

110TH CONGRESS  
2D SESSION

# S. 3041

To establish the Foreign Intelligence and Information Commission to assess needs and provide recommendations to improve foreign intelligence and information collection, analysis, and reporting, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 20, 2008

Mr. FEINGOLD (for himself and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

---

## A BILL

To establish the Foreign Intelligence and Information Commission to assess needs and provide recommendations to improve foreign intelligence and information collection, analysis, and reporting, 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.**

4        This Act may be cited as the “Foreign Intelligence  
5        and Information Commission Act”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act:

1           (1) 2005 NATIONAL INTELLIGENCE STRAT-  
2 EGY.—The term “2005 National Intelligence Strat-  
3 egy” means the National Intelligence Strategy of the  
4 United States of America released by the Director of  
5 National Intelligence on October 26, 2005.

6           (2) 2006 ANNUAL REPORT OF THE UNITED  
7 STATES INTELLIGENCE COMMUNITY AND 2006 AN-  
8 NUAL REPORT.—The terms “2006 Annual Report of  
9 the United States Intelligence Community” and  
10 “2006 Annual Report” mean the 2006 Annual Re-  
11 port of the United States Intelligence Community  
12 released by the Director of National Intelligence in  
13 February 2007.

14           (3) COMMISSION.—The term “Commission”  
15 means the Foreign Intelligence and Information  
16 Commission established in section 4(a).

17           (4) CONGRESSIONAL INTELLIGENCE COMMIT-  
18 TEES.—The term “congressional intelligence com-  
19 mittees” means—

20                   (A) the Select Committee on Intelligence of  
21 the Senate; and

22                   (B) the Permanent Select Committee on  
23 Intelligence of the House of Representatives.

24           (5) FOREIGN INTELLIGENCE, INTELLIGENCE,  
25 INTELLIGENCE COMMUNITY.—The terms “foreign

1 intelligence”, “intelligence”, and “intelligence com-  
2 munity” have the meaning given those terms in sec-  
3 tion 3 of the National Security Act of 1947 (50  
4 U.S.C. 401a).

5 (6) INFORMATION.—The term “information”  
6 includes information of relevance to the foreign pol-  
7 icy of the United States collected and conveyed  
8 through diplomatic reporting and other reporting by  
9 personnel of the Government of the United States  
10 who are not employed by an element of the intel-  
11 ligence community, including public and open-source  
12 information.

13 (7) STRATEGIC PLAN OF THE DEPARTMENT OF  
14 STATE.—The term “Strategic Plan of the Depart-  
15 ment of State” means the Strategic Plan for Fiscal  
16 Years 2007–2012 of the Department of State and  
17 the United States Agency for International Develop-  
18 ment revised on May 2, 2007.

19 **SEC. 3. FINDINGS.**

20 Congress makes the following findings:

21 (1) Accurate, timely, and comprehensive foreign  
22 intelligence and information are critical to the na-  
23 tional security of United States and the furtherance  
24 of the foreign policy goals of the United States.

1           (2) It is in the national security and foreign  
2 policy interest of the United States to ensure the  
3 global deployment of personnel of the Government of  
4 the United States who are responsible for collecting,  
5 reporting, and analyzing foreign intelligence and in-  
6 formation, including specifically personnel from the  
7 intelligence community and the Department of  
8 State, as well as other elements of the Government  
9 of the United States, and that adequate resources  
10 are committed to effect such collection, reporting,  
11 and analysis.

12           (3) The National Security Strategy of the  
13 United States of America issued on March 16, 2006  
14 summarized the National Security Strategy of the  
15 United States of America issued on September 17,  
16 2002 and provided that “defeating terrorism re-  
17 quires a long-term strategy and a break with old  
18 patterns”.

19           (4) The National Security Strategy of the  
20 United States of America issued on March 16, 2006  
21 asserts that “our diplomats must be able to step  
22 outside their traditional role to become more in-  
23 volved with the challenges within other societies,  
24 helping them directly, channeling assistance, and  
25 learning from their experience”.

1           (5) The 2005 National Intelligence Strategy  
2           and the 2006 Annual Report of the United States  
3           Intelligence Community identified 5 major missions  
4           of the intelligence community to support the na-  
5           tional security requirements of the United States,  
6           the first 2 of which, defeating terrorism and pre-  
7           venting and countering the spread of weapons of  
8           mass destruction, are global and transnational in na-  
9           ture.

10           (6) The third major mission identified by the  
11           2005 National Intelligence Strategy and the 2006  
12           Annual Report, bolstering the growth of democracy  
13           and sustaining peaceful democratic states, requires a  
14           global commitment of intelligence resources.

15           (7) The 2005 National Intelligence Strategy  
16           and the 2006 Annual Report identify as a major  
17           mission the need to “anticipate developments of  
18           strategic concern and identify opportunities as well  
19           as vulnerabilities for decision makers”.

20           (8) The 2006 Annual Report provides the fol-  
21           lowing:

22                   (A) “In a world in which developments in  
23                   distant reaches of the globe can quickly affect  
24                   American citizens and interests at home and  
25                   abroad, the Intelligence Community must alert

1 policy makers to problems before they escalate  
2 and provide insights into their causes and ef-  
3 fects. Analysis must do more than just describe  
4 what is happening and why; it must identify a  
5 range of opportunities for (and likely con-  
6 sequences of) diplomatic, military, law enforce-  
7 ment, economic, financial, or homeland security  
8 action. To support policymakers, the Intel-  
9 ligence Community should develop, sustain, and  
10 maintain access to expertise on every region,  
11 every transnational security issue, and every  
12 threat to the American people.”.

13 (B) “[I]ntelligence collectors and analysts  
14 provide a great deal of information to help pol-  
15 icymakers understand the spread of free institu-  
16 tions and the perils they often face.”.

17 (C) “We still need to re-balance, integrate,  
18 and optimize collection capabilities to meet cur-  
19 rent and future customer and analytic prior-  
20 ities. Collection is . . . what gives the [Intel-  
21 ligence Community] its ‘competitive advantage’  
22 in protecting the United States and its inter-  
23 ests.”.

24 (D) “One challenge to improving the cov-  
25 erage of emerging and strategic issues across

1 the Intelligence Community has been the diver-  
2 sion of resources to current crisis support  
3 . . .”.

4 (E) “Collection against terrorists in places  
5 like Iraq and Afghanistan took a substantial  
6 share of the [Intelligence Community’s] re-  
7 sources and efforts in FY 2006.”.

8 (F) “With so many [Intelligence Commu-  
9 nity] resources dedicated to the War on Terror  
10 and WMD programs in closed regimes, the [In-  
11 telligence] Community’s collection efforts still  
12 have to devote significant attention to potential  
13 or emerging threats of strategic consequence.”.

14 (9) On January 23, 2007, the Deputy Director  
15 of National Intelligence for Collection testified to the  
16 Select Committee on Intelligence of the Senate that  
17 there is a “need to get the Intelligence Community  
18 back to what I grew up calling global reach”, stating  
19 that “we don’t have that today”. She further testi-  
20 fied that “our challenge is . . . with [Congress’s]  
21 help [to get back] to a place where we can do global  
22 reach, and pay attention to places that we are not”.

23 (10) On February 14, 2008, the Director of  
24 National Intelligence testified to the Select Com-  
25 mittee on Intelligence of the Senate that “certainly

1 current crisis support takes a disproportionate  
2 share” of intelligence resources over emerging and  
3 strategic issues.

4 (11) The Strategic Plan of the Department of  
5 State—

6 (A) provides that “National security starts  
7 overseas, and our mission is to create conditions  
8 abroad that serve and protect American citizens  
9 and interests.”;

10 (B) provides as a strategic goal that “Our  
11 diplomatic and development activities will re-  
12 duce the threat or impact of violent conflict by  
13 developing early warning . . . capability.”; and

14 (C) establishes that the Department of  
15 State will “emphasize regional solutions to re-  
16 gional problems and sustainable, long-term  
17 strategies to address complex challenges”.

18 **SEC. 4. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.**

19 (a) ESTABLISHMENT.—There is established in the  
20 legislative branch a Foreign Intelligence and Information  
21 Commission.

22 (b) FUNCTIONS.—The Commission shall—

23 (1)(A) evaluate all global strategies of the Gov-  
24 ernment of the United States to collect foreign intel-  
25 ligence and information, including public and open

1 source information, based on current and projected  
2 national security and foreign policy priorities; and

3 (B) provide recommendations to improve the  
4 process for formulating such collection strategies;

5 (2)(A) evaluate the extent to which the Govern-  
6 ment of the United States coordinates foreign intel-  
7 ligence and information collection and analysis strat-  
8 egies across agencies and clandestine, diplomatic,  
9 military, and open source channels; and

10 (B) provide recommendations to improve that  
11 coordination;

12 (3)(A) evaluate the extent to which the Govern-  
13 ment of the United States directs human and budg-  
14 etary resources toward foreign intelligence and infor-  
15 mation collection and analysis across all agencies  
16 and through the interagency process based on collec-  
17 tion and analysis requirements; and

18 (B) provide recommendations to ensure that  
19 adequate resources are provided to meet such re-  
20 quirements;

21 (4)(A) evaluate the extent to which country  
22 missions participate in the interagency strategies  
23 and budget allocations for foreign intelligence and  
24 information collection, analysis, and reporting; and

1 (B) provide recommendations for the relevant  
2 role of country missions;

3 (5)(A) evaluate the extent to which major mis-  
4 sions identified in the 2005 National Intelligence  
5 Strategy and the 2006 Annual Report of the United  
6 States Intelligence Community, specifically related to  
7 global and transnational issues, have been supported  
8 with human and budgetary resources; and

9 (B) provide recommendations for directing re-  
10 sources to such missions;

11 (6)(A) evaluate the extent to which the require-  
12 ment, stated in 2005 National Intelligence Strategy  
13 and the 2006 Annual Report, to provide policy mak-  
14 ers with intelligence and information to anticipate  
15 crises before they occur and respond accordingly has  
16 been supported with sustained human and budgetary  
17 resources, particularly in countries and regions tra-  
18 ditionally underserved by the intelligence community;  
19 and

20 (B) provide recommendations for directing re-  
21 sources to such requirement;

22 (7)(A) evaluate the extent to which require-  
23 ments to collect foreign intelligence and information  
24 to anticipate crises or emerging threats have been

1 met through existing collection and analytical capa-  
2 bilities; and

3 (B) provide recommendations for improving the  
4 prepositioning of foreign intelligence and information  
5 collection and analytical capabilities to meet such re-  
6 quirements;

7 (8)(A) evaluate—

8 (i) the extent to which foreign intelligence  
9 and information collection, including diplomatic  
10 reporting and public and open source informa-  
11 tion and analytical resources, have been dis-  
12 proportionately directed toward current crises,  
13 rather than toward predictive analysis; and

14 (ii) the impact of the allocation of re-  
15 sources on finished intelligence production and  
16 diplomatic reporting; and

17 (B) provide recommendations for improving col-  
18 lection, reporting, and analysis of intelligence and  
19 information in accordance with the need for pre-  
20 dictive analysis, finished intelligence production, and  
21 diplomatic reporting on emerging and strategic  
22 issues and on current crises;

23 (9)(A) evaluate all existing strategic plans for  
24 the collection, reporting, and analysis of information  
25 obtained through diplomatic reporting by the De-

1 department of State and other agencies and depart-  
2 ments of the United States that are not elements of  
3 the intelligence community and the extent to which  
4 human and budgetary resources have supported such  
5 plans; and

6 (B) provide recommendations to improve proc-  
7 esses for establishing such strategies;

8 (10)(A) evaluate the extent to which out-of-cap-  
9 ital embassy posts of personnel of the Department  
10 of State and other agencies and departments of the  
11 United States contribute to information collection  
12 objectives; and

13 (B) provide recommendations for improving col-  
14 lection, analysis, and reporting capabilities of such  
15 posts or if such posts do not exist, provide an assess-  
16 ment of whether there is a need for the creation of  
17 such posts;

18 (11)(A) evaluate the extent to which the re-  
19 quirement, stated in the Strategic Plan of the De-  
20 partment of State, to provide policy makers informa-  
21 tion to anticipate crises before they occur and re-  
22 spond accordingly, has been supported with sus-  
23 tained human and budgetary resources, particularly  
24 in countries and regions traditionally underserved by  
25 the Department of State staff and posts; and

1 (B) provide recommendations for directing re-  
2 sources to such requirements;

3 (12)(A) evaluate the extent to which the ele-  
4 ments of the intelligence community, the Depart-  
5 ment of State, and other agencies and departments  
6 of the United States have promoted and developed  
7 language, cultural training, and other qualifications  
8 for effective collection of foreign intelligence and in-  
9 formation in countries and regions to which the re-  
10 sources of the intelligence community and the posi-  
11 tioning of country mission personnel have tradition-  
12 ally been limited; and

13 (B) provide recommendations for improving  
14 such language and other qualifications;

15 (13)(A) evaluate the capabilities of the Govern-  
16 ment of the United States to collect and report on  
17 foreign intelligence and information, including public  
18 and open source information, and conduct analysis  
19 with regard to ungoverned and undergoverned coun-  
20 tries and regions, terrorist safe havens, civil and re-  
21 gional conflicts, arms trafficking, stability, corrup-  
22 tion, radicalization and marginalization of specific  
23 groups and human rights and governance concerns;  
24 and

1 (B) provide recommendations to improve collec-  
2 tion, reporting, and analysis with regard to such  
3 countries and regions and the issues described in  
4 subparagraph (A);

5 (14)(A) identify any regional and thematic gaps  
6 in foreign intelligence and information collection,  
7 analysis, and reporting; and

8 (B) provide recommendations to overcome such  
9 gaps, including gaps related to the allocation of  
10 human and budgetary resources and processes for  
11 collection, reporting, and analysis of such intel-  
12 ligence and information;

13 (15)(A) identify impediments to directing  
14 human and budgetary resources toward collection,  
15 analysis, and reporting gaps, including the reasons  
16 for, and consequences of, such impediments; and

17 (B) provide recommendations for overcoming  
18 such impediments;

19 (16)(A) evaluate policies of the elements of the  
20 intelligence community, the Department of State  
21 and other agencies and departments of the United  
22 States to ensure sustained deployment of qualified  
23 personnel in remote or hardship areas of strategic  
24 significance; and

1 (B) provide recommendations for improving  
2 such policies; and

3 (17)(A) evaluate processes and mechanisms for  
4 reporting of information from country missions to  
5 policy makers and human and budgetary resources  
6 directed toward such reporting; and

7 (B) provide recommendations to improve such  
8 reporting.

9 **SEC. 5. MEMBERS AND STAFF OF THE COMMISSION.**

10 (a) MEMBERS OF THE COMMISSION.—

11 (1) APPOINTMENT.—The Commission shall be  
12 composed of 14 members as follows:

13 (A) Three members appointed by the ma-  
14 jority leader of the Senate.

15 (B) Three members appointed by the mi-  
16 nority leader of the Senate.

17 (C) Three members appointed by the  
18 Speaker of the House of Representatives.

19 (D) Three members appointed by the mi-  
20 nority leader of the House of Representatives.

21 (E) One nonvoting member appointed by  
22 the Director of National Intelligence.

23 (F) One nonvoting member appointed by  
24 the Secretary of State.

25 (2) SELECTION.—

- 1 (A) IN GENERAL.—Members of the Com-  
2 mission shall be individuals who—
- 3 (i) are private citizens; and
- 4 (ii) have—
- 5 (I) knowledge and experience in  
6 foreign information and intelligence  
7 collection, analysis, and reporting, in-  
8 cluding clandestine collection and clas-  
9 sified analysis, diplomatic reporting  
10 and analysis, and collection of public  
11 and open source information;
- 12 (II) knowledge and experience in  
13 issues related to the national security  
14 and foreign policy of the United  
15 States gained by serving as a senior  
16 official of the Department of State, a  
17 member of the Foreign Service, or an  
18 employee or officer of an appropriate  
19 agency or department of the United  
20 States or an independent organization  
21 with expertise in the field of inter-  
22 national affairs; or
- 23 (III) knowledge and experience  
24 with foreign policy decision making.

1           (B) DIVERSITY OF EXPERIENCE.—The in-  
2           dividuals appointed to the Commission should  
3           be selected with a view to establishing diversity  
4           of experience with regard to various geographic  
5           regions, functions, and issues.

6           (3) TIME OF APPOINTMENT.—The appoint-  
7           ments under subsection (a) shall be made not later  
8           than 60 days after the date of the enactment of this  
9           Act.

10          (4) TERM OF APPOINTMENT.—Members shall  
11          be appointed for the life of the Commission.

12          (5) VACANCIES.—Any vacancy of the Commis-  
13          sion shall not affect the powers of the Commission  
14          and shall be filled in the manner in which the origi-  
15          nal appointment was made.

16          (6) CHAIR.—The members of the Commission  
17          shall designate 1 of the voting members to serve as  
18          the chair of the Commission.

19          (7) QUORUM.—Eight members of the Commis-  
20          sion shall constitute a quorum for purposes of  
21          transacting the business of the Commission.

22          (8) MEETINGS.—The Commission shall meet at  
23          the call of the chair and shall meet regularly, not  
24          less than once every 3 months, during the life of the  
25          Commission.

1 (b) STAFF.—

2 (1) IN GENERAL.—The chair of the Commission  
3 may, without regard to the civil service laws and  
4 regulations, appoint and terminate an executive di-  
5 rector and, in consultation with the executive direc-  
6 tor, appoint and terminate such other additional per-  
7 sonnel as may be necessary to enable the Commis-  
8 sion to perform its duties. In addition to the execu-  
9 tive director and 1 full-time support staff for the ex-  
10 ecutive director, there shall be additional staff with  
11 relevant intelligence and foreign policy experience to  
12 help support the Commission’s work.

13 (2) SELECTION OF THE EXECUTIVE DIREC-  
14 TOR.—The executive director shall be selected with  
15 the approval of a majority of the members of the  
16 Commission.

17 (3) COMPENSATION.—

18 (A) EXECUTIVE DIRECTOR.—The executive  
19 director shall be compensated at the rate pay-  
20 able for level IV of the Executive Schedule  
21 under section 5315 of title 5, United States  
22 Code.

23 (B) STAFF.—The chair of the Commission  
24 may fix the compensation of other staff of the  
25 Commission without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of  
2 title 5, United States Code, relating to classi-  
3 fication of positions and General Schedule pay  
4 rates, except that the rate of pay for such per-  
5 sonnel may not exceed the rate payable for level  
6 IV of the Executive Schedule under section  
7 5315 of such title.

8 (c) EXPERTS AND CONSULTANTS.—This Commission  
9 is authorized to procure temporary or intermittent services  
10 of experts and consultants as necessary to the extent au-  
11 thorized by section 3109 of title 5, United States Code,  
12 at rates not to exceed the maximum annual rate of basic  
13 pay payable under section 5376 of such title.

14 (d) STAFF AND SERVICES OF OTHER AGENCIES OR  
15 DEPARTMENT OF THE UNITED STATES.—Upon the re-  
16 quest of the Commission, the head of any agency or de-  
17 partment of the United States may detail, on a reimburs-  
18 able or nonreimbursable basis, any of the personnel of that  
19 department or agency to the Commission to assist it in  
20 carrying out this Act. The detail of any such personnel  
21 shall be without interruption or loss of civil service or For-  
22 eign Service status or privilege.

23 (e) SECURITY CLEARANCE.—The appropriate agen-  
24 cies or departments of the United States shall cooperate  
25 with the Commission in expeditiously providing to the

1 members and staff of the Commission appropriate security  
2 clearances to the extent possible pursuant to existing pro-  
3 cedures and requirements.

4 **SEC. 6. POWERS AND DUTIES OF THE COMMISSION.**

5 (a) IN GENERAL.—

6 (1) HEARINGS AND EVIDENCE.—The Commis-  
7 sion may, for the purpose of carrying out this Act—

8 (A) hold hearings, sit and act at times and  
9 places in the United States and in countries in  
10 which the United States has a diplomatic pres-  
11 ence, take testimony, and receive evidence as  
12 the Commission considers advisable to carry out  
13 this Act; and

14 (B) subject to subsection (b)(1), require,  
15 by subpoena or otherwise, the attendance and  
16 testimony of such witnesses and the production  
17 of such books, records, correspondence, memo-  
18 randa, papers, and documents, as the Commis-  
19 sion considers necessary.

20 (b) SUBPOENAS.—

21 (1) ISSUANCE.—

22 (A) IN GENERAL.—A subpoena may be  
23 issued under this section only—

24 (i) by the agreement of the chair of  
25 the Commission; and

1 (ii) by the affirmative vote of 6 mem-  
2 bers of the Commission.

3 (B) SIGNATURE.—Subject to subparagraph  
4 (A), subpoenas issued under this section may be  
5 issued under the signature of the chair or any  
6 member designated by a majority of the Com-  
7 mission and may be served by any person des-  
8 ignated by the chair or by a member designated  
9 by a majority of the Commission.

10 (2) ENFORCEMENT.—

11 (A) IN GENERAL.—In the case of contu-  
12 macy or failure to obey a subpoena issued  
13 under this section, the United States district  
14 court for the judicial district in which the sub-  
15 poenaed person resides, is served, or may be  
16 found, or where the subpoena is returnable,  
17 may issue an order requiring such person to ap-  
18 pear at any designated place to testify or to  
19 produce documentary or other evidence. Any  
20 failure to obey the order of the court may be  
21 punished by the court as a contempt of that  
22 court.

23 (B) ADDITIONAL ENFORCEMENT.—In the  
24 case of any failure of any witness to comply  
25 with any subpoena or to testify when sum-

1 moned under authority of this section, the Com-  
2 mission may, by majority vote, certify a state-  
3 ment of fact constituting such failure to the ap-  
4 propriate United States attorney, who may  
5 bring the matter before the grand jury for its  
6 action, under the same statutory authority and  
7 procedures as if the United States attorney had  
8 received a certification under sections 102  
9 through 104 of the Revised Statutes of the  
10 United States (2 U.S.C. 192 through 194).

11 (c) INFORMATION FROM FEDERAL AGENCIES.—The  
12 Commission may secure directly from any agency or de-  
13 partment of the United States such information as the  
14 Commission considers necessary to carry out this Act.  
15 Upon request of the chair of the Commission, the head  
16 of such agency or department shall furnish such informa-  
17 tion to the Commission, subject to applicable law.

18 (d) POSTAL SERVICES.—The Commission may use  
19 the United States mails in the same manner and under  
20 the same conditions as other departments and agencies of  
21 the United States.

22 (e) ADMINISTRATIVE SUPPORT.—The Administrator  
23 of General Services shall provide to the Commission on  
24 a reimbursable basis (or, in the discretion of the Adminis-  
25 trator, on a nonreimbursable basis) such administrative

1 support services as the Commission may request to carry  
2 out this Act.

3 (f) ADMINISTRATIVE PROCEDURES.—The Commis-  
4 sion may adopt such rules and regulations, relating to ad-  
5 ministrative procedure, as may be reasonably necessary to  
6 enable it to carry out this Act.

7 (g) TRAVEL.—

8 (1) IN GENERAL.—The members and staff of  
9 the Commission may, with the approval of the Com-  
10 mission, conduct such travel as is necessary to carry  
11 out this Act.

12 (2) EXPENSES.—Members of the Commission  
13 shall serve without pay but shall be allowed travel  
14 expenses, including per diem in lieu of subsistence,  
15 at rates authorized for employees of agencies under  
16 subchapter I of chapter 57 of title 5, United States  
17 Code, while away from their homes or regular places  
18 of business in the performance of services for the  
19 Commission.

20 (h) GIFTS.—No member of the Commission may re-  
21 ceive a gift or benefit by reason of such member's service  
22 on the Commission.

23 **SEC. 7. REPORT OF THE COMMISSION.**

24 (a) IN GENERAL.—

1           (1) INTERIM REPORT.—Not later than 18  
2 months after the members of the Commission are  
3 appointed under section 5(a), the Commission shall  
4 submit an interim report to the congressional intel-  
5 ligence committees setting forth the preliminary  
6 findings and recommendations of the Commission  
7 described in section 4(b).

8           (2) FINAL REPORT.—Not later than 6 months  
9 after the submission of the report required by para-  
10 graph (1), the Commission shall submit a final re-  
11 port setting forth the final findings and rec-  
12 ommendations of the Commission described in sec-  
13 tion 4(b) to the following:

14                   (A) The President.

15                   (B) The Director of National Intelligence.

16                   (C) The Secretary of State.

17                   (D) The congressional intelligence commit-  
18 tees.

19           (b) INDIVIDUAL OR DISSENTING VIEWS.—Each  
20 member of the Commission may include that member's  
21 dissenting views in a report required by paragraph (1) or  
22 (2) of subsection (a).

23           (c) FORM OF REPORT.—The reports required by  
24 paragraphs (1) and (2) of subsection (a), including any

1 finding or recommendation of such report, shall be sub-  
2 mitted in both an unclassified and a classified form.

3 **SEC. 8. TERMINATION.**

4 The Commission shall terminate 60 days after the  
5 submission of the report required by section 7(a)(2).

6 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-  
7 MITTEE ACT.**

8 The Federal Advisory Committee Act (5 U.S.C. App.)  
9 shall not apply to the Commission.

10 **SEC. 10. FUNDING.**

11 (a) **TRANSFER FROM THE NATIONAL INTELLIGENCE**  
12 **PROGRAM.**—Of the amounts available for the National In-  
13 telligence Program for fiscal year 2008, \$5,000,000 shall  
14 be available for transfer to the Commission to carry out  
15 this Act.

16 (b) **AVAILABILITY.**—The amounts made available to  
17 the Commission pursuant to subsection (a) shall remain  
18 available until the termination of the Commission.

○