

**Calendar No. 124**112TH CONGRESS  
1ST SESSION**S. 1458****[Report No. 112-43]**

To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

AUGUST 1, 2011

Mrs. FEINSTEIN, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

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

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

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

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

- Sec. 101. Authorization of appropriations.  
 Sec. 102. Classified Schedule of Authorizations.  
 Sec. 103. Personnel ceiling adjustments.  
 Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
 DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

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

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE  
 INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Temporary appointment to fill vacancies within Office of the Director  
 of National Intelligence.  
 Sec. 402. Application of certain financial reporting requirements to the Office  
 of the Director of National Intelligence.  
 Sec. 403. Public availability of information regarding the Inspector General of  
 the Intelligence Community.  
 Sec. 404. Technical correction to the Executive Schedule.

Subtitle B—Central Intelligence Agency

- Sec. 411. Foreign language proficiency requirements for Central Intelligence  
 Agency officers.  
 Sec. 412. Acceptance of gifts.  
 Sec. 413. Public availability of information regarding the Inspector General of  
 the Central Intelligence Agency.  
 Sec. 414. Recruitment of personnel in the Office of the Inspector General.

Subtitle C—National Security Agency

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

Subtitle D—Other Elements

- Sec. 431. Appropriations for defense intelligence elements: accounts for transfer; transfer.
- Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.
- Sec. 433. Intelligence community membership of the Office of Intelligence and Analysis of the Department of Homeland Security.

TITLE V—OTHER MATTERS

- Sec. 501. Conforming the FISA Amendments Act of 2008 sunset with other FISA sunsets.
- Sec. 502. Technical amendments to the National Security Act of 1947.
- Sec. 503. Technical amendments to title 18, United States Code.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

8 (B) the Permanent Select Committee on  
9 Intelligence of the House of Representatives.

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

1                   **TITLE I—BUDGET AND**  
2                   **PERSONNEL AUTHORIZATIONS**

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

4                   Funds are hereby authorized to be appropriated for  
5 fiscal year 2012 for the conduct of the intelligence and  
6 intelligence-related activities of the following elements of  
7 the United States Government:

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

10                  (2) The Central Intelligence Agency.

11                  (3) The Department of Defense.

12                  (4) The Defense Intelligence Agency.

13                  (5) The National Security Agency.

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

17                  (7) The Coast Guard.

18                  (8) The Department of State.

19                  (9) The Department of the Treasury.

20                  (10) The Department of Energy.

21                  (11) The Department of Justice.

22                  (12) The Federal Bureau of Investigation.

23                  (13) The Drug Enforcement Administration.

24                  (14) The National Reconnaissance Office.

1           (15) The National Geospatial-Intelligence Agen-  
2           cy.

3           (16) The Department of Homeland Security.

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

5           (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
6 LEVELS.—The amounts authorized to be appropriated  
7 under section 101 and the authorized personnel levels (ex-  
8 pressed as full-time equivalent positions) as of September  
9 30, 2012, for the conduct of the intelligence activities of  
10 the elements listed in paragraphs (1) through (16) of sec-  
11 tion 101, are those specified in the classified Schedule of  
12 Authorizations prepared to accompany the bill S. \_\_\_\_ of  
13 the One Hundred Twelfth Congress.

14           (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
15 THORIZATIONS.—The classified Schedule of Authoriza-  
16 tions referred to in subsection (a) shall be made available  
17 to the Committee on Appropriations of the Senate, the  
18 Committee on Appropriations of the House of Representa-  
19 tives, and to the President. The President shall provide  
20 for suitable distribution of the Schedule, or of appropriate  
21 portions of the Schedule, within the executive branch.

22 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

23           (a) AUTHORITY FOR INCREASES.—The Director of  
24 National Intelligence may authorize the employment of ci-  
25 vilian personnel in excess of the number of full-time equiv-

1 alent positions for fiscal year 2012 authorized by the clas-  
2 sified Schedule of Authorizations referred to in section  
3 102(a) if the Director of National Intelligence determines  
4 that such action is necessary for the performance of im-  
5 portant intelligence functions, except that the number of  
6 personnel employed in excess of the number authorized  
7 under such section may not, for any element of the intel-  
8 ligence community, exceed 3 percent of the number of ci-  
9 vilian personnel authorized under such section for such  
10 element.

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

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

1           (2) CONCURRENCE AND APPROVAL.—The au-  
2           thority described in paragraph (1) may not be exer-  
3           cised unless the Director of National Intelligence  
4           concurs with the determination described in such  
5           paragraph.

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

12           (1) in a student program, trainee program, or  
13          similar program;

14           (2) in a reserve corps or as a reemployed annu-  
15          itant; or

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

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

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

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated for the Intelligence Commu-  
5 nity Management Account of the Director of National In-  
6 telligence for fiscal year 2012 the sum of \$585,187,000.  
7 Within such amount, funds identified in the classified  
8 Schedule of Authorizations referred to in section 102(a)  
9 for advanced research and development shall remain avail-  
10 able until September 30, 2013.

11 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
12 ments within the Intelligence Community Management  
13 Account of the Director of National Intelligence are au-  
14 thorized 800 full-time equivalent personnel as of Sep-  
15 tember 30, 2012. Personnel serving in such elements may  
16 be permanent employees of the Office of the Director of  
17 National Intelligence or personnel detailed from other ele-  
18 ments of the United States Government.

19 (c) CLASSIFIED AUTHORIZATIONS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
21 addition to amounts authorized to be appropriated  
22 for the Intelligence Community Management Ac-  
23 count by subsection (a), there are authorized to be  
24 appropriated for the Community Management Ac-  
25 count for fiscal year 2012 such additional amounts  
26 as are specified in the classified Schedule of Author-

1       izations referred to in section 102(a). Such addi-  
2       tional amounts made available for advanced research  
3       and development shall remain available until Sep-  
4       tember 30, 2013.

5               (2) AUTHORIZATION OF PERSONNEL.—In addi-  
6       tion to the personnel authorized by subsection (b)  
7       for elements of the Intelligence Community Manage-  
8       ment Account as of September 30, 2012, there are  
9       authorized such full-time equivalent personnel for  
10      the Community Management Account as of that  
11      date as are specified in the classified Schedule of  
12      Authorizations referred to in section 102(a).

13 **TITLE        II—CENTRAL        INTEL-**  
14 **LIGENCE   AGENCY   RETIRE-**  
15 **MENT   AND   DISABILITY   SYS-**  
16 **TEM**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

18       There is authorized to be appropriated for the Cen-  
19      tral Intelligence Agency Retirement and Disability Fund  
20      for fiscal year 2012 the sum of \$513,700,000.

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

4 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
5 **ACTIVITIES.**

6 The authorization of appropriations by this Act shall  
7 not be deemed to constitute authority for the conduct of  
8 any intelligence activity that is not otherwise authorized  
9 by the Constitution or the laws of the United States.

10 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**  
11 **BENEFITS AUTHORIZED BY LAW.**

12 Appropriations authorized by this Act for salary, pay,  
13 retirement, and other benefits for Federal employees may  
14 be increased by such additional or supplemental amounts  
15 as may be necessary for increases in such compensation  
16 or benefits authorized by law.

17 **SEC. 303. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE**  
18 **PERSONNEL MANAGEMENT AMONG THE ELE-**  
19 **MENTS OF THE INTELLIGENCE COMMUNITY.**

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

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

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

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

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

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

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

1 **SEC. 304. COST ESTIMATES.**

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

4 (1) in subsection (a)(2)—

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

6 (B) by inserting at the end the following  
7 new subparagraph:

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

24 (2) in subsection (e)(2)—

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

1 (B) in subparagraph (A), as so designated,  
2 by striking “associated with the acquisition of a  
3 major system,” and inserting “associated with  
4 the development, acquisition, procurement, op-  
5 eration, and sustainment of a major system  
6 across its proposed life cycle,”; and

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

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

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

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

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect 180 days after the date of  
3 the enactment of this Act.

4 **SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION AS-**  
5 **SESSMENT STATEMENTS.**

6 Section 123 of the Atomic Energy Act of 1954 (42  
7 U.S.C. 2153) is amended—

8 (1) in subsection a., in the first undesignated  
9 paragraph after paragraph (9)—

10 (A) by striking the third sentence and in-  
11 serting “The Secretary of State and the Direc-  
12 tor of National Intelligence shall provide to the  
13 President an unclassified Nuclear Proliferation  
14 Assessment Statement as follows: Parts A and  
15 B of such assessment shall be prepared by the  
16 Secretary of State, in consultation with the Di-  
17 rector of National Intelligence. Part A shall  
18 analyze the consistency of the text of the pro-  
19 posed agreement for cooperation with all the re-  
20 quirements of this chapter, with specific atten-  
21 tion to whether the proposed agreement is con-  
22 sistent with each of the criteria set forth in this  
23 subsection. Part B shall analyze the adequacy  
24 of the safeguards and other control mechanisms  
25 and the peaceful use assurances contained in

1 the agreement for cooperation to ensure that  
2 any assistance furnished thereunder will not be  
3 used to further any military or nuclear explo-  
4 sive purposes. Part C of such assessment shall  
5 be prepared by the Director of National Intel-  
6 ligence, in consultation with the Secretary of  
7 State, and consist of a comprehensive analysis  
8 of the country's export control system with re-  
9 spect to nuclear-related matters, including  
10 interactions with other countries of proliferation  
11 concern and the actual or suspected nuclear,  
12 dual-use, or missile-related transfers to such  
13 countries.”; and

14 (B) by striking “Each Nuclear Prolifera-  
15 tion Assessment Statement prepared pursuant  
16 to this Act shall be accompanied by a classified  
17 annex, prepared in consultation with the Direc-  
18 tor of Central Intelligence,” and inserting  
19 “Each Nuclear Proliferation Assessment State-  
20 ment prepared pursuant to this Act shall be ac-  
21 companied by a classified annex prepared by  
22 the Director of National Intelligence and the  
23 Secretary of State”;

24 (2) in subsection b., by inserting “and in addi-  
25 tion has submitted such Nuclear Proliferation As-



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

4           (b) DEPARTMENT OF THE INTERIOR, ENVIRONMENT,  
5 AND RELATED AGENCIES APPROPRIATIONS ACT, 2010.—  
6 Subsection (e) of section 428 of the Department of the  
7 Interior, Environment, and Related Agencies Appropria-  
8 tions Act, 2010 (division A of Public Law 111–88; 123  
9 Stat. 2963) is amended—

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

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

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

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

1 **SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TER-**  
2 **RORIST RECIDIVISM OF DETAINEES HELD AT**  
3 **UNITED STATES NAVAL STATION, GUANTA-**  
4 **NAMO BAY, CUBA.**

5 Section 334 of the Intelligence Authorization Act for  
6 Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2688)  
7 is amended—

8 (1) in the matter preceding paragraph (1), by  
9 inserting “(a) IN GENERAL.—” before “Not”; and

10 (2) by adding at the end the following new sub-  
11 section:

12 “(b) UPDATES.—

13 “(1) REQUIREMENT FOR UPDATES.—Not less  
14 frequently than once every 6 months, the Director of  
15 National Intelligence, in consultation with the Direc-  
16 tor of the Central Intelligence Agency and the Sec-  
17 retary of Defense, shall update and make publicly  
18 available an unclassified summary consisting of the  
19 information required by subsection (a) and the num-  
20 ber of individuals formerly detained at the Naval  
21 Detention Facility at Guantanamo Bay, Cuba, who  
22 are confirmed or suspected recidivists.

23 “(2) INITIAL UPDATE.—The initial update re-  
24 quired by paragraph (1) shall be made publicly  
25 available not later than 10 days after the date the  
26 first report following the date of the enactment of

1 the Intelligence Authorization Act for Fiscal Year  
2 2012 is submitted to members and committees of  
3 Congress pursuant to section 319 of the Supple-  
4 mental Appropriations Act, 2009 (Public Law 111-  
5 32; 10 U.S.C. 801 note).”.

6 **SEC. 308. SUBMISSION OF INFORMATION ON GUANTANAMO**  
7 **BAY DETAINEE TRANSFERS.**

8 (a) REQUIREMENT FOR SUBMISSION.—Not later  
9 than 45 days after the date of the enactment of this Act,  
10 the Director of National Intelligence, in coordination with  
11 the Secretary of State, shall submit to the congressional  
12 intelligence committees information concerning the trans-  
13 fer or potential transfer of individuals who are or have  
14 been detained by the United States at Naval Station,  
15 Guantanamo Bay, Cuba.

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

18 (1) An assessment of the sufficiency of the  
19 monitoring undertaken by each foreign country to  
20 which an individual referred to in subsection (a) has  
21 been transferred.

22 (2) Any written or verbal agreement between  
23 the Secretary of State and the government of a for-  
24 eign country that describes monitoring and security  
25 assurances related to such an individual.

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

4 **SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MAN-**  
5 **AGE SUPPLY CHAIN RISK.**

6           (a) DEFINITIONS.—In this section:

7           (1) COVERED AGENCY.—The term “covered  
8           agency” means any element of the intelligence com-  
9           munity other than an element within the Depart-  
10          ment of Defense.

11          (2) COVERED ITEM OF SUPPLY.—The term  
12          “covered item of supply” means an item of informa-  
13          tion technology (as that term is defined in section  
14          11101 of title 40, United States Code) that is pur-  
15          chased for inclusion in a covered system, and the  
16          loss of integrity of which could result in a supply  
17          chain risk for a covered system.

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

20                  (A) a source selection for a covered system  
21                  or a covered item of supply; or

22                  (B) any contract action involving a con-  
23                  tract for a covered system or a covered item of  
24                  supply where such contract includes a clause es-

1           tablishing requirements relating to supply chain  
2           risk.

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

7                   (A) The exclusion of a source for the pur-  
8                   pose of reducing supply chain risk in the acqui-  
9                   sition of covered systems.

10                   (B) The exclusion of a source that fails to  
11                   achieve an acceptable rating with regard to an  
12                   evaluation factor providing for the consideration  
13                   of supply chain risk in the evaluation of pro-  
14                   posals for the award of a contract or the  
15                   issuance of a task or delivery order.

16                   (C) The decision to withhold consent for a  
17                   contractor to subcontract with a particular  
18                   source or to direct a contractor for a covered  
19                   system to exclude a particular source from con-  
20                   sideration for a subcontract under the contract.

21           (5) COVERED SYSTEM.—

22                   (A) IN GENERAL.—The term “covered sys-  
23                   tem” means any information system (including  
24                   any telecommunications system) used or oper-  
25                   ated by an agency or by a contractor of an

1 agency, or other organization on behalf of an  
2 agency—

3 (i) the function, operation, or use of  
4 which—

5 (I) involves intelligence activities;

6 (II) involves cryptologic activities  
7 related to national security;

8 (III) involves command and con-  
9 trol of military forces;

10 (IV) involves equipment that is  
11 an integral part of a weapon or weap-  
12 ons system; or

13 (V) subject to subparagraph (B),  
14 is critical to the direct fulfillment of  
15 military or intelligence missions; or

16 (ii) is protected at all times by proce-  
17 dures established for information that have  
18 been specifically authorized under criteria  
19 established by an Executive order or an  
20 Act of Congress to be kept classified in the  
21 interest of national defense or foreign pol-  
22 icy.

23 (B) EXCEPTION OF ADMINISTRATIVE AND  
24 BUSINESS APPLICATIONS.—Subparagraph  
25 (A)(i)(V) does not include a system that is to

1           be used for routine administrative and business  
2           applications (including payroll, finance, logis-  
3           tics, and personnel management applications).

4           (6) SUPPLY CHAIN RISK.—The term “supply  
5           chain risk” means the risk that an adversary may  
6           sabotage, maliciously introduce unwanted function,  
7           or otherwise subvert the design, integrity, manufac-  
8           turing, production, distribution, installation, oper-  
9           ation, or maintenance of a covered system so as to  
10          surveil, deny, disrupt, or otherwise degrade the func-  
11          tion, use, or operation of such system.

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

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

16                 (2) limit, notwithstanding any other provision  
17                 of law, in whole or in part, the disclosure of informa-  
18                 tion relating to the basis for carrying out a covered  
19                 procurement action.

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

23                 (1) any appropriate consultation with procure-  
24                 ment or other relevant officials of the covered agen-  
25                 cy;

1           (2) making a determination in writing, in un-  
2           classified or classified form, that—

3                   (A) use of the authority in subsection  
4                   (b)(1) is necessary to protect national security  
5                   by reducing supply chain risk;

6                   (B) less intrusive measures are not reason-  
7                   ably available to reduce such supply chain risk;  
8                   and

9                   (C) in a case where the head of the covered  
10                  agency plans to limit disclosure of information  
11                  under subsection (b)(2), the risk to national se-  
12                  curity due to the disclosure of such information  
13                  outweighs the risk due to not disclosing such  
14                  information;

15           (3) notifying the Director of National Intel-  
16           ligence that there is a significant supply chain risk  
17           to the covered system concerned, unless the head of  
18           the covered agency making the determination is the  
19           Director of National Intelligence; and

20           (4) providing a classified or unclassified notice  
21           of the determination made under paragraph (2) to  
22           the congressional intelligence committees that in-  
23           cludes a summary of the basis for the determination,  
24           including a discussion of less intrusive measures that

1        were considered and why they were not reasonably  
2        available to reduce supply chain risk.

3        (d) SAVINGS.—The authority under this section is in  
4        addition to any other authority under any other provision  
5        of law. The authority under this section shall not be con-  
6        strued to alter or effect the exercise of any other provision  
7        of law.

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

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

16       **SEC. 310. REPORT ON BURIAL ALLOWANCES.**

17       Not later than September 1, 2011, the Director of  
18       the Office of Personnel Management, in consultation with  
19       the Director of National Intelligence, the Secretary of  
20       Labor, and the Secretary of Defense, shall submit to the  
21       congressional intelligence committees a report on current  
22       burial allowances for Federal civilian or military per-  
23       sonnel. Such report shall include any recommendations of  
24       the Director for legislation to provide for burial allowances  
25       at a level which adequately addresses the cost of burials

1 and provides for equitable treatment across the United  
2 States Government.

3 **SEC. 311. MODIFICATION OF CERTAIN REPORTING RE-**  
4 **QUIREMENTS.**

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

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

14 (c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL  
15 YEAR 1997.—Section 721 of the Intelligence Authoriza-  
16 tion Act for Fiscal Year 1997 (50 U.S.C. 2366) is amend-  
17 ed by adding at the end the following new subsection:

18 “(d) EFFECTIVE DATE.—This section shall be in ef-  
19 fect until January 1, 2011.”.

20 (d) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL  
21 YEAR 1995.—Section 809 of the Intelligence Authoriza-  
22 tion Act for Fiscal Year 1995 (50 U.S.C. App. 2170b)  
23 is amended—

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

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

4           (e) REPORT ON TEMPORARY PERSONNEL AUTHOR-  
5           IZATIONS FOR CRITICAL LANGUAGE TRAINING.—Para-  
6           graph (3)(D) of section 102A(e) of the National Security  
7           Act of 1947 (50 U.S.C. 403–1(e)), as amended by section  
8           306 of the Intelligence Authorization Act for Fiscal Year  
9           2010 (Public Law 111–259; 124 Stat. 2661), is amended  
10          by striking “The” and inserting “For each of the fiscal  
11          years 2010, 2011, and 2012, the”.

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

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

17       **SEC. 401. TEMPORARY APPOINTMENT TO FILL VACANCIES**  
18                       **WITHIN OFFICE OF THE DIRECTOR OF NA-**  
19                       **TIONAL INTELLIGENCE.**

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

22               (1) by redesignating subsection (e) as sub-  
23               section (f); and

24               (2) by inserting after subsection (d) the fol-  
25               lowing new subsection:

1           “(e) TEMPORARY FILLING OF VACANCIES.—With re-  
2 spect to filling temporarily a vacancy in an office within  
3 the Office of the Director of National Intelligence (other  
4 than that of the Director of National Intelligence), section  
5 3345(a)(3) of title 5, United States Code, may be ap-  
6 plied—

7           “(1) in the matter preceding subparagraph (A),  
8 by substituting ‘an element of the intelligence com-  
9 munity, as that term is defined in section 3(4) of the  
10 National Security Act of 1947,’ for ‘such Executive  
11 agency’; and

12           “(2) in subparagraph (A), by substituting ‘the  
13 intelligence community’ for ‘such agency’.”.

14 **SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORT-**  
15 **ING REQUIREMENTS TO THE OFFICE OF THE**  
16 **DIRECTOR OF NATIONAL INTELLIGENCE.**

17           For each of the fiscal years 2010, 2011, and 2012,  
18 the requirements of section 3515 of title 31, United States  
19 Code, to submit an audited financial statement shall not  
20 apply to the Office of the Director of National Intelligence  
21 if the Director of National Intelligence determines and no-  
22 tifies the congressional intelligence committees that au-  
23 dited financial statements for such years for such Office  
24 cannot be produced on a cost-effective basis.

1 **SEC. 403. PUBLIC AVAILABILITY OF INFORMATION RE-**  
2 **GARDING THE INSPECTOR GENERAL OF THE**  
3 **INTELLIGENCE COMMUNITY.**

4 Section 103H of the National Security Act of 1947  
5 (50 U.S.C. 403–3h) is amended by adding at the end the  
6 following new subsection:

7 “(o) INFORMATION ON WEBSITE.—(1) The Director  
8 of National Intelligence shall establish and maintain on  
9 the homepage of the publicly accessible website of the Of-  
10 fice of the Director of National Intelligence information  
11 relating to the Office of the Inspector General of the Intel-  
12 ligence Community including methods to contact the In-  
13 spector General.

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

18 **SEC. 404. TECHNICAL CORRECTION TO THE EXECUTIVE**  
19 **SCHEDULE.**

20 Section 5315 of title 5, United States Code, is  
21 amended by inserting after the item relating to the Chief  
22 Information Officer, Small Business Administration the  
23 following new item:

24 “Chief Information Officer of the Intelligence  
25 Community.”.

1       **Subtitle B—Central Intelligence**  
2                                   **Agency**

3       **SEC. 411. FOREIGN LANGUAGE PROFICIENCY REQUIRE-**  
4                                   **MENTS FOR CENTRAL INTELLIGENCE AGEN-**  
5                                   **CY OFFICERS.**

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

8                   (1) in paragraph (1)—

9                           (A) in the matter preceding subparagraph

10                           (A)—

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

15                                   (ii) by inserting “or promoted” after  
16 “appointed”; and

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

1           iciency as the Director of the Central In-  
2           telligence Agency considers appropriate.”;

3           (B) by striking subparagraphs (A) and  
4           (B); and

5           (2) in paragraph (2), by striking “position or  
6           category of positions” both places that term appears  
7           and inserting “position, category of positions, or oc-  
8           cupation”.

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

12           (1) by inserting “or promotions” after “ap-  
13          pointments”; and

14           (2) by striking “that is one year after the  
15          date”.

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

19           (1) in the first sentence—

20           (A) by striking “positions” and inserting  
21          “individual waivers”; and

22           (B) by striking “Directorate of Oper-  
23          ations” and inserting “National Clandestine  
24          Service”; and

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

4           (d) REPORT ON TRANSFERS.—Not later than 45  
5           days after the date of the enactment of this Act, and on  
6           an annual basis for each of the following 3 years, the Di-  
7           rector of the Central Intelligence Agency shall submit to  
8           the congressional intelligence committees a report on the  
9           number of Senior Intelligence Service employees of the  
10          Agency who—

11           (1) were transferred during the reporting period  
12          to a Senior Intelligence Service position in the Direc-  
13          torate of Intelligence career service or the National  
14          Clandestine Service career service; and

15           (2) did not meet the foreign language require-  
16          ments specified in section 104A(g)(1) of the Na-  
17          tional Security Act of 1947 (50 U.S.C. 403-  
18          4a(g)(1)) at the time of such transfer.

19          **SEC. 412. ACCEPTANCE OF GIFTS.**

20          Section 12 of the Central Intelligence Agency Act of  
21          1949 (50 U.S.C. 403l(a)) is amended—

22           (1) in subsection (a)—

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

24                   (B) by striking the second and third sen-  
25           tences and inserting the following:

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

3               “(A) may be used only for—”

4                       “(i) artistic display;

5                       “(ii) purposes relating to the general wel-  
6 fare, education, or recreation of employees or  
7 dependents of employees of the Agency or for  
8 similar purposes; or

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

12               “(B) under no circumstances may such a gift  
13 (or any income produced by any such gift) be used  
14 for operational purposes.

15       “(3) An individual described in this paragraph is an  
16 individual who—

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

20                       “(i) resulted from hostile or terrorist ac-  
21 tivities;

22                       “(ii) occurred in connection with an intel-  
23 ligence activity having a significant element of  
24 risk; or

1           “(iii) occurred under other circumstances  
2           determined by the Director to be analogous to  
3           the circumstances described in clause (i) or (ii);

4           “(B) is a family member of such an employee  
5           or former employee; or

6           “(C) is a surviving family member of an em-  
7           ployee of the Agency who died in circumstances de-  
8           scribed in clause (i), (ii), or (iii) of subparagraph  
9           (A).

10          “(4) The Director may not accept any gift under this  
11          section which is expressly conditioned upon any expendi-  
12          ture not to be met from the gift itself or from income pro-  
13          duced by the gift unless such expenditure has been author-  
14          ized by law.

15          “(5) The Director may, in the Director’s discretion,  
16          assign a gift accepted under the authority in this section  
17          to an individual described in paragraph (3) for the pur-  
18          poses described in paragraph (2)(iii).”; and

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

21          “(f) The Director, in consultation with the Director  
22          of the Office of Government Ethics, shall issue regulations  
23          to carry out the authority provided in this section. Such  
24          regulations shall ensure that such authority is exercised

1 consistent with all relevant ethical constraints and prin-  
2 ciples, including—

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

5 “(2) a prohibition against the acceptance of a  
6 gift from a foreign government or an agent of a for-  
7 eign government.”.

8 **SEC. 413. PUBLIC AVAILABILITY OF INFORMATION RE-**  
9 **GARDING THE INSPECTOR GENERAL OF THE**  
10 **CENTRAL INTELLIGENCE AGENCY.**

11 Section 17 of the Central Intelligence Agency Act of  
12 1949 (50 U.S.C. 403q) is amended by adding at the end  
13 the following new subsection:

14 “(h) INFORMATION ON WEBSITE.—(1) The Agency  
15 shall establish and maintain on the homepage of the Agen-  
16 cy’s publicly accessible website information relating to the  
17 Office of the Inspector General including methods to con-  
18 tact the Inspector General.

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

22 **SEC. 414. RECRUITMENT OF PERSONNEL IN THE OFFICE OF**  
23 **THE INSPECTOR GENERAL.**

24 (a) STUDY.—The Director of the Central Intelligence  
25 Agency, in consultation with the Inspector General of the

1 Central Intelligence Agency, shall carry out a study of the  
2 personnel issues of the Office of the Inspector General.

3 Such study shall include—

4           (1) identification of any barriers or disincen-  
5 tives to the recruitment or retention of experienced  
6 investigators within the Office of the Inspector Gen-  
7 eral; and

8           (2) a comparison of the personnel authorities of  
9 the Inspector General with personnel authorities of  
10 Inspectors General of other agencies and depart-  
11 ments of the United States, including a comparison  
12 of the benefits available to experienced investigators  
13 within the Office of the Inspector General of the  
14 Central Intelligence Agency with similar benefits  
15 available within the offices of Inspectors General of  
16 such other agencies or departments.

17       (b) RECOMMENDATIONS.—Not later than 90 days  
18 after the date of the enactment of this Act, the Director  
19 of the Central Intelligence Agency shall submit to the con-  
20 gressional intelligence committees—

21           (1) any recommendations of the Director for  
22 legislative action based on the results of the study  
23 conducted under subsection (a); and

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

1           **Subtitle C—National Security**  
2                           **Agency**

3   **SEC. 421. CONFIRMATION OF APPOINTMENT OF THE DI-**  
4                           **RECTOR OF THE NATIONAL SECURITY AGEN-**  
5                           **CY.**

6           (a) DIRECTOR OF NATIONAL SECURITY AGENCY.—

7   Section 2 of the National Security Agency Act of 1959  
8   (50 U.S.C. 402 note) is amended—

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

10           (2) by inserting before subsection (b), as so  
11   designated by paragraph (1), the following new sub-  
12   section

13           “(a)(1) There is a Director of the National Security  
14   Agency.

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

18           “(3) The Director of the National Security Agency  
19   shall be the head of the National Security Agency and  
20   shall discharge such functions and duties as are provided  
21   by this Act or otherwise by law.”.

22           (b) POSITIONS OF IMPORTANCE AND RESPONSI-  
23   BILITY.—The President may designate the Director of the  
24   National Security Agency as a position of importance and

1 responsibility under section 601 of title 10, United States  
2 Code.

3 (c) EFFECTIVE DATE AND APPLICABILITY.—

4 (1) IN GENERAL.—The amendments made by  
5 subsection (a) shall take effect on the date of the en-  
6 actment of this Act and shall apply upon the earlier  
7 of—

8 (A) the date of the nomination by the  
9 President of an individual to serve as the Direc-  
10 tor of the National Security Agency, except that  
11 the individual serving as such Director as of the  
12 date of the enactment of this Act may continue  
13 to perform such duties after such date of nomi-  
14 nation and until the individual appointed as  
15 such Director, by and with the advice and con-  
16 sent of the Senate, assumes the duties of such  
17 Director; or

18 (B) the date of the cessation of the per-  
19 formance of the duties of such Director by the  
20 individual performing such duties as of the date  
21 of the enactment of this Act.

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

1 **SEC. 422. ADDITIONAL AUTHORITIES FOR NATIONAL SECUR-**  
2 **RITY AGENCY SECURITY PERSONNEL.**

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

7 “(5) Agency personnel authorized by the Director  
8 under paragraph (1) may transport an individual appre-  
9 hended under the authority of this section from the prem-  
10 ises at which the individual was apprehended, as described  
11 in subparagraph (A) or (B) of paragraph (1), for the pur-  
12 pose of transferring such individual to the custody of law  
13 enforcement officials. Such transportation may be pro-  
14 vided only to make a transfer of custody at a location with-  
15 in 30 miles of the premises described in subparagraphs  
16 (A) and (B) of paragraph (1).”.

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

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

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

25 (3) by adding at the end the following new sub-  
26 paragraph:

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

### 3           **Subtitle D—Other Elements**

#### 4           **SEC. 431. APPROPRIATIONS FOR DEFENSE INTELLIGENCE**

#### 5                           **ELEMENTS: ACCOUNTS FOR TRANSFER;** 6                           **TRANSFER.**

7           (a) IN GENERAL.—Subchapter I of chapter 21 of title  
8           10, United States Code, is amended by adding at the end  
9           the following new section:

#### 10           **“§ 429. Appropriations for defense intelligence ele-** 11                           **ments: accounts for transfer; transfer**

12           “(a) TRANSFER OF APPROPRIATIONS FOR DEFENSE  
13           INTELLIGENCE ELEMENTS.—In addition to any other  
14           transfer authority available to the Secretary of Defense  
15           and notwithstanding section 1501 of title 31, United  
16           States Code, there may be transferred to an account es-  
17           tablished pursuant to subsection (b) the following:

18                       “(1) Appropriations transferred by the Sec-  
19                       retary of Defense from appropriations of the Depart-  
20                       ment of Defense available for intelligence, intel-  
21                       ligence-related activities, and communications.

22                       “(2) Appropriations and other amounts trans-  
23                       ferred by the Director of National Intelligence.

1           “(3) Amounts and reimbursements in connec-  
2           tion with transactions authorized by law between the  
3           defense intelligence elements and other entities.

4           “(b) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE  
5 INTELLIGENCE ELEMENTS.—The Secretary of the Treas-  
6 ury shall establish one or more accounts for the receipt  
7 of appropriations and other amounts transferred pursuant  
8 to subsection (a).

9           “(c) AVAILABILITY AND USE OF FUNDS.—Funds  
10 transferred to an account established under subsection (b)  
11 shall remain available for the same time period, and shall  
12 be available for the same purpose, as the original appro-  
13 priations from which the funds were transferred.

14           “(d) AVAILABILITY OF APPROPRIATIONS AND  
15 AMOUNTS TRANSFERRED.—(1) Appropriations trans-  
16 ferred pursuant to subsection (a) shall remain available  
17 for the same time period, and shall be available for the  
18 same purposes, as the appropriations from which trans-  
19 ferred.

20           “(2) Appropriation balances in an account estab-  
21 lished pursuant to subsection (b) may be transferred back  
22 to the account or accounts from which such balances origi-  
23 nated as an appropriation refund.

24           “(e) DEFENSE INTELLIGENCE ELEMENT DE-  
25 FINED.—In this section, the term ‘Defense intelligence

1 element' means any agency, office, or element of the De-  
 2 partment of Defense that is an element of the intelligence  
 3 community (as that term is defined in section 3(4) of the  
 4 National Security Act of 1947 (50 U.S.C. 401a(4)).”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
 6 at the beginning of subchapter I of chapter 21 of such  
 7 title is amended by inserting after the item relating to sec-  
 8 tion 428 the following new item:

“429. Appropriations for defense intelligence elements: accounts for transfer;  
 transfer.”.

9 **SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICI-**  
 10 **PATION IN THE DEPARTMENT OF JUSTICE**  
 11 **LEAVE BANK.**

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

14 “(b)(1) Except as provided in paragraph (2) and not-  
 15 withstanding any other provision of this subchapter, nei-  
 16 ther an excepted agency nor any individual employed in  
 17 or under an excepted agency may be included in a leave  
 18 bank program established under any of the preceding pro-  
 19 visions of this subchapter.

20 “(2) Notwithstanding any other provision of law, the  
 21 Director of the Federal Bureau of Investigation may au-  
 22 thorize an individual employed in the Bureau to partici-  
 23 pate in a leave bank program administered by the Depart-  
 24 ment of Justice under this subchapter if in the Director’s

1 judgment such participation will not adversely affect the  
2 protection of intelligence sources and methods.”.

3 **SEC. 433. INTELLIGENCE COMMUNITY MEMBERSHIP OF**  
4 **THE OFFICE OF INTELLIGENCE AND ANAL-**  
5 **YSIS OF THE DEPARTMENT OF HOMELAND**  
6 **SECURITY.**

7 Section 3(4)(K) of the National Security Act of 1947  
8 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

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

11 **TITLE V—OTHER MATTERS**

12 **SEC. 501. CONFORMING THE FISA AMENDMENTS ACT OF**  
13 **2008 SUNSET WITH OTHER FISA SUNSETS.**

14 (a) EXTENSION.—Section 403(b)(1) of the FISA  
15 Amendments Act of 2008 (Public Law 110–261; 50  
16 U.S.C. 1881 note) is amended by striking “December 31,  
17 2012” and inserting “June 1, 2015”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
19 Section 403(b)(2) of such Act (Public Law 110–261; 122  
20 Stat. 2474) is amended by striking “December 31, 2012”  
21 and inserting “June 1, 2015”.

22 (c) ORDERS IN EFFECT.—Section 404(b)(1) of such  
23 Act (Public Law 110–261; 50 U.S.C. 1801 note) is  
24 amended in the heading by striking “DECEMBER 31,  
25 2012” and inserting “JUNE 1, 2015”.

1 **SEC. 502. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**  
2 **CURITY ACT OF 1947.**

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

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

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

11 (3) in section 506A(c)(2)(C) (50 U.S.C. 415a-  
12 1(c)(2)(C)), by striking “National Foreign Intel-  
13 ligence Program” both places that term appears and  
14 inserting “National Intelligence Program”.

15 **SEC. 503. TECHNICAL AMENDMENTS TO TITLE 18, UNITED**  
16 **STATES CODE.**

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

19 (1) by inserting “the Director (or a person  
20 nominated to be Director during the pendency of  
21 such nomination) or Principal Deputy Director of  
22 National Intelligence,” after “in such department,”;  
23 and

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



Calendar No. 124

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1458**

[Report No. 112-43]

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## **A BILL**

To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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August 1, 2011

Read twice and placed on the calendar