

112TH CONGRESS
1ST SESSION

H. R. 1892

AN ACT

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,*

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

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

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

Sec. 1. Short title; Table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

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

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

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

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Annual report on hiring of National Security Education Program
participants.

Sec. 304. Enhancement of authority for flexible personnel management among
the elements of the intelligence community.

Sec. 305. Preparation of nuclear proliferation assessment statements.

Sec. 306. Cost estimates.

Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees
held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 308. Enhanced procurement authority to manage supply chain risk.

Sec. 309. Modification of certain reporting requirements.

Sec. 310. Counterterrorism Competitive Analysis Commission.

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Intelligence community assistance to counter drug trafficking organi-
zations using public lands.

Sec. 402. Application of certain financial reporting requirements to the Office
of the Director of National Intelligence.

Sec. 403. Public availability of information regarding the Inspector General of
the Intelligence Community.

Sec. 404. Clarification of status of Chief Information Officer in the Executive
Schedule.

Sec. 405. Temporary appointment to fill vacancies within Office of the Director
of National Intelligence.

Subtitle B—Central Intelligence Agency

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

Subtitle C—National Security Agency

- Sec. 421. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

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

TITLE V—OTHER MATTERS

- Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.
- Sec. 502. Sense of Congress regarding integration of fusion centers.
- Sec. 503. Strategy to counter improvised explosive devices.
- Sec. 504. Sense of Congress regarding the priority of railway transportation security.
- Sec. 505. Technical amendments to the National Security Act of 1947.
- Sec. 506. 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

1 (B) the Permanent Select Committee on
2 Intelligence of the House of Representatives.

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

7 **TITLE I—INTELLIGENCE**
8 **ACTIVITIES**

9 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

14 (1) The Office of the Director of National Intel-
15 ligence.

16 (2) The Central Intelligence Agency.

17 (3) The Department of Defense.

18 (4) The Defense Intelligence Agency.

19 (5) The National Security Agency.

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

23 (7) The Coast Guard.

24 (8) The Department of State.

25 (9) The Department of the Treasury.

1 (10) The Department of Energy.

2 (11) The Department of Justice.

3 (12) The Federal Bureau of Investigation.

4 (13) The Drug Enforcement Administration.

5 (14) The National Reconnaissance Office.

6 (15) The National Geospatial-Intelligence Agen-
7 cy.

8 (16) The Department of Homeland Security.

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

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

19 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
20 THORIZATIONS.—

21 (1) AVAILABILITY TO COMMITTEES OF CON-
22 GRESS.—The classified Schedule of Authorizations
23 referred to in subsection (a) shall be made available
24 to the Committee on Appropriations of the Senate,

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

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

8 (3) LIMITS ON DISCLOSURE.—The President
9 shall not publicly disclose the classified Schedule of
10 Authorizations or any portion of such Schedule ex-
11 cept—

12 (A) as provided in section 601(a) of the
13 Implementing Recommendations of the 9/11
14 Commission Act of 2007 (50 U.S.C. 415c)

15 (B) to the extent necessary to implement
16 the budget; or

17 (C) as otherwise required by law.

18 (c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE
19 CLASSIFIED ANNEX.—In addition to any other purpose
20 authorized by law, the Director of the Federal Bureau of
21 Investigation may expend funds authorized in this Act as
22 specified in the Federal Bureau of Investigation Policy
23 Implementation section of the classified annex accom-
24 panying this Act.

1 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

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

15 (b) **AUTHORITY FOR CONVERSION OF ACTIVITIES**
16 **PERFORMED BY CONTRACT PERSONNEL.**—

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

1 number of full-time equivalent contract personnel
2 performing such activities.

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

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

14 (1) in a student program, trainee program, or
15 similar program;

16 (2) in a reserve corps or as a reemployed annu-
17 itant; or

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

20 (d) NOTICE TO CONGRESSIONAL INTELLIGENCE
21 COMMITTEES.—The Director of National Intelligence
22 shall notify the congressional intelligence committees in
23 writing at least 15 days prior to the initial exercise of an
24 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 \$576,393,000.
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 777 full-time or full-time equivalent personnel as
15 of September 30, 2012. Personnel serving in such ele-
16 ments may be permanent employees of the Office of the
17 Director of National Intelligence or personnel detailed
18 from other elements 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 for advanced research and develop-
3 ment shall remain available until September 30,
4 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 additional personnel for the Com-
10 munity Management Account as of that date as are
11 specified in the classified Schedule of Authorizations
12 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 \$514,000,000.

**TITLE III—GENERAL
PROVISIONS**

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

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

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

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

**SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECURITY
EDUCATION PROGRAM PARTICIPANTS.**

Not later than 90 days after the end of each of fiscal years 2012, 2013, and 2014, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report, which may be in classified form, containing the number of personnel hired by such element during such fiscal year that were at any time a recipient of a grant or scholarship under the David

1 L. Boren National Security Education Act of 1991 (50
2 U.S.C. 1901 et seq.).

3 **SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE**
4 **PERSONNEL MANAGEMENT AMONG THE ELE-**
5 **MENTS OF THE INTELLIGENCE COMMUNITY.**

6 Section 102A of the National Security Act of 1947
7 (50 U.S.C. 403–1) is amended by adding at the end the
8 following new subsection:

9 “(v) **AUTHORITY TO ESTABLISH POSITIONS IN EX-**
10 **CEPTED SERVICE.**—(1) The Director of National Intel-
11 ligence, with the concurrence of the head of the covered
12 department concerned and in consultation with the Direc-
13 tor of the Office of Personnel Management, may—

14 “(A) convert competitive service positions, and
15 the incumbents of such positions, within an element
16 of the intelligence community in such department, to
17 excepted service positions as the Director of Na-
18 tional Intelligence determines necessary to carry out
19 the intelligence functions of such element; and

20 “(B) establish new positions in the excepted
21 service within an element of the intelligence commu-
22 nity in such department, if the Director of National
23 Intelligence determines such positions are necessary
24 to carry out the intelligence functions of such ele-
25 ment.

1 “(2) An incumbent occupying a position on the date
 2 of the enactment of the Intelligence Authorization Act for
 3 Fiscal Year 2012 selected to be converted to the excepted
 4 service under this section shall have the right to refuse
 5 such conversion. Once such individual no longer occupies
 6 the position, the position may be converted to the excepted
 7 service.

8 “(3) In this subsection, the term ‘covered depart-
 9 ment’ means the Department of Energy, the Department
 10 of Homeland Security, the Department of State, or the
 11 Department of the Treasury.”.

12 **SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION AS-**
 13 **SESSMENT STATEMENTS.**

14 Section 102A of the National Security Act of 1947
 15 (50 U.S.C. 403–1), as amended by section 304 of this Act,
 16 is further amended by adding at the end the following new
 17 subsection:

18 “(w) NUCLEAR PROLIFERATION ASSESSMENT
 19 STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—
 20 The Director of National Intelligence, in consultation with
 21 the heads of the appropriate elements of the intelligence
 22 community and the Secretary of State, shall provide to
 23 the President, the congressional intelligence committees,
 24 the Committee on Foreign Affairs of the House of Rep-
 25 resentatives, and the Committee on Foreign Relations of

1 the Senate an addendum to each Nuclear Proliferation As-
2 sessment Statement accompanying a civilian nuclear co-
3 operation agreement, containing a comprehensive analysis
4 of the country's export control system with respect to nu-
5 clear-related matters, including interactions with other
6 countries of proliferation concern and the actual or sus-
7 pected nuclear, dual-use, or missile-related transfers to
8 such countries.”.

9 **SEC. 306. COST ESTIMATES.**

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

12 (1) in subsection (a)(2)—

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

14 (B) by adding at the end the following new
15 subparagraph:

16 “(B) For major system acquisitions requiring a serv-
17 ice or capability from another acquisition or program to
18 deliver the end-to-end functionality for the intelligence
19 community end users, independent cost estimates shall in-
20 clude, to the maximum extent practicable, all estimated
21 costs across all pertinent elements of the intelligence com-
22 munity. For collection programs, such cost estimates shall
23 include the cost of new analyst training, new hardware
24 and software for data exploitation and analysis, and any
25 unique or additional costs for data processing, storing, and

1 power, space, and cooling across the life cycle of the pro-
2 gram. If such costs for processing, exploitation, dissemina-
3 tion, and storage are scheduled to be executed in other
4 elements of the intelligence community, the independent
5 cost estimate shall identify and annotate such costs for
6 such other elements accordingly.”; and

7 (2) in subsection (e)(2)—

8 (A) by inserting “(A)” after “(2)”;

9 (B) in subparagraph (A), as so designated,
10 by striking “associated with the acquisition of a
11 major system,” and inserting “associated with
12 the development, acquisition, procurement, op-
13 eration, and sustainment of a major system
14 across its proposed life cycle,”; and

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

16 “(B) In accordance with subsection (a)(2)(B),
17 each independent cost estimate shall include all costs
18 required across elements of the intelligence commu-
19 nity to develop, acquire, procure, operate, and sus-
20 tain the system to provide the end-to-end intelligence
21 functionality of the system, including—

22 “(i) for collection programs, the cost of
23 new analyst training, new hardware and soft-
24 ware for data exploitation and analysis, and any
25 unique or additional costs for data processing,

1 storing, and power, space, and cooling across
 2 the life cycle of the program; and

3 “(ii) costs for processing, exploitation, dis-
 4 semination, and storage costs are scheduled to
 5 be executed in other elements of the intelligence
 6 community, such element shall identify and an-
 7 notate such costs accordingly.”.

8 (b) EFFECTIVE DATE.—The amendments made by
 9 this section shall take effect on the date that is 180 days
 10 after the date of the enactment of this Act.

11 **SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TER-**
 12 **RORIST RECIDIVISM OF DETAINEES HELD AT**
 13 **UNITED STATES NAVAL STATION, GUANTA-**
 14 **NAMO BAY, CUBA.**

15 (a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

16 (1) IN GENERAL.—Title V of the National Se-
 17 curity Act of 1947 (50 U.S.C. 413 et seq.) is
 18 amended by inserting after section 506H the fol-
 19 lowing new section:

20 “SUMMARY OF INTELLIGENCE RELATING TO TERRORIST
 21 RECIDIVISM OF DETAINEES HELD AT UNITED
 22 STATES NAVAL STATION, GUANTANAMO BAY, CUBA

23 “SEC. 506I. (a) IN GENERAL.—The Director of Na-
 24 tional Intelligence, in consultation with the Director of the
 25 Central Intelligence Agency and the Director of the De-

1 fense Intelligence Agency, shall make publicly available an
2 unclassified summary of—

3 “(1) intelligence relating to recidivism of de-
4 tainees currently or formerly held at the Naval De-
5 tention Facility at Guantanamo Bay, Cuba, by the
6 Department of Defense; and

7 “(2) an assessment of the likelihood that such
8 detainees will engage in terrorism or communicate
9 with persons in terrorist organizations.

10 “(b) UPDATES.—Not less frequently than once every
11 6 months, the Director of National Intelligence, in con-
12 sultation with the Director of the Central Intelligence
13 Agency and the Secretary of Defense, shall update and
14 make publicly available an unclassified summary con-
15 sisting of the information required by subsection (a) and
16 the number of individuals formerly detained at Naval Sta-
17 tion, Guantanamo Bay, Cuba, who are confirmed or sus-
18 pected of returning to terrorist activities after release or
19 transfer from such Naval Station.”.

20 (2) INITIAL UPDATE.—The initial update re-
21 quired by section 506I(b) of such Act, as added by
22 paragraph (1) of this subsection, shall be made pub-
23 licly available not later than 10 days after the date
24 the first report following the date of the enactment
25 of the Intelligence Authorization Act for Fiscal Year

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

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

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

9 **SEC. 308. ENHANCED PROCUREMENT AUTHORITY TO MAN-**
 10 **AGE SUPPLY CHAIN RISK.**

11 (a) DEFINITIONS.—In this section:

12 (1) COVERED AGENCY.—The term “covered
 13 agency” means any element of the intelligence com-
 14 munity other than an element within the Depart-
 15 ment of Defense.

16 (2) COVERED ITEM OF SUPPLY.—The term
 17 “covered item of supply” means an item of informa-
 18 tion technology (as that term is defined in section
 19 11101 of title 40, United States Code) that is pur-
 20 chased for inclusion in a covered system, and the
 21 loss of integrity of which could result in a supply
 22 chain risk for a covered system.

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

1 (A) a source selection for a covered system
2 or a covered item of supply; or

3 (B) any contract action involving a con-
4 tract for a covered system or a covered item of
5 supply where such contract includes a clause es-
6 tablishing requirements relating to supply chain
7 risk.

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

12 (A) The exclusion of a source for the pur-
13 pose of reducing supply chain risk in the acqui-
14 sition of covered systems.

15 (B) The exclusion of a source that fails to
16 achieve an acceptable rating with regard to an
17 evaluation factor providing for the consideration
18 of supply chain risk in the evaluation of pro-
19 posals for the award of a contract or the
20 issuance of a task or delivery order.

21 (C) The decision to withhold consent for a
22 contractor to subcontract with a particular
23 source or to direct a contractor for a covered
24 system to exclude a particular source from con-
25 sideration for a subcontract under the contract.

1 (5) COVERED SYSTEM.—

2 (A) IN GENERAL.—The term “covered sys-
3 tem” means any information system (including
4 any telecommunications system) used or oper-
5 ated by an agency or by a contractor of an
6 agency, or other organization on behalf of an
7 agency—

8 (i) the function, operation, or use of
9 which—

10 (I) involves intelligence activities;

11 (II) involves cryptologic activities
12 related to national security;

13 (III) involves command and con-
14 trol of military forces;

15 (IV) involves equipment that is
16 an integral part of a weapon or weap-
17 ons system; or

18 (V) subject to subparagraph (B),
19 is critical to the direct fulfillment of
20 military or intelligence missions; or

21 (ii) is protected at all times by proce-
22 dures established for information that have
23 been specifically authorized under criteria
24 established by an Executive order or an
25 Act of Congress to be kept classified in the

1 interest of national defense or foreign pol-
2 icy.

3 (B) EXCEPTION OF ADMINISTRATIVE AND
4 BUSINESS APPLICATIONS.—Subparagraph
5 (A)(i)(V) does not include a system that is to
6 be used for routine administrative and business
7 applications (including payroll, finance, logis-
8 tics, and personnel management applications).

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

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

20 (1) carry out a covered procurement action; and
21 (2) limit, notwithstanding any other provision
22 of law, in whole or in part, the disclosure of informa-
23 tion relating to the basis for carrying out a covered
24 procurement action.

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

4 (1) any appropriate consultation with procure-
5 ment or other relevant officials of the covered agen-
6 cy;

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

9 (A) use of the authority in subsection
10 (b)(1) is necessary to protect national security
11 by reducing supply chain risk;

12 (B) less intrusive measures are not reason-
13 ably available to reduce such supply chain risk;
14 and

15 (C) in a case where the head of the covered
16 agency plans to limit disclosure of information
17 under subsection (b)(2), the risk to national se-
18 curity due to the disclosure of such information
19 outweighs the risk due to not disclosing such
20 information;

21 (3) notifying the Director of National Intel-
22 ligence that there is a significant supply chain risk
23 to the covered system concerned, unless the head of
24 the covered agency making the determination is the
25 Director of National Intelligence; and

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

8 (d) DELEGATION.—The head of a covered agency
9 may not delegate the authority provided in subsection (b)
10 or the responsibility to make a determination under sub-
11 section (c) to an official below the level of the service ac-
12 quisition executive for the agency concerned.

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

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

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

1 **SEC. 309. MODIFICATION OF CERTAIN REPORTING RE-**
2 **QUIREMENTS.**

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

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

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

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

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

20 (d) REPORT ON TEMPORARY PERSONNEL AUTHOR-
21 IZATIONS FOR CRITICAL LANGUAGE TRAINING.—Para-
22 graph (3)(D) of section 102A(e) of the National Security
23 Act of 1947 (50 U.S.C. 403–1(e)), as amended by section
24 306 of the Intelligence Authorization Act for Fiscal Year
25 2010 (Public Law 111–259; 124 Stat. 2661), is amended

1 by striking “The” and inserting “For each of the fiscal
2 years 2010, 2011, and 2012, the”.

3 **SEC. 310. COUNTERTERRORISM COMPETITIVE ANALYSIS**

4 **COMMISSION.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) terrorism and domestic radicalization rep-
8 resent evolving and dynamic threats to the United
9 States;

10 (2) biases and group think can prevent intel-
11 ligence analysts from detecting important changes in
12 such threats that can prevent the detection and pre-
13 vention of terrorist attacks; and

14 (3) competitive and alternative intelligence
15 analysis are important tools to prevent biases and
16 group think from resulting in analytical failures and
17 can help the intelligence community and policy mak-
18 ers better understand the nature of complex threats
19 to the United States.

20 (b) ESTABLISHMENT.—There is established a Com-
21 mission to be known as the “Counterterrorism Competi-
22 tive Analysis Commission” (in this section referred to as
23 the “Commission”).

24 (c) DUTIES.—

1 (1) STUDY.—The Commission shall conduct a
2 study on—

3 (A) how the elements of the intelligence
4 community use red teams, alternative analysis,
5 and competitive analysis of foreign intelligence
6 to address domestic radicalization;

7 (B) whether such analysis is timely, objec-
8 tive, based upon all sources of available foreign
9 intelligence, and employs the standards of prop-
10 er analytic tradecraft; and

11 (C) the feasibility and advisability of estab-
12 lishing a permanent entity to—

13 (i) advise the Director on matters of
14 policy relating to the threats of inter-
15 national terrorism and domestic
16 radicalization;

17 (ii) prepare competitive analyses of
18 national intelligence estimates prepared by
19 the intelligence community and submit
20 such analyses to the Director and the Na-
21 tional Intelligence Commission; and

22 (iii) annually submit to Congress a re-
23 port in unclassified form, which may in-
24 clude a classified annex, on trends in
25 counterterrorism and domestic

1 radicalization, including a summary of any
2 competitive analyses referred to in clause
3 (ii).

4 (2) REPORT.—Not later than one year after the
5 date of the enactment of this Act, the Commission
6 shall submit to the congressional intelligence com-
7 mittees a report containing the results of the study
8 under paragraph (1).

9 (d) MEMBERS.—

10 (1) APPOINTMENT.—The Commission shall be
11 composed of six members selected on the basis of
12 previous experience with matters of policy relating to
13 international terrorism, intelligence analysis, and do-
14 mestic radicalization, of whom—

15 (A) two members shall be appointed by the
16 President;

17 (B) one member shall be appointed by the
18 Speaker of the House of Representatives;

19 (C) one member shall be appointed by the
20 minority leader of the House of Representa-
21 tives;

22 (D) one member shall be appointed by the
23 majority leader of the Senate; and

24 (E) one member shall be appointed by the
25 minority leader of the Senate.

1 (2) QUALIFICATIONS.—An individual may not
2 be appointed to the Commission under paragraph
3 (1) if such individual has served as an officer or em-
4 ployee of the Federal Government within a three-
5 year period of the date of appointment.

6 (3) COMPENSATION.—To the extent provided in
7 advance in appropriation Acts, each member of the
8 Commission shall be paid consistent with the skill
9 and experience of such member at a rate not to ex-
10 ceed the annual rate of basic pay for level V of the
11 Executive Schedule under section 5316 of title 5,
12 United States Code.

13 (4) ACTIONS OF COMMISSION.— Any member of
14 the Commission may, if authorized by the Commis-
15 sion, take any action which the Commission is au-
16 thorized to take by this section.

17 (e) STAFF OF COMMISSION.—

18 (1) COMPENSATION.—To the extent provided in
19 advance in appropriation Acts, the Commission shall
20 appoint and fix the compensation of a Director and
21 such additional staff as may be necessary to enable
22 the Commission to carry out its duties.

23 (2) RATE OF PAY.— The Director and staff of
24 the Commission may be appointed without regard to
25 the provisions of title 5, United States Code, gov-

1 erning appointments in the competitive service, and
2 may be paid without regard to the provisions of
3 chapter 51 and subchapter III of chapter 53 of that
4 title relating to classification and General Schedule
5 pay rates, except that the rate of pay fixed for the
6 Director and staff may not exceed the annual rate
7 of basic pay for level V of the Executive Schedule
8 under section 5316 of title 5, United States Code.

9 (3) EXPERTS AND CONSULTANTS.— In accord-
10 ance with rules adopted by the Commission, and to
11 the extent provided in advance in appropriation
12 Acts, the Commission may procure the services of
13 experts and consultants under section 3109(b) of
14 title 5, United States Code, but at rates for individ-
15 uals not to exceed the daily equivalent of the annual
16 rate of basic pay for level V of the Executive Sched-
17 ule under section 5316 of title 5, United States
18 Code.

19 (f) SECURITY CLEARANCES.—The Director of Na-
20 tional Intelligence shall ensure that the appropriate execu-
21 tive departments and agencies cooperate with the Commis-
22 sion in expeditiously providing to the members and staff
23 appropriate security clearances in a manner consistent
24 with existing procedures and requirements.

1 (g) TERMINATION.—The Commission shall terminate
 2 on the date that is 30 days after the date on which the
 3 Commission submits the report required under subsection
 4 (c)(2), or on the date that is 395 days after the date of
 5 the enactment of this Act, whichever is earlier.

6 **TITLE IV—MATTERS RELATING**
 7 **TO ELEMENTS OF THE INTEL-**
 8 **LIGENCE COMMUNITY**

9 **Subtitle A—Office of the Director**
 10 **of National Intelligence**

11 **SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO**
 12 **COUNTER DRUG TRAFFICKING ORGANIZA-**
 13 **TIONS USING PUBLIC LANDS.**

14 (a) CONSULTATION.—The Director of National Intel-
 15 ligence shall consult with the heads of the Federal land
 16 management agencies on the appropriate actions the intel-
 17 ligence community can take to assist such agencies in re-
 18 sponding to the threat from covered entities that are cur-
 19 rently or have previously used public lands in the United
 20 States to further the operations of such entities.

21 (b) REPORT.—Not later than 180 days after the date
 22 of the enactment of this Act, the Director of National In-
 23 telligence shall submit to the congressional intelligence
 24 committees a report on the results of the consultation
 25 under subsection (a). Such report shall include—

1 (1) an assessment of the intelligence community
2 collection efforts dedicated to covered entities, in-
3 cluding any collection gaps or inefficiencies; and

4 (2) an assessment of the ability of the intel-
5 ligence community to assist Federal land manage-
6 ment agencies in identifying and protecting public
7 lands from illegal drug grows and other activities
8 and threats of covered entities, including through
9 the sharing of intelligence information.

10 (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES**
 20 **WITHIN OFFICE OF THE DIRECTOR OF NA-**
 21 **TIONAL INTELLIGENCE.**

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

24 (1) by redesignating subsection (e) as sub-
 25 section (f); and

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

3 “(e) TEMPORARY FILLING OF VACANCIES.—With re-
 4 spect to filling temporarily a vacancy in an office within
 5 the Office of the Director of National Intelligence (other
 6 than that of the Director of National Intelligence), section
 7 3345(a)(3) of title 5, United States Code, may be ap-
 8 plied—

9 “(1) in the matter preceding subparagraph (A),
 10 by substituting ‘an element of the intelligence com-
 11 munity, as that term is defined in section 3(4) of the
 12 National Security Act of 1947 (50 U.S.C. 401a(4)),’
 13 for ‘such Executive agency’; and

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

16 **Subtitle B—Central Intelligence** 17 **Agency**

18 **SEC. 411. BURIAL ALLOWANCE.**

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

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

24 (2) by adding at the end the following new sub-
 25 section:

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

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

11 “(3) Each payment made under this subsection shall
12 be—

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

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

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

21 “(5) The Director may pay the burial benefit author-
22 ized under this subsection more than once for funeral, me-
23 morial, or burial expenses stemming from a single death
24 of an officer or employee of the Agency if the remains of
25 such officer or employee were not recovered, were recov-

1 ered after considerable delay, or were not recovered in-
 2 tact.”.

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

8 **SEC. 412. ACCEPTANCE OF GIFTS.**

9 Section 12 of the Central Intelligence Agency Act of
 10 1949 (50 U.S.C. 403l(a)) is amended—

11 (1) in subsection (a)—

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

13 (B) by striking the second and third sen-
 14 tences and inserting the following:

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

17 “(A) may be used only for—”

18 “(i) artistic display;

19 “(ii) purposes relating to the general wel-
 20 fare, education, or recreation of employees or
 21 dependents of employees of the Agency or for
 22 similar purposes; or

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

1 “(B) under no circumstances may such a gift
2 (or any income produced by any such gift) be used
3 for operational purposes.

4 “(3) An individual described in this paragraph is an
5 individual who—

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

9 “(i) resulted from hostile or terrorist ac-
10 tivities;

11 “(ii) occurred in connection with an intel-
12 ligence activity having a significant element of
13 risk; or

14 “(iii) occurred under other circumstances
15 determined by the Director to be analogous to
16 the circumstances described in clause (i) or (ii);

17 “(B) is a family member of such an employee
18 or former employee; or

19 “(C) is a surviving family member of an em-
20 ployee of the Agency who died in circumstances de-
21 scribed in clause (i), (ii), or (iii) of subparagraph
22 (A).

23 “(4) The Director may not accept any gift under this
24 section that is expressly conditioned upon any expenditure
25 not to be met from the gift itself or from income produced

1 by the gift unless such expenditure has been authorized
 2 by law.

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

7 (2) by adding at the end the following new sub-
 8 section:

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

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

17 “(2) a prohibition against the acceptance of a
 18 gift from a foreign government or an agent of a for-
 19 eign government.”.

20 **SEC. 413. FOREIGN LANGUAGE PROFICIENCY REQUIRE-**
 21 **MENTS FOR CENTRAL INTELLIGENCE AGEN-**
 22 **CY OFFICERS.**

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

25 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph

2 (A)—

3 (i) by inserting “in the Directorate of
4 Intelligence career service or the National
5 Clandestine Service career service” after
6 “an individual”;

7 (ii) by inserting “or promoted” after
8 “appointed”; and

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

19 (B) by striking subparagraphs (A) and
20 (B); and

21 (2) in paragraph (2), by striking “position or
22 category of positions” both places that term appears
23 and inserting “position, category of positions, or oc-
24 cupation”.

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

4 (1) by inserting “or promotions” after “ap-
5 pointments”; and

6 (2) by striking “that is one year after the
7 date”.

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

11 (1) in the first sentence—

12 (A) by striking “positions” and inserting
13 “individual waivers”; and

14 (B) by striking “Directorate of Oper-
15 ations” and inserting “National Clandestine
16 Service”; and

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

20 (d) REPORT ON TRANSFERS.—Not later than 45
21 days after the date of the enactment of this Act, and on
22 an annual basis for each of the following 3 years, the Di-
23 rector of the Central Intelligence Agency shall submit to
24 the congressional intelligence committees a report on the

1 number of Senior Intelligence Service employees of the
2 Agency who—

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

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

11 **SEC. 414. PUBLIC AVAILABILITY OF INFORMATION RE-**
12 **GARDING THE INSPECTOR GENERAL OF THE**
13 **CENTRAL INTELLIGENCE AGENCY.**

14 Section 17 of the Central Intelligence Agency Act of
15 1949 (50 U.S.C. 403q) is amended by adding at the end
16 the following new subsection:

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

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

1 **SEC. 415. CREATING AN OFFICIAL RECORD OF THE OSAMA**
2 **BIN LADEN OPERATION.**

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

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

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

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

21 (4) Osama bin Laden planned or supported nu-
22 merous other deadly terrorist attacks against the
23 United States and its allies, including the 1998
24 bombings of United States embassies in Kenya and
25 Tanzania and the 2000 attack on the U.S.S. Cole in
26 Yemen, and against innocent civilians in countries

1 around the world, including the 2004 attack on com-
2 muter trains in Madrid, Spain and the 2005 bomb-
3 ings of the mass transit system in London, England.

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

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

15 (7) The valiant members of the United States
16 Armed Forces have courageously and vigorously pur-
17 sued al Qaeda and its affiliates in Afghanistan and
18 around the world.

19 (8) The anonymous, unsung heroes of the intel-
20 ligence community have pursued al Qaeda and affili-
21 ates in Afghanistan, Pakistan, and around the world
22 with tremendous dedication, sacrifice, and profes-
23 sionalism.

24 (9) The close collaboration between the Armed
25 Forces and the intelligence community prompted the

1 Director of National Intelligence, General James
2 Clapper, to state, “Never have I seen a more re-
3 markable example of focused integration, seamless
4 collaboration, and sheer professional magnificence as
5 was demonstrated by the Intelligence Community in
6 the ultimate demise of Osama bin Laden.”.

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

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

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

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

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

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

6 (4) preserving this history now will allow the
7 United States to have an accurate account of the
8 events while those that participated in the events are
9 still serving in the Government.

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

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

1 **SEC. 416. RECRUITMENT OF PERSONNEL IN THE OFFICE OF**
2 **THE INSPECTOR GENERAL.**

3 (a) STUDY.—The Director of the Central Intelligence
4 Agency, in consultation with the Inspector General of the
5 Central Intelligence Agency, shall carry out a study of the
6 personnel issues of the Office of the Inspector General.

7 Such study shall include—

8 (1) identification of any barriers or disincen-
9 tives to the recruitment or retention of experienced
10 investigators within the Office of the Inspector Gen-
11 eral; and

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

21 (b) RECOMMENDATIONS.—Not later than 90 days
22 after the date of the enactment of this Act, the Director
23 of the Central Intelligence Agency shall submit to the con-
24 gressional intelligence committees—

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

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

6 **Subtitle C—National Security**
 7 **Agency**

8 **SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECU-**
 9 **RITY AGENCY SECURITY PERSONNEL.**

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

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

24 (b) CONFORMING AMENDMENT RELATING TO TORT
 25 LIABILITY.—Paragraph (1) of section 11(d) of the Na-

1 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
 2 is amended—

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

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

7 (3) by adding at the end the following new sub-
 8 paragraph:

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

11 **Subtitle D—Other Elements**

12 **SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE** 13 **AND ANALYSIS OF THE DEPARTMENT OF** 14 **HOMELAND SECURITY AS ELEMENT OF THE** 15 **INTELLIGENCE COMMUNITY.**

16 Section 3(4)(K) of the National Security Act of 1947
 17 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

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

20 **SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICI-** 21 **PATION IN THE DEPARTMENT OF JUSTICE** 22 **LEAVE BANK.**

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

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

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

14 **SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR AP-**
 15 **PROPRIATIONS AND OTHER AMOUNTS FOR**
 16 **INTELLIGENCE ELEMENTS OF THE DEPART-**
 17 **MENT OF DEFENSE.**

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

21 **“§ 429. Appropriations for Defense intelligence ele-**
 22 **ments: accounts for transfers; transfer**
 23 **authority**

24 “(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE
 25 INTELLIGENCE ELEMENTS.—The Secretary of Defense

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

13 “(b) RECORDATION OF TRANSFERS.—Transfers
14 made pursuant to subsection (a) shall be recorded as ex-
15 penditure transfers.

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

22 “(d) OBLIGATION AND EXPENDITURE OF FUNDS.—
23 Unless otherwise specifically authorized by law, funds
24 transferred pursuant to subsection (a) shall only be obli-

1 gated and expended in accordance with chapter 15 of title
2 31 and all other applicable provisions of law.

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

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

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

12 **SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE**
13 **INTELLIGENCE WORKFORCE.**

14 (a) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Director of National In-
16 telligence and the Under Secretary of Defense for Intel-
17 ligence shall submit to the Permanent Select Committee
18 on Intelligence and the Committee on Armed Services of
19 the House of Representatives and the Select Committee
20 on Intelligence and the Committee on Armed Services of
21 the Senate a report on the training standards of the de-
22 fense intelligence workforce. Such report shall include—

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

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

9 (b) DEFINITIONS.—In this section:

10 (1) DEFENSE INTELLIGENCE COMPONENTS.—

11 The term “defense intelligence components”
12 means—

13 (A) the National Security Agency;

14 (B) the Defense Intelligence Agency;

15 (C) the National Geospatial-Intelligence
16 Agency;

17 (D) the National Reconnaissance Office;

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

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

1 (2) DEFENSE INTELLIGENCE WORKFORCE.—

2 The term “defense intelligence workforce” means
3 the personnel of the defense intelligence components.

4 **TITLE V—OTHER MATTERS**

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

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

19 **SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION**
20 **OF FUSION CENTERS.**

21 It is the sense of Congress that ten years after the
22 terrorist attacks upon the United States on September 11,
23 2001, the Secretary of Homeland Security, in consultation
24 with the Director of National Intelligence, should continue
25 to integrate and leverage fusion centers to enlist all of the

1 intelligence, law enforcement, and homeland security capa-
2 bilities of the United States in a manner that is consistent
3 with the Constitution to prevent acts of terrorism against
4 the United States.

5 **SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE**
6 **DEVICES.**

7 (a) STRATEGY.—

8 (1) ESTABLISHMENT.—The Director of Na-
9 tional Intelligence and the Secretary of Defense shall
10 establish a coordinated strategy utilizing all available
11 personnel and assets for intelligence collection and
12 analysis to identify and counter network activity and
13 operations in Pakistan and Afghanistan relating to
14 the development and use of improvised explosive de-
15 vices.

16 (2) CONTENTS.—The strategy established
17 under paragraph (1) shall identify—

18 (A) the networks that design improvised
19 explosive devices, provide training on impro-
20 vised explosive device assembly and employ-
21 ment, and smuggle improvised explosive device
22 components into Afghanistan;

23 (B) the persons and organizations not di-
24 rectly affiliated with insurgents in Afghanistan
25 who knowingly enable the movement of com-

1 merchial products and material used in impro-
2 vised explosive device construction from fac-
3 tories and vendors in Pakistan into Afghani-
4 stan;

5 (C) the financiers, financial networks, in-
6 stitutions, and funding streams that provide re-
7 sources to the insurgency in Afghanistan; and

8 (D) the links to military, intelligence serv-
9 ices, and government officials who are complicit
10 in allowing the insurgent networks in Afghani-
11 stan to operate.

12 (b) REPORT AND IMPLEMENTATION.—Not later than
13 120 days after the date of the enactment of this Act, the
14 Director of National Intelligence and the Secretary of De-
15 fense shall—

16 (1) submit to the congressional intelligence
17 committees and the Committees on Armed Services
18 of the House of Representatives and the Senate a
19 report containing the strategy established under sub-
20 section (a); and

21 (2) implement such strategy.

22 **SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY**
23 **OF RAILWAY TRANSPORTATION SECURITY.**

24 It is the sense of Congress that—

1 (1) the nation’s railway transportation (includ-
2 ing subway transit) network is broad and technically
3 complex, requiring robust communication between
4 private sector stakeholders and the intelligence com-
5 munity to identify, monitor, and respond to threats;

6 (2) the Department of Homeland Security Of-
7 fice of Intelligence and Analysis maintains a con-
8 structive relationship with other Federal agencies,
9 state and local governments, and private entities to
10 safeguard our railways; and

11 (3) railway transportation security (including
12 subway transit security) should continue to be
13 prioritized in the critical infrastructure threat as-
14 sessment developed by the Office of Intelligence and
15 Analysis and included in threat assessment budgets
16 of the intelligence community.

17 **SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
18 **CURITY ACT OF 1947.**

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

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

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

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

8 **SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED**
 9 **STATES CODE.**

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

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

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

 Passed the House of Representatives September 9,
 2011.

Attest:

Clerk.

112TH CONGRESS
1ST SESSION

H. R. 1892

AN ACT

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.