirements for the range of linguistic skills necessary for the intelligence community, including proficiency in scientific and technical vocabularies of critical foreign languages; and*

(C) *develop a comprehensive plan for the Office to meet such requirements through the education, recruitment, and training of linguists.*

(2) *In carrying out activities under paragraph (1), the Director shall take into account education grant programs of the Department of Defense and the Department of Education that are in existence as of the date of the enactment of this Act.*

(3) *Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to Congress a report on the requirements identified under paragraph (1), including the success of the Office of the Director of National Intelligence in meeting such requirements. Each report shall notify Congress of any additional resources determined by the Director to be required to meet such requirements.*

(4) *Each report under paragraph (3) shall be in unclassified form, but may include a classified annex.*

(c) *PROFESSIONAL INTELLIGENCE TRAINING.*—*The Director of National Intelligence shall require the head of each element and component within the Office of the Director of National Intelligence who has responsibility for professional intelligence training to periodically review and revise the curriculum for the professional intelligence training of the senior and intermediate level personnel of such element or component in order to—*

(1) *strengthen the focus of such curriculum on the integration of intelligence collection and analysis throughout the Office; and*

(2) *prepare such personnel for duty with other departments, agencies, and element of the intelligence community.*

**SEC. 1042. CROSS-DISCIPLINARY EDUCATION AND TRAINING.**

*Title X of the National Security Act of 1947 (50 U.S.C. 441g) is amended by adding at the end the following new section:*

*“FRAMEWORK FOR CROSS-DISCIPLINARY EDUCATION AND TRAINING*

*“SEC. 1002. The Director of National Intelligence shall establish an integrated framework that brings together the educational components of the intelligence community in order to promote a more effective and productive intelligence community through cross-disciplinary education and joint training.”*

**SEC. 1043. INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM.**

*Title X of the National Security Act of 1947, as amended by section 1042 of this Act, is further amended by adding at the end the following new section:*

*“INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM*

*“SEC. 1003. (a) ESTABLISHMENT.—*

*“(1) IN GENERAL.—The Director of National Intelligence, in consultation with the head of each agency of the intelligence community, shall establish a scholarship program (to be known as the ‘Intelligence Community Scholarship Program’) to award scholarships to individuals that is designed to recruit and prepare students for civilian careers in the intelligence community to meet the critical needs of the intelligence community agencies.*

*“(2) SELECTION OF RECIPIENTS.—*

*“(A) MERIT AND AGENCY NEEDS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the needs of the agency.*

*“(B) DEMONSTRATED COMMITMENT.—Individuals selected under this section shall have a demonstrated commitment to the field of study for which the scholarship is awarded.*

*“(3) CONTRACTUAL AGREEMENTS.—To carry out the Program the head of each agency shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the agency, for the period described in subsection (g)(1), in positions needed by the agency and for which the individuals are qualified, in exchange for receiving a scholarship.*

*“(b) ELIGIBILITY.—In order to be eligible to participate in the Program, an individual shall—*

*“(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline described in the list made available under subsection (d);*

*“(2) be a United States citizen; and*

*“(3) at the time of the initial scholarship award, not be an employee (as defined under section 2105 of title 5, United States Code).*

*“(c) APPLICATION.—An individual seeking a scholarship under this section shall submit an application to the Director of National*

*Intelligence at such time, in such manner, and containing such information, agreements, or assurances as the Director may require.*

*“(d) PROGRAMS AND FIELDS OF STUDY.—The Director of National Intelligence shall—*

*“(1) make publicly available a list of academic programs and fields of study for which scholarships under the Program may be used; and*

*“(2) update the list as necessary.*

*“(e) SCHOLARSHIPS.—*

*“(1) IN GENERAL.—The Director of National Intelligence may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Director, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).*

*“(2) LIMITATION ON YEARS.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Director of National Intelligence grants a waiver.*

*“(3) STUDENT RESPONSIBILITIES.—Scholarship recipients shall maintain satisfactory academic progress.*

*“(4) AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Director of National Intelligence, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as established by the Director.*

*“(5) USE OF SCHOLARSHIPS.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Director of National Intelligence by regulation.*

*“(6) PAYMENT TO INSTITUTION OF HIGHER EDUCATION.—The Director of National Intelligence may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.*

*“(f) SPECIAL CONSIDERATION FOR CURRENT EMPLOYEES.—*

*“(1) SET ASIDE OF SCHOLARSHIPS.—Notwithstanding paragraphs (1) and (3) of subsection (b), 10 percent of the scholarships awarded under this section shall be set aside for individuals who are employees of agencies on the date of enactment of this section to enhance the education of such employees in areas of critical needs of agencies.*

*“(2) FULL- OR PART-TIME EDUCATION.—Employees who are awarded scholarships under paragraph (1) shall be permitted to pursue undergraduate or graduate education under the scholarship on a full-time or part-time basis.*

*“(g) EMPLOYEE SERVICE.—*

*“(1) PERIOD OF SERVICE.—Except as provided in subsection (i)(2), the period of service for which an individual shall be obligated to serve as an employee of the agency is 24 months for each academic year for which a scholarship under this section*

is provided. Under no circumstances shall the total period of obligated service be more than 8 years.

“(2) BEGINNING OF SERVICE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

“(B) DEFERRAL.—In accordance with regulations established by the Director of National Intelligence, the Director or designee may defer the obligation of an individual to provide a period of service under paragraph (1) if the Director or designee determines that such a deferral is appropriate.

“(h) REPAYMENT.—

“(1) IN GENERAL.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Director of National Intelligence, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (i)(2). The repayment period may be extended by the Director when determined to be necessary, as established by regulation.

“(2) LIABILITY.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Director of National Intelligence under subsection (i)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

“(A) the total amount of scholarships received by such individual under this section; and

“(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

“(i) CANCELLATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

“(1) CANCELLATION.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

“(2) WAIVER OR SUSPENSION.—The Director of National Intelligence shall prescribe regulations to provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the

individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

“(j) REGULATIONS.—The Director of National Intelligence shall prescribe regulations necessary to carry out this section.

“(k) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means each element of the intelligence community as determined by the Director of National Intelligence.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given that term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) PROGRAM.—The term ‘Program’ means the Intelligence Community Scholarship Program established under subsection (a).”.

## **Subtitle E—Additional Improvements of Intelligence Activities**

### **SEC. 1051. SERVICE AND NATIONAL LABORATORIES AND THE INTELLIGENCE COMMUNITY.**

The Director of National Intelligence, in cooperation with the Secretary of Defense and the Secretary of Energy, should seek to ensure that each service laboratory of the Department of Defense and each national laboratory of the Department of Energy may, acting through the relevant Secretary and in a manner consistent with the missions and commitments of the laboratory—

(1) assist the Director of National Intelligence in all aspects of technical intelligence, including research, applied sciences, analysis, technology evaluation and assessment, and any other aspect that the relevant Secretary considers appropriate; and

(2) make available to the intelligence community, on a community-wide basis—

(A) the analysis and production services of the service and national laboratories, in a manner that maximizes the capacity and services of such laboratories; and

(B) the facilities and human resources of the service and national laboratories, in a manner that improves the technological capabilities of the intelligence community.

### **SEC. 1052. OPEN-SOURCE INTELLIGENCE.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director of National Intelligence should establish an intelligence center for the purpose of coordinating the collection, analysis, production, and dissemination of open source intelligence to elements of the intelligence community;

(2) open source intelligence is a valuable source that must be integrated into the intelligence cycle to ensure that United States policymakers are fully and completely informed; and

(3) the intelligence center should ensure that each element of the intelligence community uses open source intelligence consistent with the mission of such element.

(b) REQUIREMENT FOR EFFICIENT USE BY INTELLIGENCE COMMUNITY OF OPEN-SOURCE INTELLIGENCE.—The Director of National

*Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source information and analysis.*

(c) *REPORT.*—Not later than June 30, 2005, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the decision of the Director as to whether an open source intelligence center will be established. If the Director decides not to establish an open source intelligence center, such report shall also contain a description of how the intelligence community will use open source intelligence and effectively integrate open source intelligence into the national intelligence cycle.

(d) *CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.*—In this section, the term “congressional intelligence committees” means—

- (1) *the Select Committee on Intelligence of the Senate; and*
- (2) *the Permanent Select Committee on Intelligence of the House of Representatives.*

**SEC. 1053. NATIONAL INTELLIGENCE RESERVE CORPS.**

(a) *ESTABLISHMENT.*—The Director of National Intelligence may provide for the establishment and training of a National Intelligence Reserve Corps (in this section referred to as “National Intelligence Reserve Corps”) for the temporary reemployment on a voluntary basis of former employees of elements of the intelligence community during periods of emergency, as determined by the Director.

(b) *ELIGIBLE INDIVIDUALS.*—An individual may participate in the National Intelligence Reserve Corps only if the individual previously served as a full time employee of an element of the intelligence community.

(c) *TERMS OF PARTICIPATION.*—The Director of National Intelligence shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(d) *EXPENSES.*—The Director of National Intelligence may provide members of the National Intelligence Reserve Corps transportation and per diem in lieu of subsistence for purposes of participating in any training that relates to service as a member of the Reserve Corps.

(e) *TREATMENT OF ANNUITANTS.*—(1) If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby.

(2) An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(f) *TREATMENT UNDER OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE PERSONNEL CEILING.*—A member of the National Intelligence Reserve Corps who is reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Office of the Director of National Intelligence.

## **Subtitle F—Privacy and Civil Liberties**

### **SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.**

(a) *FINDINGS.*—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) *In conducting the war on terrorism, the Federal Government may need additional powers and may need to enhance the use of its existing powers.*

(2) *This potential shift of power and authority to the Federal Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life.*

(b) *ESTABLISHMENT OF BOARD.*—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the “Board”).

(c) *FUNCTIONS.*—

(1) *ADVICE AND COUNSEL ON DEVELOPMENT AND IMPLEMENTATION OF POLICY.*—For the purpose of providing advice to the President or to the head of any department or agency of the executive branch, the Board shall—

(A) *review proposed regulations and executive branch policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;*

(B) *review the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;*

(C) *advise the President and the head of any department or agency of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such regulations and executive branch policies; and*

(D) *in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch concerned has explained—*

(i) *that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties;*

(ii) *that there are adequate guidelines and oversight to properly confine the use of the power; and*

(iii) *that the need for the power, including the risk presented to the national security if the Federal Government does not take certain actions, is balanced with the need to protect privacy and civil liberties.*

(2) *OVERSIGHT.*—The Board shall continually review—

(A) *regulations, executive branch policies, and procedures (including the implementation of such regulations, policies, and procedures), related laws pertaining to efforts to protect the Nation from terrorism, and other actions by*

*the executive branch related to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected; and*

*(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether or not such practices appropriately protect privacy and civil liberties and adhere to the information sharing guidelines under subsections (d) and (f) of section 1016 and to other applicable laws, regulations, and executive branch policies regarding the protection of privacy and civil liberties.*

*(3) SCOPE.—The Board shall ensure that concerns with respect to privacy and civil liberties are appropriately considered in the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation against terrorism.*

*(4) REPORTS TO CONGRESS.—Not less frequently than annually, the Board shall prepare a report to Congress, unclassified to the greatest extent possible (with a classified annex, if necessary), on the Board's major activities during the preceding period.*

*(d) ACCESS TO INFORMATION.—*

*(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized, to the extent permitted by law, to—*

*(A) have access from any department or agency of the executive branch, or any Federal officer or employee of any such department or agency, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;*

*(B) interview or take statements from officers of any department or agency of the executive branch;*

*(C) request information or assistance from any State, tribal, or local government; and*

*(D)(i) request that persons (other than departments, agencies, and elements of the executive branch) produce for the Board relevant information, documents, reports, answers, records, accounts, papers, and other documentary and testimonial evidence; and*

*(ii) if the person to whom such a request is directed does not comply with the request within 45 days of receipt of such request, notify the Attorney General of such person's failure to comply with such request, which notice shall include all relevant information.*

*(2) PRODUCTION OF INFORMATION AND EVIDENCE.—*

*(A) EXPLANATION OF NONCOMPLIANCE.—Upon receiving notification under paragraph (1)(D)(ii) regarding a request, the Attorney General shall provide an opportunity for the person subject to the request to explain the reasons for not complying with the request.*

*(B) ACTION BY ATTORNEY GENERAL.—Upon receiving notification under paragraph (1)(D)(ii) regarding a request, the Attorney General shall review the request and may take such steps as appropriate to ensure compliance with the re-*

quest for the information, documents, reports, answers, records, accounts, papers, and other documentary and testimonial evidence covered by the request.

(3) *AGENCY COOPERATION.*—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department or agency concerned without delay. If the requested information or assistance may be provided to the Board in accordance with applicable law, the head of the department or agency concerned shall ensure compliance with such request.

(4) *EXCEPTIONS FOR NATIONAL SECURITY.*—

(A) *IN GENERAL.*—If the National Intelligence Director, in consultation with the Attorney General, determines that it is necessary to withhold information requested under paragraph (3) to protect the national security interests of the United States, the head of the department or agency concerned shall not furnish such information to the Board.

(B) *CERTAIN INFORMATION.*—If the Attorney General determines that it is necessary to withhold information requested under paragraph (3) from disclosure to protect sensitive law enforcement or counterterrorism information or ongoing operations, the head of the department or agency concerned shall not furnish such information to the Board.

(e) *MEMBERSHIP.*—

(1) *MEMBERS.*—

(A) *IN GENERAL.*—The Board shall be composed of a chairman, a vice chairman, and three additional members appointed by the President.

(B) *CHAIRMAN AND VICE CHAIRMAN.*—The chairman and vice chairman shall each be appointed by the President, by and with the advice and consent of the Senate.

(C) *APPOINTMENT REQUIREMENTS.*—Any individual appointed to the Board shall be appointed from among trustworthy and distinguished citizens outside the Federal Government who are qualified on the basis of achievement, experience, and independence.

(D) *FULL-TIME SERVICE OF CHAIRMAN.*—The chairman may serve on a full-time basis.

(E) *SERVICE AT PLEASURE OF PRESIDENT.*—The chairman, vice chairman, and other members of the Board shall each serve at the pleasure of the President.

(2) *INCOMPATIBLE OFFICE.*—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

(3) *QUORUM AND MEETINGS.*—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

(f) *COMPENSATION AND TRAVEL EXPENSES.*—

(1) *COMPENSATION.*—

(A) *CHAIRMAN ON FULL-TIME BASIS.*—If the chairman serves on a full-time basis, the rate of pay for the chairman shall be the annual rate of basic pay in effect for a position

at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) CHAIRMAN AND VICE CHAIRMAN ON PART-TIME BASIS.—The chairman, if serving on a part-time basis, and the vice chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which the such official is engaged in the actual performance of the duties of the Board.

(C) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(g) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Federal employees may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(h) SECURITY CLEARANCES.—The appropriate departments and agencies of the executive branch shall cooperate with the Board to expeditiously provide Board members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements. Promptly upon commencing its work, the Board shall adopt, after consultation with the Secretary of Defense, the Attorney General, and the National Intelligence Director, rules and procedures of the Board for physical, communications, computer,

document, personnel, and other security in relation to the work of the Board.

(i) **APPLICABILITY OF CERTAIN LAWS.**—

(1) **FEDERAL ADVISORY COMMITTEE ACT.**—*The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board and its activities.*

(2) **FREEDOM OF INFORMATION ACT.**—*For purposes of the Freedom of Information Act, the Board shall be treated as an agency (as that term is defined in section 551(1) of title 5, United States Code).*

(j) **CONSTRUCTION.**—*Except as otherwise provided in this section, nothing in this section shall be construed to require any consultation with the Board by any department or agency of the executive branch or any Federal officer or employee, or any waiting period that must be observed by any department or agency of the executive branch or any Federal officer or employee, before developing, proposing, or implementing any legislation, law, regulation, policy, or guideline related to efforts to protect the Nation from terrorism.*

(k) **PRESIDENTIAL RESPONSIBILITY.**—*The Board shall perform its functions within the executive branch and under the general supervision of the President.*

(l) **AUTHORIZATION OF APPROPRIATIONS.**—*There are authorized to be appropriated such sums as may be necessary to carry out this section.*

**SEC. 1062. SENSE OF CONGRESS ON DESIGNATION OF PRIVACY AND CIVIL LIBERTIES OFFICERS.**

*It is the sense of Congress that each executive department or agency with law enforcement or antiterrorism functions should designate a privacy and civil liberties officer.*

## **Subtitle G—Conforming and Other Amendments**

**SEC. 1071. CONFORMING AMENDMENTS RELATING TO ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.**

(a) **NATIONAL SECURITY ACT OF 1947.**—(1) *The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:*

- (A) *Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).*
- (B) *Section 101(h)(5) (50 U.S.C. 402(h)(5)).*
- (C) *Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).*
- (D) *Section 101(j) (50 U.S.C. 402(j)).*
- (E) *Section 105(a) (50 U.S.C. 403–5(a)).*
- (F) *Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).*
- (G) *Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).*
- (H) *Section 105B(b) (50 U.S.C. 403–5b(b)), the first place it appears.*
- (I) *Section 110(b) (50 U.S.C. 404e(b)).*
- (J) *Section 110(c) (50 U.S.C. 404e(c)).*
- (K) *Section 112(a)(1) (50 U.S.C. 404g(a)(1)).*
- (L) *Section 112(d)(1) (50 U.S.C. 404g(d)(1)).*
- (M) *Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).*

- (N) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).
- (O) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).
- (P) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).
- (Q) Section 115(b) (50 U.S.C. 404j(b)).
- (R) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).
- (S) Section 116(a) (50 U.S.C. 404k(a)).
- (T) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).
- (U) Section 303(a) (50 U.S.C. 405(a)), both places it appears.
- (V) Section 501(d) (50 U.S.C. 413(d)).
- (W) Section 502(a) (50 U.S.C. 413a(a)).
- (X) Section 502(c) (50 U.S.C. 413a(c)).
- (Y) Section 503(b) (50 U.S.C. 413b(b)).
- (Z) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).
- (AA) Section 504(d)(2) (50 U.S.C. 414(d)(2)).
- (BB) Section 506A(a)(1) (50 U.S.C. 415a-1(a)(1)).
- (CC) Section 603(a) (50 U.S.C. 423(a)).
- (DD) Section 702(a)(1) (50 U.S.C. 432(a)(1)).
- (EE) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).
- (FF) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.
- (GG) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).
- (HH) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).
- (II) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.
- (JJ) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).
- (KK) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).
- (LL) Section 704(g)(1) (50 U.S.C. 432b(g)(1)), both places it appears.
- (MM) Section 1001(a) (50 U.S.C. 441g(a)).
- (NN) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).
- (OO) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).
- (PP) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).
- (QQ) Section 1102(d) (50 U.S.C. 442a(d)).
- (2) That Act is further amended by striking “of Central Intelligence” each place it appears in the following provisions:
- (A) Section 105(a)(2) (50 U.S.C. 403-5(a)(2)).
- (B) Section 105B(a)(2) (50 U.S.C. 403-5b(a)(2)).
- (C) Section 105B(b) (50 U.S.C. 403-5b(b)), the second place it appears.
- (3) That Act is further amended by striking “Director” each place it appears in the following provisions and inserting “Director of National Intelligence”:
- (A) Section 114(c) (50 U.S.C. 404i(c)).
- (B) Section 116(b) (50 U.S.C. 404k(b)).
- (C) Section 1001(b) (50 U.S.C. 441g(b)).
- (C) Section 1001(c) (50 U.S.C. 441g(c)), the first place it appears.
- (D) Section 1001(d)(1)(B) (50 U.S.C. 441g(d)(1)(B)).
- (E) Section 1001(e) (50 U.S.C. 441g(e)), the first place it appears.
- (4) Section 114A of that Act (50 U.S.C. 404i-1) is amended by striking “Director of Central Intelligence” and inserting “Director of

*National Intelligence, the Director of the Central Intelligence Agency*”

(5) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

(6) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking “Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence” and inserting “The Director of the Central Intelligence Agency, with the coordination of the Director of National Intelligence, may exempt operational files of the Central Intelligence Agency”; and

(B) in subsection (g)(1), by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency and the Director of National Intelligence”.

(7) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

“ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF NATIONAL INTELLIGENCE”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(A) Section 6 (50 U.S.C. 403g).

(B) Section 17(f) (50 U.S.C. 403q(f)), both places it appears.

(2) That Act is further amended by striking “of Central Intelligence” in each of the following provisions:

(A) Section 2 (50 U.S.C. 403b).

(B) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(C) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(D) Section 20(c) (50 U.S.C. 403t(c)).

(3) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of the Central Intelligence Agency”:

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Central Intelligence Agency.”.

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

“(1) the term ‘Director’ means the Director of the Central Intelligence Agency;”.

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801

*et seq.*) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”.

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(g) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 103–359.—Section 811(c)(6)(C) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(2) PUBLIC LAW 107–306.—(A) The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community,” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(i) Section 313(a) (50 U.S.C. 404n(a)).

(ii) Section 343(a)(1) (50 U.S.C. 404n–2(a)(1)).

(B) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(i) Section 904(e)(4) (50 U.S.C. 402c(e)(4)).

(ii) Section 904(e)(5) (50 U.S.C. 402c(e)(5)).

(iii) Section 904(h) (50 U.S.C. 402c(h)), each place it appears.

(iv) Section 904(m) (50 U.S.C. 402c(m)).

(C) Section 341 of that Act (50 U.S.C. 404n–1) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency” and inserting “Director of National Intelligence shall establish within the Central Intelligence Agency”.

(D) Section 352(b) of that Act (50 U.S.C. 404–3 note) is amended by striking “Director” and inserting “Director of National Intelligence”.

(3) PUBLIC LAW 108–177.—(A) The Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(i) Section 317(a) (50 U.S.C. 403–3 note).

(ii) Section 317(h)(1).

(iii) Section 318(a) (50 U.S.C. 441g note).

(iv) Section 319(b) (50 U.S.C. 403 note).

(v) Section 341(b) (28 U.S.C. 519 note).

(vi) Section 357(a) (50 U.S.C. 403 note).

(vii) Section 504(a) (117 Stat. 2634), both places it appears.

(B) Section 319(f)(2) of that Act (50 U.S.C. 403 note) is amended by striking “Director” the first place it appears and inserting “Director of National Intelligence”.

(C) Section 404 of that Act (18 U.S.C. 4124 note) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

**SEC. 1072. OTHER CONFORMING AMENDMENTS**

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j)) is amended by striking “Deputy Director of Central Intelligence” and inserting “Principal Deputy Director of National Intelligence”.

(2) Section 105(a) of that Act (50 U.S.C. 403–5(a)) is amended by striking “The Secretary” in the matter preceding paragraph (1) and inserting “Consistent with sections 102 and 102A, the Secretary”.

(3) Section 105(b) of that Act (50 U.S.C. 403–5(b)) is amended by striking “103 and 104” in the matter preceding paragraph (1) and inserting “102 and 102A”.

(4) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1)) is amended by striking “section 103(c)(6) of this Act” and inserting “section 102A(i) of this Act”.

(5) Section 116(b) of that Act (50 U.S.C. 404k(b)) is amended by striking “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations” and inserting “to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency”.

(6) Section 506A(b)(1) of that Act (50 U.S.C. 415a–1(b)(1)) is amended by striking “Office of the Deputy Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(7) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(8) Section 1001(b) of that Act (50 U.S.C. 441g(b)) is amended by striking “Assistant Director of Central Intelligence for Administration” and inserting “Office of the Director of National Intelligence”.

(b) CENTRAL INTELLIGENCE ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking “section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7))” and inserting “section 102A(i) of the National Security Act of 1947”.

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking “paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) that the Director of Central Intelligence” and inserting “section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(1)) that the Director of National Intelligence”.

(d) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 107–306.—(A) Section 343(c) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 404n–2(c)) is amended by striking “section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6))” and inserting “section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(1))”.

(B)(i) Section 902 of that Act (also known as the Counter-intelligence Enhancements Act of 2002) (50 U.S.C. 402b) is amended by striking “President” each place it appears and inserting “Director of National Intelligence”.

(ii) Section 902(a)(2) of that Act is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

(C) Section 904 of that Act (50 U.S.C. 402c) is amended—

(i) in subsection (c), by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”; and

(ii) in subsection (l), by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(2) PUBLIC LAW 108-177.—(A) Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403-3 note) is amended—

(i) in subsection (g), by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy Director of National Intelligence”; and

(ii) in subsection (h)(2)(C), by striking “Assistant Director” and inserting “Deputy Director of National Intelligence”.

(B) Section 318(e) of that Act (50 U.S.C. 441g note) is amended by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy Director of National Intelligence”.

**SEC. 1073. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.**

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

“(4) The term ‘intelligence community’ includes the following:

“(A) The Office of the Director of National Intelligence.

“(B) The Central Intelligence Agency.

“(C) The National Security Agency.

“(D) The Defense Intelligence Agency.

“(E) The National Geospatial-Intelligence Agency.

“(F) The National Reconnaissance Office.

“(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

“(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

“(I) The Bureau of Intelligence and Research of the Department of State.

“(J) The Office of Intelligence and Analysis of the Department of the Treasury.

“(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

“(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and

*the head of the department or agency concerned, as an element of the intelligence community.”.*

**SEC. 1074. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.**

(a) *REDESIGNATION.*—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by striking “Foreign”.

(b) *CONFORMING AMENDMENTS.*—(1)(A) Section 506 of the National Security Act of 1947 (50 U.S.C. 415a) is amended—

(i) in subsection (a), by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”; and

(ii) in the section heading, by striking “FOREIGN”.

(B) Section 105 of that Act (50 U.S.C. 403–5) is amended—

(i) in paragraphs (2) and (3) of subsection (a), by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”; and

(ii) in the section heading, by striking “FOREIGN”.

(2) Section 17(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(f)) is amended by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”.

**SEC. 1075. REPEAL OF SUPERSEDED AUTHORITY.**

Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

**SEC. 1076. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.**

*The table of contents in the first section of the National Security Act of 1947 is amended—*

(1) *by striking the items relating to sections 102 through 105 and inserting the following new items:*

“Sec. 101A. *Joint Intelligence Community Council.*

“Sec. 102. *Director of National Intelligence.*

“Sec. 102A. *Responsibilities and authorities of the Director of National Intelligence.*

“Sec. 103. *Office of the Director of National Intelligence.*

“Sec. 103A. *Deputy Directors of National Intelligence.*

“Sec. 103B. *National Intelligence Council.*

“Sec. 103C. *General Counsel.*

“Sec. 103D. *Civil Liberties Protection Officer.*

“Sec. 103E. *Director of Science and Technology.*

“Sec. 103F. *National Counterintelligence Executive.*

“Sec. 104. *Central Intelligence Agency.*

“Sec. 104A. *Director of the Central Intelligence Agency.*

“Sec. 105. *Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.”;*

(2) *by striking the item relating to section 111;*

(3) *by striking the item relating to section 114 and inserting the following new item:*

“Sec. 114. *Additional annual reports from the Director of National Intelligence.”;*

(4) *by inserting after the item relating to section 118 the following new items:*

“Sec. 119. *National Counterterrorism Center.*

“Sec. 119A. *National Counter Proliferation Center.*

“Sec. 119B. *National intelligence centers.*

(5) *by striking the item relating to section 506 and inserting the following new item:*

“Sec. 506. *Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.*”;

and

(6) by inserting after the item relating to section 1001 the following new items:

“Sec. 1002. *Framework for cross-disciplinary education and training.*

“Sec. 1003. *Intelligence Community Scholarship Program.*”.

**SEC. 1077. CONFORMING AMENDMENTS RELATING TO PROHIBITING DUAL SERVICE OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

“(2) ‘Director’ means the Director of the Central Intelligence Agency; and”.

**SEC. 1078. AUTHORITY TO ESTABLISH INSPECTOR GENERAL FOR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8J the following new section:

“AUTHORITY TO ESTABLISH INSPECTOR GENERAL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 8K. *If the Director of National Intelligence determines that an Office of Inspector General would be beneficial to improving the operations and effectiveness of the Office of the Director of National Intelligence, the Director of National Intelligence is authorized to establish, with any of the duties, responsibilities, and authorities set forth in this Act, an Office of Inspector General.*”.

**SEC. 1079. ETHICS MATTERS.**

(a) **POLITICAL SERVICE OF PERSONNEL.**—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) in subclause (XII), by striking “or” at the end; and

(2) by inserting after subclause (XIII) the following new subclause:

“(XIV) the Office of the Director of National Intelligence; or”.

(b) **DELETION OF INFORMATION ABOUT FOREIGN GIFTS.**—Section 7342(f)(4) of title 5, United States Code, is amended—

(1) by inserting “(A)” after “(4)”;

(2) in subparagraph (A), as so designated, by striking “the Director of Central Intelligence” and inserting “the Director of the Central Intelligence Agency”; and

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

“(B) *In transmitting such listings for the Office of the Director of National Intelligence, the Director of National Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.*”.

(c) **EXEMPTION FROM FINANCIAL DISCLOSURES.**—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting “the Office of the Director of National Intelligence,” before “the Central Intelligence Agency”.

**SEC. 1080. CONSTRUCTION OF AUTHORITY OF DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE AND MANAGE PROPERTY AND SERVICES.**

Section 113(e) of title 40, United States Code, is amended—

- (1) in paragraph (18), by striking “or” at the end;
- (2) in paragraph (19), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following new paragraph:  
“(20) the Office of the Director of National Intelligence.”

**SEC. 1081. GENERAL REFERENCES.**

(a) **DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.**—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of National Intelligence.

(b) **DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.**—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) **COMMUNITY MANAGEMENT STAFF.**—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the Director of National Intelligence.

## **Subtitle H—Transfer, Termination, Transition, and Other Provisions**

**SEC. 1091. TRANSFER OF COMMUNITY MANAGEMENT STAFF.**

(a) **TRANSFER.**—There shall be transferred to the Office of the Director of National Intelligence such staff of the Community Management Staff as of the date of the enactment of this Act as the Director of National Intelligence determines to be appropriate, including all functions and activities discharged by the Community Management Staff as of that date.

(b) **ADMINISTRATION.**—The Director of National Intelligence shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the Director of National Intelligence under section 103 of the National Security Act of 1947, as amended by section 1011(a) of this Act.

**SEC. 1092. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.**

(a) **TRANSFER.**—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC) or its successor entity, including all functions and activities

discharged by the Terrorist Threat Integration Center or its successor entity as of the date of the enactment of this Act.

(b) **ADMINISTRATION.**—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 119(i) of the National Security Act of 1947, as added by section 1021(a) of this Act.

**SEC. 1093. TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.**

(a) **TERMINATION.**—The positions referred to in subsection (b) are hereby abolished.

(b) **COVERED POSITIONS.**—The positions referred to in this subsection are as follows:

(1) The Assistant Director of Central Intelligence for Collection.

(2) The Assistant Director of Central Intelligence for Analysis and Production.

(3) The Assistant Director of Central Intelligence for Administration.

**SEC. 1094. IMPLEMENTATION PLAN.**

The President shall transmit to Congress a plan for the implementation of this title and the amendments made by this title. The plan shall address, at a minimum, the following:

(1) The transfer of personnel, assets, and obligations to the Director of National Intelligence pursuant to this title.

(2) Any consolidation, reorganization, or streamlining of activities transferred to the Director of National Intelligence pursuant to this title.

(3) The establishment of offices within the Office of the Director of National Intelligence to implement the duties and responsibilities of the Director of National Intelligence as described in this title.

(4) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations to be transferred to the Director of National Intelligence.

(5) Recommendations for additional legislative or administrative action as the President considers appropriate.

**SEC. 1095. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.**

(a) **REPORT.**—Not later than one year after the effective date of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

(b) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1096. TRANSITIONAL AUTHORITIES.**

(a) *IN GENERAL.*—Upon the request of the Director of National Intelligence, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to the Director of National Intelligence.

(b) *TRANSFER OF PERSONNEL.*—In addition to any other authorities available under law for such purposes, in the fiscal year after the effective date of this Act, the Director of National Intelligence—

(1) is authorized within the Office of the Director of National Intelligence 500 new personnel billets; and

(2) with the approval of the Director of the Office of Management and Budget, may detail not more than 150 personnel funded within the National Intelligence Program to the Office of the Director of National Intelligence for a period of not more than 2 years.

**SEC. 1097. EFFECTIVE DATES.**

(a) *IN GENERAL.*—Except as otherwise expressly provided in this Act, this title and the amendments made by this title shall take effect not later than six months after the date of the enactment of this Act.

(b) *SPECIFIC EFFECTIVE DATES.*—(1)(A) Not later than 60 days after the date of the appointment of the first Director of National Intelligence, the Director of National Intelligence shall first appoint individuals to positions within the Office of the Director of National Intelligence.

(B) Subparagraph (A) shall not apply with respect to the Principal Deputy Director of National Intelligence.

(2) Not later than 180 days after the effective date of this Act, the President shall transmit to Congress the implementation plan required by section 1094.

(3) Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall prescribe regulations, policies, procedures, standards, and guidelines required under section 102A of the National Security Act of 1947, as amended by section 1011(a) of this Act.

**Subtitle I—Other Matters****SEC. 1101. STUDY OF PROMOTION AND PROFESSIONAL MILITARY EDUCATION SCHOOL SELECTION RATES FOR MILITARY INTELLIGENCE OFFICERS.**

(a) *STUDY.*—The Secretary of Defense shall conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence officers of the Armed Forces, particularly in comparison to the rates for other officers of the same Armed Force who are in the same grade and competitive category.

(b) *REPORT.*—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary's findings resulting from the study under subsection (a) and the Secretary's recommendations (if any) for such changes in law as the Secretary considers needed to ensure that intelligence officers, as a group, are selected for promotion, and for at-

tendance at professional military education schools, at rates not less than the rates for all line (or the equivalent) officers of the same Armed Force (both in the zone and below the zone) in the same grade. The report shall be submitted not later than April 1, 2005.

**SEC. 1102. EXTENSION AND IMPROVEMENT OF AUTHORITIES OF PUBLIC INTEREST DECLASSIFICATION BOARD.**

(a) *DIRECTION.*—Section 703(a) of the Public Interest Declassification Act of 2000 (title VII of Public Law 106-567; 114 Stat. 2856; 50 U.S.C. 435 note) is amended—

(1) by inserting “(1)” after “ESTABLISHMENT.—”; and

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

“(2) The Board shall report directly to the President or, upon designation by the President, the Vice President, the Attorney General, or other designee of the President. The other designee of the President under this paragraph may not be an agency head or official authorized to classify information under Executive Order 12958, or any successor order.”

(b) *PURPOSES.*—Section 703(b) of that Act (114 Stat. 2856) is amended by adding at the end the following new paragraph:

“(5) To review and make recommendations to the President in a timely manner with respect to any congressional request, made by the committee of jurisdiction, to declassify certain records or to reconsider a declination to declassify specific records.”

(c) *RECOMMENDATIONS ON SPECIAL SEARCHES.*—Section 704(c)(2)(A) of that Act (114 Stat. 2860) is amended by inserting before the period the following: “, and also including specific requests for the declassification of certain records or for the reconsideration of declinations to declassify specific records”.

(d) *DECLASSIFICATION REVIEWS.*—Section 704 of that Act (114 Stat. 2859) is further amended by adding at the end the following new subsection:

“(e) *DECLASSIFICATION REVIEWS.*—If requested by the President, the Board shall review in a timely manner certain records or declinations to declassify specific records, the declassification of which has been the subject of specific congressional request described in section 703(b)(5).”

(e) *NOTIFICATION OF REVIEW.*—Section 706 of that Act (114 Stat. 2861) is amended by adding at the end the following new subsection:

“(f) *NOTIFICATION OF REVIEW.*—In response to a specific congressional request for declassification review described in section 703(b)(5), the Board shall advise the originators of the request in a timely manner whether the Board intends to conduct such review.”

(f) *EXTENSION.*—Section 710(b) of that Act (114 Stat. 2864) is amended by striking “4 years” and inserting “8 years”.

**SEC. 1103. SEVERABILITY.**

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those to which such provision is held invalid shall not be affected thereby.