Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Platts
Poe (TX)
Posey
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Barrett (SC)
Bishop (NY)
Boucher
Cardoza
Gingrey (GA)
Hall (TX)
Johnson, E. B.
Kennedy
Pence
Pitts
Price (GA)
Radanovich
Reichert
Ros-Lehtinen
Shimkus
Stark
Towns
Westmoreland
Wilson (SC)

□ 1317

Messrs. COFFMAN of Colorado and BILIRAKIS changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PENCE. Mr. Speaker, on rollcall No. 66, I was unavoidably detained. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill H.R. 2701.

The SPEAKER pro tempore (Mr. CUMMINGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1105 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2701.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 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, with Ms. EDWARDS of Maryland in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Thank you, Madam Chair. I yield myself such time as I may consume.

Madam Chair, I am proud to rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This is an unusual time of the year for us to be considering this legislation. However, it is and remains a very important bill which addresses critical national security issues, and one that we ultimately need to see enacted.

As chairman of the Permanent Select Committee on Intelligence, my most important job is to guide the committee in providing appropriate tools, resources, and authorities to aid the dedicated men and women of the intelligence community in keeping our Nation safe. I believe that H.R. 2701 does just that.

First and foremost, this bill authorizes the activities and the funds for the 16 agencies of the intelligence community. It is difficult to talk about their roles and their missions in the open, but in some ways it is probably one of the most important things that we do on the Intelligence Committee. In addition to providing authorization for intelligence activities, this bill takes the initial important steps to improve congressional oversight of that intelligence community.

I want to highlight two legislative provisions from this year's bill that I believe will significantly improve oversight.

When this bill was marked up in committee, we made significant changes to the so-called ''Gang of Eight'' procedures. As Members know, the President has had the statutory authority to limit briefings to the Gang of Eight when they involve sensitive covert actions. It was the sense of the committee that the Gang of Eight statutory authority had been overused, and that, on matters of critical importance, the committee as a whole should have been informed. For that reason, that earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight.

Last July, the administration issued a statement of policy on H.R. 2701 that included a veto threat with respect to the provisions that would modify the Gang of Eight notification procedures. I believe that some level of concern at that point was justified, and I have been working with the administration over the past several months to resolve those differences. Since July, there have already been noticeable improvements in the way the administration and the intelligence community are communicating and briefing Congress.

Accordingly, the manager's amendment I will offer includes a revised provision on Gang of Eight reform. I know that many Members have strong feelings about this issue on both sides of the aisle. The provision that is in the manager's amendment is intended to be a strong and significant step towards better oversight which still respects the constitutional authorities of the President. It recognizes that both elected branches have a role in national security.

I fully expect that once we pass this bill we will then revisit this issue during conference between the House and the Senate. And I am happy to work with Members to seek improvements at that time. Through this process, we will be able to find a workable solution to a problem that has persisted over the past several years, if not longer.

Another provision that I think is absolutely critical establishes a statutory Inspector General for the intelligence community. This provision will eliminate waste, fraud, and abuse, and it will also help keep a close eye on the protection of the rights of Americans.

This year's bill is truly a product of many hands. The Inspector General provision, which I just spoke about, in large part is due to the efforts of Ms. ESHOO, the chair of the Intelligence Community Management Subcommittee. The vice chairman of the full committee, Mr. HASTINGS, has offered an amendment to include critical provisions on our shared interest in promoting diversity as a mission imperative. He has been working at this long and hard for many, many years. Our newest majority member, Mr. BOREN, has worked hard to develop a pilot program to improve language capability in African languages.

The chairman of the Technical and Tactical Subcommittee, Mr. RUPPERSBERGER, has worked hard on the classified annex to make sure our approach to acquisitions and our most technical programs make good sense. He has been a pivotal part to the committee's oversight process in these very important areas.

The bill includes several provisions offered by Ms. SCHAKOWSKY, the chairwoman of the Oversight and Investigations Subcommittee, which relate to

her longstanding interest in appropriately monitoring and managing contractors in the intelligence community.

Mr. HOLT, the chairman of the Select Intelligence Oversight Panel, advocated for a provision addressing the videotaping of interrogations and another on intelligence information on the health risks faced by Desert Storm veterans.

Mr. THOMPSON of California, another subcommittee chairman, has worked hard on this bill as well. He pushed successfully for the inclusion of a provision to study the benefits paid to the families of the men and women of the intelligence community who have made the ultimate sacrifice. I am proud to support that as well.

We also received important input from the committee's minority members. Mr. KLINE of Minnesota offered an excellent amendment, which we were pleased to accept, that requires the National Reconnaissance Organization to rewrite its charter to meet its current missions. Mr. CONAWAY's personal interest in auditable financial statements led to a provision in the bill that requires the intelligence community to focus on its internal financial management and to provide a system that achieves auditability.

Madam Chair, I believe that this bill will provide the resources and the tools that the intelligence community needs to do its important work in keeping our Nation safe. That includes collection and analysis of human intelligence, signals intelligence, and geospatial intelligence.

□ 1330

It includes funds to detect and disrupt terrorist plots, to provide for intelligence support to the warfighters in Iraq and Afghanistan, and also improves the recruitment and training of a diverse and capable workforce.

During my time on this committee, I've had the good fortune to be able to travel and to meet the brave men and women of the intelligence community, both uniformed and civilian, and I am continually impressed and in awe of the great work that they do and the great morale that they have. They are dedicated, professional and highly skilled patriots, and I'm proud to offer a bill that supports them and all that they do for our great Nation.

This past December, we lost seven of those brave men and women in the attack in Khost, Afghanistan. It is for them, and for those who carry on their mission, that I proudly submit this bill today.

Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield myself as much time as I shall consume.

Madam Chairman, annual Intelligence authorization bills should be bipartisan legislation designed to address critical national security issues and deal in a deliberate and considered way with legislation affecting the intelligence community, the personnel within the intelligence community. Unfortunately, this bill does neither. I'm forced to rise in strong opposition.

When this bill was first reported almost 8 months ago, the bill failed to address critical national security issues such as Guantanamo detainees, attempts by this administration to convert intelligence and counterterrorism into matters of criminal law and meaningful reforms to the congressional notification process.

In the nearly 8 months since this bill was reported out of committee, our country has suffered two major terrorist attacks and a significant number of near misses. During that time, the majority took no time and no action to bring this bill to the floor.

In 8 months nothing was done to fix the flaws in our intelligence community that were apparent to every American in the wake of the first attack at Fort Hood and, later, the Christmas bombing attack on an American airliner.

In 8 months, nothing was done to clarify who is in charge of interrogation of high-value terrorist detainees, these people that are captured around the world who want to do harm to America.

In 8 months, nothing was done to provide a long-term renewal of our critical intelligence authorities under the USA PATRIOT Act.

In 8 months, nothing was done to, once and for all, stop hard-core, radical jihadist terrorists from being brought into the United States, despite the clear opposition that has arisen to this ill-considered idea from average Americans across the country.

In 8 months, nothing has been done to clarify how covert actions should be conducted or authorized when they could have deadly effects on American citizens. Nothing has been done.

Then, you go through and you take a look at the amendments that we wanted to propose that would have addressed these issues, and all of these were thrown out by the majority, an amendment that would direct the DNI to establish a panel to review the intelligence relating to weapons of mass destruction programs of Iran. Politically speaking, our intelligence community is now to the left of the United Nations as to our assessment of what Iran's capabilities are, to the left of the ill-fated National Intelligence Estimate that came out under the previous administration.

We've asked for an independent panel of experts to give us a red team review. Our colleagues on the other side of the aisle said, no, that's not necessary.

We asked for an amendment that would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques, this controversial background as to who knew what when, including some of the leading Members of this body. We asked for those documents to be released. The majority said no.

We asked for the prohibition of funds to bring Guantanamo detainees into the United States. The majority said, we won't even debate it. We won't consider it. We won't allow for an amendment that would do just that.

We asked for a report requiring the DNI to submit a report detailing steps taken to fix problems identified in the President's Fort Hood intelligence review prior to December 25. Why? Because the incident on November 5 had striking parallels to what happened on December 25, and we thought it was fair to ask the question and ask the Director of National Intelligence: With the information that you gained on November 5, what actions did you take that might have helped prevent what happened on Christmas Day? And the answer was, no, we don't think that that would be a worthwhile effort to ask the intelligence community those kinds of tough and difficult questions and be held accountable to this body.

And then we said we had another amendment that said, Don't we think it would be appropriate that we actually establish a process for the authorization and the notification of covert actions that may result in the death of a targeted U.S. citizen? It doesn't get into a debate as to whether that is appropriate, an appropriate course of action. It just says, don't we think that the intelligence community and the executive branch should have in place a detailed process of how these decisions are made, how they are authorized, and when Congress would be notified? And the answer from the majority was no. A process that would give us an idea as to how the administration would authorize and notify Congress when they took actions that might result in the death of a targeted U.S. citizen, a targeted U.S. citizen.

And these are just the amendments that were not considered, substantive, serious issues that the majority is unwilling to debate, to discuss and to address.

Later on, as we go through the day and as we take a look at the manager's amendment and the other amendments, we'll take a look at the striking contrast between what the majority is willing to debate and discuss and to act on, and what they are unwilling to debate and discuss. And it has a direct impact on the safety of each and every American.

Madam Chairman, I reserve the balance of my time.

Mr. REYES. Madam Chairman, now it's my privilege to yield 3 minutes to my good friend and chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), who actually has jurisdiction over some of the issues that the ranking member mentioned just a couple of minutes ago.

Mr. SKELTON. Madam Chairman, first, let me thank the gentleman from Texas, Chairman SILVESTRE REYES, for

the hard work that he did on this bill. So I rise today in strong support of the Intelligence Authorization Act.

From my perspective as chairman of the Armed Services Committee, it's a good bill, one that will support the intelligence needs of our soldiers, sailors, airmen and marines. Every day, American men and women who are deployed into harm's way depend on the intelligence capabilities authorized by this bill to achieve their missions. I cannot state strongly enough about how those in uniform who are in harm's way depend upon the intelligence that they receive.

This legislation ensures continued delivery of quality intelligence products and capabilities through our warfighters. It will lead to important improvement in the future.

As I've said before, the relationship between the intelligence community and the Department of Defense is fundamental to the success on the battlefield. This bill strengthens the relationship by expanding the intelligence community's technical and human collection capabilities.

It adds significant resources to modernize signals intelligence capabilities, and other cutting-edge technologies that are the foundation for intelligence support for our warfighters in Afghanistan. The bill also adds resources for HUMINT collection against terrorists and other enduring and emerging global security issues in Asia, Africa, as well as in Latin America.

This measure will improve oversight of the intelligence community by creating a statutory and independent intelligence community-wide inspector general.

And, finally, this bill enhances cybersecurity, which is becoming very, very important, cybersecurity efforts by authorizing significant investments to support the President's comprehensive cybersecurity strategy.

I congratulate Chairman REYES on bringing this bill to the floor and urge my colleagues to join me in supporting this very, very important measure.

And I might add, Madam Chairman, that we, on the Armed Services Committee, have dealt with some, and have the jurisdiction of dealing with some, matters that my friend from Michigan mentioned a few moments ago. They are within our jurisdiction.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 4 minutes to a member of the committee, Mr. THORNBERRY from Texas, who will talk about the continued efforts by this administration in what appears to be a war on the intelligence community, a legal war on our intelligence community, the brave men and women in that community.

Mr. THORNBERRY. Madam Chairman, I appreciate the distinguished ranking member yielding to me.

In many ways, this bill is a tale of two bills. Part of this bill is the classified annex where specific dollar amounts are allocated to various programs. And the classified annex, I'm happy to report, is a bipartisan product. And I appreciate the chairman of this committee, Subcommittee Chairman RUPPERSBERGER, and others working with Republicans compromising from both sides, but having a bipartisan product that has the support, I believe, of the full Intelligence Committee and should have the support of the full House. Unfortunately, that is not the case with the other provisions of this bill, the policy provisions of this bill, which are deeply disturbing.

As the ranking member has indicated, a number of key issues, whether it's Guantanamo, to reading Miranda Rights, have not even been allowed to be debated and voted on on the floor of the House. Those issues have been shoved aside.

Instead, what we have in the underlying bill are 41 new reports, plus an additional 17 more reports that would be required of the intelligence community in the manager's amendment. But deeply buried within the blizzard of all those reporting requirements is something that is deeply disturbing, and that is a new criminal part of the statute that would apply only to the intelligence community when they try to elicit information from a terrorist that can prevent future terrorist attacks.

And I think it would be helpful for all our Members to just remember a bit of the history here. Last year the Obama administration released a number of classified memos detailing interrogation techniques, despite the appeal of five former CIA directors not to do it, because doing so would harm our efforts against a terrorist. They did it anyway.

Then, secondly, last year, the administration decided that they would re-investigate CIA personnel who were involved in interrogations, even though it had been thoroughly investigated and there was no basis found for any sort of prosecution. Instead, the Obama administration decided they wanted to appoint a special prosecutor to go after those people again.

Third, there's an effort to bring lawyers up on ethics charges because some people disagree with the legal opinion that they reached. And, of course, just recently we found that that effort has failed.

Fourth, last year, the Speaker, under pressure from questions about what she knew about these interrogations, alleged that the CIA lies all the time, despite the considerable evidence that she had been fully briefed about the interrogations. And the Speaker's charge was so indefensible that this bill got postponed for 7 months and couldn't even come to the floor, in order to protect her.

□ 1345

So you see that string of going after the intelligence community of making accusations against them. And then what we find in the manager's amendment is this provision that creates new crimes only for the intelligence community when they try to illicit information. It is rather remarkable.

Anywhere in America, if a prison guard tries to wake a prisoner up, it's okay; it's part of the prison routine. Under this provision, if a terrorist does not get a proper amount of sleep, the intelligence community can be prosecuted and sent to jail for 15 years.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 2 minutes.

Mr. THORNBERRY. Anywhere in America there is a criminal investigation, it might be pointed out to a criminal suspect that it would be better to cooperate or the death penalty could be a potential punishment for his crime. It is against the law under this McDermott provision for an intelligence professional to in any way threaten physical harm or coercion against a terrorist in order to get information. In other words, what goes on every day all across America in the criminal justice system would be prohibited in this provision in the manager's amendment.

It is in many ways unthinkable. In many ways, it's topsy-turvy land where we forget who the good guys are, who the guys trying to keep us safe are, and who the bad guys are. It's all turned upside down.

We all remember the photos of abuses from Abu Ghraib in Iraq. They were deplorable. The people responsible were prosecuted under the criminal law, as they should have been. But to extrapolate from that, the source of restrictions here starting on page 33 of the manager's amendment is, I think, indefensible.

Intelligence is a serious business. The people who are involved in it risk their lives to keep us safe. And to threaten, as this law would, to put them in jail for 15 years if they don't give somebody, whatever the terrorist says is part of their individual religious beliefs, I think, is dangerous, irresponsible. And it tells the intelligence community that we talk so much but we're not going to back up our words; in fact, we're going to prosecute you. That's a mistake.

I am deeply disturbed by some of the trends in this bill, and I hope that the manager's amendment will not be adopted, and if it is, this bill should certainly be rejected.

Mr. REYES. It's now my pleasure to yield 1½ minutes to my good friend and former member of the House Intelligence Committee who still is a valued resource for us, Mr. BOSWELL from Iowa.

Mr. BOSWELL. Madam Chair, I would like to engage the chairman of the Intelligence Committee for the purposes of a colloquy.

Mr. REYES. Madam Chair, I am happy to oblige my good friend, Mr. BOSWELL.

Mr. BOSWELL. I would like to clarify the intent of section 312 of H.R. 2701

regarding the authorization of the Intelligence Officer Training Program.

As I understand it, that section will authorize the Director of National Intelligence to provide grants to institutions of higher learning to develop, among other things, innovative methods of teaching high-priority foreign language skills.

Is my understanding of this provision correct?

Mr. REYES. You are correct, Mr. BOSWELL.

Mr. BOSWELL. My understanding is that Drake University in Des Moines, Iowa, has a highly innovative foreign language skills program. Under that program, Drake students work with native speakers in groups of five or fewer three times a week. Such students may also take a ''strategies'' course, which has several goals, including helping students approach the culture they are studying through a nonethnocentric lens.

Former students of this program have gone on to teach in China, become Fulbright Scholars, provide translation services, perform nonprofit and missionary work in El Salvador, complete advanced degrees in languages, and excel in the corporate world more generally.

Is Drake University's language program the type of program that the intelligence community believes would be a good candidate to receive a grant from the ODNI under section 312 of H.R. 2701?

Mr. REYES. Having had the opportunity to visit Drake University with you, you are correct.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 30 seconds.

Mr. BOSWELL. Thank you, Chairman REYES, for that comment and that visit. That is correct. I appreciate that.

I want to thank you for the clarification.

Mr. HOEKSTRA. I would like to yield 4 minutes to my colleague from Michigan, a strong defender of the Intelligence Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. I can't tell you how disappointed I am in this bill for all that is at stake in the country.

When there was a switch in debate about how we approach the war on terror, that's a legitimate argument, a legitimate debate to have, and we should do it under the light of day with all of the sets of consequences that come with any change of policy about how we go after terrorists overseas. And the notion that was brought out that, gee, if we just treat this like a law enforcement environment, if we treat it the way we would treat the average American citizen and extend the rights and the privileges to foreign-trained terrorists, the world will like us, the world will be a better place, we will have no more problems, they're going to go away, we will get them in the courtrooms of America, there is a fundamental flaw with doing this.

In order to fully function as a law enforcement effort, the administration has sent FBI agents overseas into the battlefield to read Miranda rights to tell foreign-trained terrorists who probably couldn't find, some of them, America on a map that you have the right to remain silent; if you can't afford a lawyer the United States will appoint one for you; we will pay for it.

The fact that if they get to the airport and stand in line with an explosive device next to you or your children or a family member or some other American citizen, we will catch them then, and we will put them in trial and read them their Miranda rights even though they were recruited overseas, trained overseas, in many cases surreptitiously moved to different parts of different countries in order to get every aspect of their training. And they're taught that they are on a combat mission. That is what they're taught, that your goal in this event is to go cause harm and casualties and chaos to Americans on American soil or to our allies on their soil. So they look at this as they have when they've declared war numerous times. They have declared war on the United States, and they're ready to kill Americans to prove their point.

So some notion that by the time they get to the airport or board the plane we've been successful because we've had the opportunity to read them the Miranda rights is fundamentally flawed, and that is a fight that we will lose. We're going to lose that fight. You can't hire enough TSA agents. You can't hire enough domestic FBI agents. You can't send enough FBI agents into the battlefield to read Miranda rights to stop their effort.

When you treat them like a criminal and read them their rights, you allow a defense attorney to start the negotiations about how much they will or will not cooperate. That starts. That happens. Clearly, the Christmas Day bomber enjoyed that same benefit.

And I'll tell you, that first 24 to 48 hours is critically important in the intelligence community because of a small thing. This guy isn't going to be able to give you all of the layout of al Qaeda and all of their financing and all of their logistical movements, but he could have given us incredibly valuable information—maybe the name of another airline that may have been targeted on that day that we didn't know about, maybe the name or the description of a bad guy who trained in how to use that explosive device or a place or a town or a person that they may have seen in their training cramp. To most people, that wouldn't mean a lot. To trained professionals in the intelligence business, it means the difference between stopping them and them being successful. That little, small piece of information can save lives.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield my colleague 1 more minute.

Mr. ROGERS of Michigan. They made a fundamental shift, from proactive intelligence overseas to find them where they train, to where they finance, to where they recruit, to a law enforcement effort to bring them back to the United States. We're bringing foreign-trained terrorists to the United States and putting them in mainstream courtrooms. We're prosecuting CIA officers for following legal advice from the Department of Justice in interrogation. So we're treating CIA officers like criminals, and we're treating foreign-trained terrorists like Americans with all of the benefits and the privileges therein.

You almost couldn't make this up. You couldn't come to this conclusion. And with it, we've got consequences.

When you look at the series of events from the Fort Hood shootings to the Christmas Day bomber and the mistakes that were made and the lost opportunity for disruption, we all ought to sit down and work this out and get us back to where we're putting the interests of Americans first versus the interests of the rights of terrorism before the safety and security of the United States.

I strongly urge a rejection of this bill.

Mr. REYES. Madam Chair, I don't quibble with the opinions that my friends on the other side of the aisle have. It's just facts that don't support those opinions that I quibble with. They're not entitled to their own facts.

I now yield 1½ minutes to a new member of our committee, the gentleman from Oklahoma (Mr. BOREN), a valued member of our committee.

Mr. BOREN. Madam Chair, I rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This bill makes an excellent product and much needed investment in many critical areas, including those that have been previously underresourced.

One of the most important investments is this bill's commitment to developing foreign language capabilities, specifically in African languages that have historically been underrepresented within the intelligence community. The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David Boren Scholars by requiring the Director of National Intelligence to identify high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where these languages are spoken.

Let's not forget that 10 years ago we didn't anticipate the conflicts along the Afghanistan-Pakistan border and the need for speakers of the local languages and dialects. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catch-up.

Similarly, we cannot predict from where the next crisis will emerge, but by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that will impact national security.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 15 seconds.

Mr. BOREN. We should be training the linguists and translators in the relevant languages now so that once again we are not reactive in our efforts; we're proactive in our actions.

I urge support for this bill.

Mr. HOEKSTRA. At this time, I'd like to yield 2 minutes to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the ranking member for yielding.

This is a very unfortunate bill, and I think this side of the aisle has sufficiently laid out abundant reasons why it should be sent to the committee and fixed. The intelligence community is too important to our national security to allow a bill with as many concerns as this one to pass.

However, I am here also to discuss what I see as a fatal flaw in the way information is disseminated to Members of the House who are not committee members.

Nothing is more critical to the role each of us plays in representing our districts and this country than for us to have every relevant piece of information available to us prior to casting an important vote—certainly prior to casting a vote on one updating the authorizations for the way our government gathers intelligence. Yet many Members of this House have been denied access to key pieces of information simply by virtue of the fact that they do not sit on the Intelligence Committee.

I recognize that membership on any given committee in this Chamber means that one is given access to matters in a special capacity. I respect that. I would even say that dividing up responsibilities is critical in achieving everything in a body as large as this one, but not being a member of the committee should not translate into having access to nothing that falls under the jurisdiction of this committee. Certainly, there are some pieces of information that are so important, of such importance to national security, that every Member of this body, should they so desire, should have access.

Last summer, the story broke about photographs alleging detainee abuse at Guantanamo.

□ 1400

I formally requested, through the Intelligence Committee, access to these photos. I assumed it would be a simple request. In 2005, similar photos at Abu Ghraib were made readily available to every Member of this House by the same committee under the leadership of then-Chairman HOEKSTRA.

This time, after months of no response, I was informed that the committee did not retain the photos and could not or would not allow nonmembers of the Intelligence Committee access. At the same time as my request to view these photos, I requested to review the classified CIA Inspector General report titled ''Counterterrorism Detention and Interrogation Activities.''

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 30 seconds.

Mr. BURGESS. After months, I was denied my request, no reason given for the denial. I can hardly believe that on an issue as critical and crucial as this I would not be allowed access. I believe strongly that for me to vote on something as important as the Intelligence Authorization Act I should have access to every bit of information.

Finally, on the shooting at Fort Hood, I asked to have attendance at the briefing that was being given. But because a business meeting had to occur before I would be granted permission and none was scheduled, I simply could not attend.

Madam Chair, this bill has problems on many, many levels, but it is impossible for me to vote in the affirmative given the restrictions on activities of members of the minority from this committee.

Mr. REYES. Madam Chair, just so we are clear, it doesn't appear that some members of the other aisle realize how important the rules are. The rules of the House apply to everyone on a bipartisan basis. The information he sought was denied from our committee because it didn't fit the criteria and the rules of the House.

With that, I now yield 2 minutes to my friend from the Armed Services Committee, chairman of the Readiness Subcommittee, and a new member of our House Intelligence Committee this year, Mr. SMITH of Washington.

Mr. SMITH of Washington. I certainly think there are a lot of very good things in this bill. Our intelligence community is a critical piece of fighting terrorism. Their counterterrorism efforts are absolutely at the top of the list of what the Intel Committee does.

We are supporting all of our agents in the CIA and throughout the intelligence community, and we thank them for their brave efforts. We are aware that they are putting their lives on the line to prosecute this war every single day. This bill supports them across the board. It has the resources and support they need to do their job.

I could say a lot more about that, but I really want to take issue with some of the things that the minority has said, in particular with these alleged massive changes to our approach to counterterrorism. We have heard about Miranda all day long and what the Justice Department does.

It would surprise people listening to the debate to know this administration has not changed the policy on when or when not to give Miranda to people in the field. Under the Bush administration, the Justice Department went through the same set of issues. If you are looking at a domestic U.S. prosecution of that individual, then you give Miranda. If not, you don't.

There is no blanket order across the Justice Department right now telling the FBI to give Miranda to everybody it has captured throughout the world. It does not exist. It did not happen, despite what the minority has said. You have to make that decision.

In addition, we continue, under the Obama administration, to hold people right now, without Miranda, without trial, without those rights, terrorists from foreign places that we can't do anything else with but we understand they are a threat. That policy has not changed.

What we have attempted to do is clarify those policies for the members of the intelligence community in the field so they know what they are supposed to do and, yes, also to prevent things like Abu Ghraib and Guantanamo, which every single member of the Armed Forces and the intelligence community has told us was a crushing blow to our effort in the counterterrorism effort. To do that, to make those changes is necessary.

But to listen to the minority, you would think that we have given up prosecuting terrorists outside of civilian court.

We haven't. You would think that we would read Miranda to absolutely everybody. We don't. We are trying to make intelligent decisions.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 30 seconds.

Mr. SMITH of Washington. We need to do a better job of intelligence. We need to better coordinate that intelligence. That's what I think we learned from the Christmas Day attack. There is stuff in this bill to try to do this.

We need to do oversight better. We need to have a better idea from the intelligence community to do what they are going to tell us and when, and to make sure there is a record of it, which is in this bill, so that no one can later dispute what they were or were not told.

The minority has a critical role to play in making that happen. Instead they make these baseless charges that somehow we have given up in the fight on terror and we are not supporting the intelligence community. That is absolutely untrue. Majority and minority strongly support our intelligence community, and we are absolutely committed to prosecuting this war to the fullest extent possible.

Mr. HOEKSTRA. Madam Chair, how much time do we have remaining on each side?

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman from Michigan has 10½ minutes and the gentleman from Texas has 13½ minutes.

Mr. HOEKSTRA. I would like to reserve my time until we are more equal.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairman of the Terrorism-HUMINT, Analysis and Counterintelligence Subcommittee, my good friend from California (Mr. THOMPSON).

Mr. THOMPSON of California. Thank you, Mr. Chairman, for yielding.

I am pleased that this legislation supports critical U.S. intelligence capabilities at a level higher than we ever have in past years. This bill improves the intelligence community's ability to understand hard targets, those countries that pose the greatest strategic threat to U.S. interests.

But it also increases funds for intelligence collections that will support U.S. policy decisions in other important regions such as Africa, Latin America, and Asia. We must continue to focus our resources on our priority targets, but we can't neglect emerging threats. This bill does both.

The bill also includes an amendment that I introduced in committee in conjunction with our colleague, DAVID PRICE of North Carolina, to improve the effectiveness of interrogations and prevent a return to past abuses.

It calls on the Director of National Intelligence to evaluate scientific research on interrogations and assess how to improve our U.S. interrogators' training. It also requires the DNI to assess the ethics training provided to interrogators so they understand the boundaries within which they can operate.

Finally, the bill contains a provision that I sponsored that requires the newly created Inspector General of the intelligence community to study the intelligence community's electronic waste disposal procedures. This provision was designed to protect not just our environment, but also our security. The Inspector General must assess both the environmental impact of these practices and the steps taken to ensure that discarded devices do not contain sensitive information that our adversaries would be able to exploit.

Madam Chair, this legislation will strengthen the capabilities of our intelligence communities and makes our Nation safer.

I urge my colleagues to support this bill.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I hope that as we have the general debate on this bill right now that we have at least one person who will come up on the other side and explain exactly what is in the McDermott amendment, what it means and what the implication will be to our men and women in the intelligence community. We hear over and over again how ''we support the intelligence community''—without a single hearing.

Perhaps with about 1 minute of debate on the manager's amendment that has been allotted to that McDermott amendment, we will fundamentally change the nature of the intelligence community, how they work and how they operate by creating new criminal statutes, not a minute of hearings in this committee, and all of a sudden it appears out of nowhere in a manager's amendment.

Would someone on the other side please explain the rationale for bringing that in this bill with having no hearing when it will have a fundamental impact on the intelligence community? What is the rationale, and why was the majority unwilling to have hearings on this issue? Why were they unwilling to debate this issue, and why did they bury it into a manager's amendment with 22 other amendments?

Mr. REYES. Madam Chair, I am now pleased to yield 2 minutes to the chair of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, and our former ranking member of the House Intelligence Committee, Ms. HARMAN of California.

Ms. HARMAN. I thank the gentleman for yielding to me and hope that what I am about to discuss is supported by the current ranking member.

I rise in strong support of the manager's amendment, which includes two provisions which I authored and which address problems continuing to impede our efforts to keep our country safe.

First, it requires the Inspector General of the intelligence community to report to Congress in 180 days on overclassification of intelligence. Stamping documents ''secret'' or ''top secret'' for the wrong reasons interferes with accurate, actionable, and timely information sharing within the Federal Government and with State and local law enforcement. Protecting sources and methods is the right reason to classify information, but protecting turf or personal embarrassment is not.

D.C. Police Chief Cathy Lanier says she hesitates to share information with the Federal Government for fear it will be immediately classified and rendered useless because she can't tell her officers in the field what to look for when on patrol. A variety of civil liberties and good government groups support our amendment, and I am glad it's in the manager's amendment.

Second, Madam Chair, the manager's amendment requires the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, to assess intelligence on harmful radiological materials, including highly disbursable substances like Cesium-137. It's not possible in this open setting to describe the threat posed by unsecured radiological materials, but a range of experts, including the Defense Science Board, have warned about the danger posed by medical equipment that uses this material.

These machines are in hospitals across the country, in every major town and city. They are not tamperproof. The Departments of Energy and Homeland Security are adding short-term hardening measures to these machines, and the Nuclear Regulatory Commission is investigating alternatives. They need more support.

My thanks to the Rules Committee and to Chairman REYES for including my provisions in the manager's amendment. I am very pleased that after 4 long years we will probably pass an intelligence authorization bill today. I urge an ''aye'' vote.

Mr. HOEKSTRA. I thank my colleague from California for coming down and explaining her amendments. These are issues that we have talked about in the past, and congratulations for having them included in the manager's amendment. I support those kinds of amendments, because they have been discussed and they have broad bipartisan support.

There are other parts of the manager's amendment which I am strongly opposed to because they haven't even had any dialogue, debate or hearings on that.

To discuss one of those, I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, I agree with much of what has been said on the other side of the aisle about the good provisions in this bill. I am also disappointed, as the ranking member talked about, that a number of substantive issues were not even allowed to be discussed and voted on.

But in my mind all of that is dwarfed by the provisions in the last section of the manager's amendment beginning on page 32, and I would recommend every Republican and Democrat in this House read for him- or herself this language, because it is a devastating blow to the professionals in our intelligence community who we ask to keep us safe. This language delineates a number of specific acts that it says by law are cruel and degrading treatment. One of those acts is prolonged isolation.

As I mentioned earlier, any prison or county jail anywhere around the country sometimes has to put a prisoner into solitary confinement. But under this law, if an intelligence community professional does that, he is liable for up to 15 or more years in jail for prolonged isolation.

If he does anything that would blaspheme a terrorist's religious beliefs, or cause him to participate in action intended to violate his individual religious beliefs, he is guilty of violating a criminal statute and that intelligence professional whom we count on to keep us safe goes to jail—not the terrorists, but the guy or lady that we are counting on to keep us safe.

There is provision after provision, whether it's deprivation of sleep, even threatening to use force, the religious provisions, as I mentioned, or any act that is the equivalent of this laundry list—sensory deprivation—the terrorists who would be captured would be treated more gingerly than any criminal in any county jail or any prison across the country. This is wrong, and it's reason enough to reject the bill.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairwoman of the Subcommittee on Intelligence Community Management, a valued member of my committee, Ms. ESHOO from California.

□ 1415

Ms. ESHOO. I thank the chairwoman, and I thank our distinguished chairman for his wonderful and dedicated leadership of the House Intelligence Committee.

It's been far too long since we've had an Intelligence authorization bill enacted. Because Congress has the responsibility to set guidance for the intelligence community to strengthen our national security, which is really our highest obligation here in Congress, I am really pleased that this critical legislation is on the floor today.

This bill take some very important steps to increase congressional oversight of the intelligence community, which is very much needed. I would like to address two in particular that came out of the subcommittee that I am proud to chair.

First, the bill creates an independent intelligence community inspector general. So many of the issues in the intelligence community cut across multiple agencies, and today there is no one who can look at all sides of these issues. This inspector general will have the dual responsibility to report to the Congress, not just to the Director of National Intelligence, increasing our oversight.

Second, this bill allows the GAO to conduct audits and reviews of the intelligence community. We all know the value of the GAO's assessments firsthand. Their reputation for objective, thorough reviews is second to none. But today, the intelligence community refuses to allow GAO in the door, even when Congress has asked them to investigate. This is not going to stand because the bill corrects it.

The bill increases oversight of the security clearance process and takes steps to improve information sharing, both high priorities of my subcommittee. We have had numerous hearings on these topics and will continue to do so.

Finally, my colleagues, we all take this responsibility to oversee the intelligence community very seriously. We are the eyes and ears of the American people to examine the issues that are hidden behind the walls of classification, and as the voice of the American people to ask the questions which they cannot. This bill strengthens our ability to do just that, and I urge my colleagues to support it.

The Acting CHAIR. The gentlewoman's time has expired.

Mr. REYES. I yield the gentlelady 15 additional seconds.

Ms. ESHOO. Finally, I would like to say in response to really a terrible charge that was made by one of our colleagues on the other side of the aisle that this bill weakens the intelligence community, that it is an attack on the intelligence community: we can't let that stand. There isn't anything farther from the truth. This is singularly the largest Intel authorization with its base budget in the history of the United States of America. We are giving to the intelligence community the very tools that it requires, that it has requested, and are glad to do so.

Mr. HOEKSTRA. Madam Chair, I would like to yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I, too, along with my colleague from Texas, and certainly the ranking member from Michigan, want to bring to the attention of this body just how dangerous the amendment is that says this, ''Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit or conspires to commit an act of cruel, inhumane, or degrading treatment.'' And it goes on to talk about infringing on their religious beliefs by any notion whatsoever that isn't defined in the bill.

Sleep—it talks about lack of sleep. As a matter of fact, the interrogators are probably getting a lot less sleep than actually the terrorists they are interrogating because they also process the information before and after the interrogations.

You have created a whole new direction to go after the very people who are interrogating people trying to kill Americans, and you are saying we are going to put you in jail if you push your limits. And by the way, torture is already against the law. Nobody, and I mean nobody, is pushing torture. What we're saying is, you cannot make this so unreasonable that they won't do it. And if you don't think that this will have an impact on an agent making the determination, should I or shouldn't I, you know what? I was hoping to turn around and find 300 screaming, cheering Americans saying thank you for your patriotism and your service, not 25 Justice Department lawyers with subpoenas.

You will absolutely freeze the intelligence community's ability to go out and get information that they need, and it is absolutely naive to believe that they're going to do it anyway. I'm sorry, that's not the way it works. These folks want to follow the law; they want to follow the Constitution. And guess what? At the end of the day, they're willing to risk their lives to protect their country and their fellow Americans, and this is the treatment that we give them.

This one provision alone will disrupt I can't tell you how many operations worldwide and is worthy of our rejection of this direction in the intelligence community.

Mr. REYES. Madam Chair, it is now my privilege to yield 2 minutes to the chairman of the Subcommittee on Technical and Tactical Intelligence, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Chair, first, I would like to focus on two of this bill's most important provisions as it relates to technical and tactical: first, cybersecurity, and, number two, space.

The bill makes significant investments in the variety of critical cybersecurity programs, a need highlighted by repeated attacks on the information technology systems of the Federal Government and private industry over the past year.

As cybersecurity evolves and intensifies, our intelligence community must be able to respond quickly and with the latest technologies available. The National Security Agency, which I'm proud to say is in my district, has already developed a number of technologies that are already helping to protect us against these threats; but we need to ensure that NSA and other intelligence agencies have the resources that they need to develop and deploy the defenses that will keep our networks running and information secure. This bill helps do that.

Second, this bill makes important investments in space. It supports the President's request to develop a new imagery capability. In addition, it supports the Senate proposal, which we must start funding to continue building upon our known capabilities.

These are critical investments, and we are prepared to see them through. We must keep major space acquisitions on budget and on schedule. We do not have unlimited resources and cannot afford to have these critical acquisitions spin out of control.

I am also pleased that the bill encourages the DNI and Director of the NRO to leverage commercial capabilities to the fullest extent possible. Commercial tools have significantly improved in recent years. Using these capabilities to complement government efforts will not only provide a cost-effective way of meeting our needs; it will support the revitalization of the long-struggling commercial space industry.

I also want to make just some response to my peers on the other side. The Intelligence Committee is a very important committee; national security is at stake. We must come together as citizens first. There are a lot of allegations—we understand there are some politics in whatever we do—but when it comes to national security intelligence, we have got to find a way to make sure we focus on the priorities. Those priorities are in this budget.

There are some things that we might not all agree with; but in the end, we vote on the bill that we feel is right for our Nation. And believe me, there is nothing that either side will do to help the terrorists; we will go after the terrorists with a vigor.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

There are a lot of things in this bill that are not addressed, that were not

allowed to be put in order as we went through the rules process. One of those things is how we are going to deal with the detainees from Guantanamo.

You know, at one time they were going to be moved into Kansas; the people in Kansas stood up and said no. They then were going to moved to Michigan, and the people in Michigan stood up and said no. They then were going to be moved to South Carolina, and the leadership in South Carolina said no. Now it is the people in Illinois that are fighting the valiant battle and saying, no, we don't want them in our State either.

There has been a fundamental problem in each case where the administration has proposed moving these individuals into a State; there has been absolutely no transparency. People in Michigan, people in Illinois, people in South Carolina and Kansas have all asked for the fundamental information: Who are these individuals? Why are they in Guantanamo? What did they do to deserve to be there? What has their behavior been while they have been in Guantanamo? In each case, for each of those States we've said, before the States make up their mind as to whether they are going to accept these individuals or not, share these individuals with the policymakers and the decision-makers in that State.

Mr. REYES. Madam Chair, it is probably a good point that the ranking member makes that there should be a debate on Guantanamo; unfortunately, this is not the right bill to have that debate on.

I now yield 2 minutes to the chairman of the Select Intelligence Oversight Panel, and a member of the House Intelligence Committee, a valued member, Mr. HOLT from New Jersey.

Mr. HOLT. Madam Chair, I thank the distinguished Chair of the House Permanent Select Committee for bringing this bill to the floor. As he said, it is not perfect, and there are some things that have developed since the committee sent this bill to the floor, but on balance, we need it and I support it.

I am pleased that the bill includes language I developed that mandates video recording of detainee interrogations by the Central Intelligence Agency. This provision's purpose is simple: to improve the intelligence operations of the CIA and enhance our national security by ensuring the video recording of each detainee interrogation. It requires the Director of the CIA to promulgate and to provide to Congress the guidelines under which such video recording shall be done. And it requires that the video recordings have to be maintained and so forth. I note that this provision is extremely similar to the one that was included in last year's National Defense Authorization Act and that now serves as the legal basis for video recording of detainee interrogations within the Department of Defense.

The benefits of video recording and electronically recording interrogations are evident, and law enforcement organizations across the United States routinely use the practice to both protect the person being interrogated and the officer conducting the interrogations and, importantly, to get better, more useful information. Clearly, the CIA itself valued this tool as well, otherwise it would not have made the recordings that it did of interrogations of ''high-value'' detainees that were captured in the wake of the 9/11 attacks. The amendment will allow the CIA Director to determine how to conduct the recordings in a way that protects the identity of interrogators and protects other material that must be kept secret.

Finally, the bill also advances some of my other priorities, including a sustained emphasis on improving foreign language capabilities, expanding GAO's ability to conduct investigations of intelligence community activities, and a long-overdue declassification review requirement for gulf war illness-related records at the CIA.

I urge my colleagues to join me in voting for this bill.

Mr. HOEKSTRA. I yield my colleague from Texas (Mr. THORNBERRY) 1½ minutes.

Mr. THORNBERRY. Madam Chair, our colleague on the Intelligence Committee from New Jersey talked about the importance of interrogations. It is absolutely true that much of the information that the United States has received since 9/11 which has prevented further successful terrorist attacks on our homeland has come from interrogations. That is why it is so important that we maintain that tool done by professionals in the right way, absolutely. But to tie their hands and allow those professionals conducting interrogations of terrorists even less latitude than the county sheriff or the FBI investigating a bank robbery have just seems to me to be madness. And yet the manager's amendment, which has traditionally been used for technical-type corrections, less controversial sorts of issues, the manager's amendment on this bill includes an amazing expansion of criminal liability only for those in the intelligence community.

It seems to me that before we start prosecuting members of the intelligence community for not giving terrorists the amount of sleep they ask for or for doing something that may violate whatever they describe as their religious beliefs, we ought to think twice about it.

It is important to say there is no reasonableness standard to say what is reasonably your intelligence belief or a reasonable amount of sleep; this is all at the discretion of the terrorist. We are jumping to their tune under this language. It is dangerous, and it should be rejected.

□ 1430

Mr. REYES. Madam Chair, may I inquire of the time remaining on both sides?

The Acting CHAIR. The gentleman from Texas has 3¼ minutes remaining, and the gentleman from Michigan has 3 minutes remaining.

Mr. REYES. Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I am going to be the last speaker, so we only have one speaker left.

I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 1½ minutes to the chairwoman of the Oversight and Investigations Subcommittee, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Chair, I am proud to support this legislation because it will provide the men and women of our intelligence community with the tools they need to protect the Nation while implementing vital provisions to promote accountability and oversight.

As the Chair of the Subcommittee on Oversight and Investigations, I have worked to limit the intelligence community's dangerous overreliance on private contractors. To that end, I have worked hard to include section 338 in this bill, which requires the Director of National Intelligence to provide a comprehensive report to Congress on the intelligence community's use of personal service contracts. It is my hope that this report will finally give us a clear picture of how much our national security has been doled out to the lowest bidder.

I want to talk for a minute about the issue of torture. I think it is so important to underscore that the manager's amendment includes language originally proposed by Mr. MCDERMOTT that reiterates existing law on torture and that provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment.

What I have been hearing from the Republicans is that somehow we are sacrificing our national security by not allowing the torture of our enemies. In fact, I think we are enhancing our national security by saying that we will eliminate provisions which allow for terrorists to be empowered and to recruit more people. If we stick to our values, we enhance our national security. These are already in law right now, and that is all this bill does is underscore the lawfulness of the new rules.

Mr. REYES. Madam Chair, I yield 1 minute to a valued member of our committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Chair, I rise in support of the intelligence authorization bill. As a member of the committee, I am confident it provides our intelligence community with the tools it needs to keep our country safe. There are two aspects of the bill that I would like to highlight.

First, the bill includes the most substantial reform to the oversight relationship between Congress and the executive branch in a generation. The bill

requires that the President provides all notifications in writing and to maintain a record of briefings. It requires the President to inform all members of the Intelligence Committees when a Gang of Eight briefing is conducted, giving members who are not in the Gang of Eight the awareness they need to prevent abuse of the process. It requires the President to open up the briefing to the full committee after 180 days unless the Director of National Intelligence recertifies that the standards of the statute are still met.

Second, the bill makes critical investments in our overhead infrastructure and architecture. This is essential to our intelligence capability and wouldn't be possible without the work of some of the most brilliant minds in the country, like the scientists at the Jet Propulsion Laboratory.

We are not giving the administration a blank check. It is imperative that our major acquisitions stay on budget and on schedule. Resources are scarce, and we cannot allow a handful of programs to spin out of control. The committee will keep a close eye on those programs.

Mr. HOEKSTRA. Madam Chair, my colleague on the other side of the aisle, Chairman REYES, has said now is not the time to talk about Gitmo. Obviously, the majority has also said now is not the time to talk about getting an independent assessment of what is going on in Iran. Now is not the time to talk about the release of unclassified versions of documents related to the use of enhanced interrogation techniques. Now is not the time to talk about bringing the Gitmo folks here. Now is not the time to talk about the time lapse between Fort Hood and Christmas Day and what did and did not happen during that period of time. Now is not the time to talk about a process for the authorization and notification of covert actions that may result in the death of a targeted U.S. citizen.

So it is not time to talk about any of those or to debate any of those issues which are absolutely critical to the effectiveness of our intelligence community and to keeping America safe.

Interestingly enough, it is the day not to talk about but to bury into a manager's amendment 22 different amendments, including one that will fundamentally change the way our intelligence community has to do business. No hearings. No discussions. No debate. Buried in there is the McDermott amendment. We are now limited to, at most, 10 minutes per side to talk about 22 amendments in the manager's amendment, which will come up immediately following this general debate. Yet it is interesting that, in the discussion of general debate, not one person on the other side was willing to defend this amendment and the process by which it was included—meaning no discussions, no debate—or to defend the content of what is included in the manager's amendment.

Is this what the process in the House has now come down to, that we bury these critical amendments between 22 other amendments? If we split up the time equally, let's see. We have 22 amendments divided by 20 minutes. We will, maybe, have 1 minute of debate. We will have 1 minute of debate on this amendment. It will be interesting when our folks in the intelligence community see what our friends on the other side of the aisle have done to them today, our friends on the other side who talk about how they so strongly defend our intelligence community. When they go visit them in the field, I would guess that they are going to get a very cold reception.

The other thing that they are going to do is they are going to have questions, and they are going to expect the majority to explain how they did this with no hearings. They are going to have to explain exactly, Now, what does this amendment do? How does it impact us? What does it mean? How is it operational?

I assume you knew that before you voted on it on the floor of the House, and my answer is going to be, I don't think they do.

I yield back the balance of my time.

Mr. REYES. Madam Chair, I understand the frustration on the minority side. As an Army veteran, as a veteran of Federal law enforcement for 26½ years, I understand and value the United States Constitution. I understand and value that we have to live by the rules. I understand and value the fact that we are a global leader that is much respected.

The gentleman talks about one amendment, and that amendment simply says, Follow the rules. Follow the law. Follow the principles that have made this country great. I understand that.

Apparently, the minority does not understand that, and I feel for them because, in the final analysis, I have been with members of the intelligence community in faraway places around the world. I have been with them and their families at Bethesda when they were recuperating from the attack in Khost. I have been to the ceremony at the CIA. I understand what they go through. This is a good bill. It deserves everybody's support.

Mr. HOYER. Madam Chair, I rise in support of this Intelligence Authorization bill, which authorizes the tools America needs to detect and combat its greatest threats, including what President Obama called "a far-reaching network of violence and hatred."

In the past weeks, we've seen a great deal of evidence that policies adopted by President Obama and Democrats are working to keep Americans safer. In Pakistan, the government is cooperating for the first time in the arrest of top Taliban leaders, including second-in-command Abdul Ghani Baradar and Abdul Kabir, a member of the senior leadership. At home, Najibullah Zazi has just pled guilty in federal court for attempting to bomb New York City's subway, and the Christmas Day bomber is giving us timely intelligence.

This bill continues the policies that are working and strengthens America's intelligence collection. It significantly increases funding for human intelligence, a resource that is irreplaceable in disrupting terrorist networks. To ensure the broad reach of our intelligence community, it makes important investments in language training and scholarships, so that our personnel will have the resources to infiltrate networks and intercept communications around the world. It also strengthens our defenses against the emerging threats of cyberterrorism and cyberwarfare, which, if unchecked, could have a crippling effect on our military and economy. And this legislation makes an important contribution to America's nuclear non-proliferation efforts by requiring reports on the nuclear intentions and capabilities of Iran, Syria, and North Korea, as well as on the worldwide black market in materials that could contribute to nuclear weapons.

At the same time as it strengthens our intelligence capabilities, this authorization bill also ensures that they receive reasonable and responsible oversight to protect Americans' rights. It creates an independent inspector general with responsibility for the entire intelligence community; protects the Intelligence Committees' access, through the Government Accountability Office, to the information it needs to conduct proper oversight of intelligence activities; and requires that the CIA Inspector General audit each covert action at least once every three years. To prevent the abuse of detainees that weakens our moral case to the world without making Americans safer, this bill also prohibits private contractors from interrogating detainees in CIA custody. Finally, this bill, like the recently-passed Defense Authorization bill, prevents the release or transfer of Guantanamo detainees until the president provides a plan for dealing with those detainees and mitigating any risk their release or transfer might cause.

Madam Chair, the Founders spoke of providing "for the common defense" not only because we face common threats, but because the work of overcoming them must be common to all of us. That work is far too important to be subjected to fear-mongering or the demands of the political cycle. That doesn't obligate all of my colleagues to vote for this bill, though I hope they will; but it does oblige us to conduct this debate, today and in the days to come, with the respect and responsibility that our common defense from common danger demands.

Mr. VAN HOLLEN. Madam Chair, I stand in support of the 2010 Intelligence Authorization Act.

This measure continues congress' commitment to delivering to the men and women who serve in the country's intelligence community the resources they need to conduct the vital work of protecting American lives. This bill ensures that these resources are delivered in a manner that strengthens accountability.

In addition to authorizing funding for 16 U.S. intelligence agencies and intelligence-related activities of the government, the bill contains important provisions to expand independent government oversight of the intelligence community so that the American public can be confident that the essential work of intelligence gathering is done in a manner that comports with the highest moral standards.

To ensure that all relevant members of congress are kept abreast of all important intelligence developments, the bill repeals the

''Gang of Eight'' provision which has for years limited some congressional intelligence committee member access to intelligence information and activities. With the passage of this measure, the president will be required to brief all covered members of congress on the covert actions and programs of the government. This will ensure that all officials who have been elected to oversee intelligence matters are briefed and aware of events as they unfold.

To help combat waste, fraud and abuse, the bill creates a new Office of the Inspector General and invests the office with subpoena powers and important protections to ensure its independence.

Madam Chair, Congress has not sent an intelligence authorization bill to the president for his signature in more than 5 years. That means for five years, congress has not been a full partner in the development of this country's national security policy. We need to pass this bill, not only to fulfill our oversight responsibilities, but also for the sake of the brave men and women in and out of uniform who have dedicated themselves to the important work this bill helps to fund.

Mr. PRICE of North Carolina. Madam Chair, I rise today in strong support of this legislation. It has been five long years since an intelligence authorization bill was last signed into law, and each new revelation about the conduct of the previous administration testifies to the need for effective congressional oversight of the intelligence community.

This bill also provides an opportunity to move beyond questions of misconduct and abuse to address the longer-term challenges of improving our intelligence capabilities, making them responsive to cyber-security and other new threats, and ensuring that they are accountable to Congress and the American public.

I'd like to highlight two aspects of the bill on which I have worked in recent years (along with colleagues such as Ms. SCHAKOWSKY and Mr. HOLT), and which I believe are important steps toward improving the effectiveness of our intelligence operations.

First, the bill contains several provisions dealing with the use of private contractors by the intelligence community, which by some reports has come to consume nearly half of the annual intelligence budget.

It would require a comprehensive report on the number and cost of contractors employed by the intelligence community and the extent of their use for intelligence collection, analysis, and other covert activities including detention and interrogation.

It also explicitly prohibits the use of contractors for the interrogation of detainees, codifying a prohibition that the CIA itself has already adopted.

Both of these measures are based on my Transparency and Accountability in Intelligence Contracting Act (H.R. 963), and both were approved by the House in the last intelligence authorization bill but were not signed into law.

Secondly, the bill lays a foundation for making the practice of interrogation more effective, professional, and ethical.

I have worked closely with Subcommittee Chairman MIKE THOMPSON in crafting a section of this bill based on H.R. 591, my comprehensive interrogation and detention reform bill.

Our provision would require the DNI to report to Congress on:

The quality and value of existing scientific research on interrogation;

The state of interrogation training within the intelligence community, including its ethical component;

Efforts to enhance career paths for interrogation specialists; and

The effectiveness of existing processes for studying and implementing best practices.

These and other key provisions of this bill are only a start, but they represent an important first step toward improving the effectiveness and accountability of our intelligence community, and ensuring that the necessary measures we take to protect our country do not come at the cost of our fundamental values.

Finally, I feel compelled to add that my colleagues on the other side of the aisle who are claiming that this bill—and this Administration—somehow do not appreciate the threat our nation is facing have clearly neither read the text of this legislation nor given the issue much serious thought. Rather than holding up military commissions at Guantanamo Bay as a panacea for all of our ills, we should be confronting the threats we face squarely, soberly, and with vigilant attention to questions of effectiveness and ethicality—which is exactly what this bill does.

I thank Chairman REYES, Ranking Member HOEKSTRA, and the members of their committee for their leadership and their continued attention to these vital issues, and I urge my colleagues to support this legislation.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 2701 the Fiscal Year 2010 Intelligence Authorization Act. This bill will make our nation safer by improving federal intelligence operations and supporting a national defense strategy that is both strong and smart.

I am proud to represent Fort Bragg and Pope Air Force Base. For many years I was the only member from North Carolina on the Homeland Security Committee. I am also a veteran of the United States Army. All these experiences make me particularly mindful of the importance of intelligence. Successful intelligence makes our men and women in the military safer. This is the least we can do for those who voluntarily put themselves in harm's way.

I am also aware of the cost of intelligence failures, where either oversight or intelligence falls short. H.R. 2701 is an important bill that both provides necessary investments in intelligence, and implements the democratic controls needed to be certain that those investments are well managed.

This bill will ensure that Congress fully understands own responses to terror. Complete review of the recent, failed attempt at an attack on Northwest Airlines flight 253 can make future attempts more likely to fail as well. Similarly, the mandated report on the anthrax attacks of nine years ago will publicize lessons learned about emerging threats, helping us to deal with similar threats more effectively in the future.

Madam Chair, I support this legislation, and I urge my colleagues to join me in passing H.R. 2701.

Mr. KUCINICH. Madam Chair, I rise in strong support of the dedicated public servants of our intelligence community. Their work to ensure our national security is to be commended. However, I must oppose the Intelligence Authorization Act of 2010.

This legislation contains provisions that implement vital measures of accountability, such as a provision to prohibit the use of funds for payment to any contractor to conduct interrogations of detainees currently in custody. I also support the provision in this legislation to establish an independent intelligence community-wide Inspector General. These provisions are an important step to ensure that mechanisms of accountability and oversight are in place. However, I remain concerned that some of the methods being employed by our intelligence community may amount to serious violations of international law and our Constitution.

Last month, The Washington Post and New York Times reported that the Joint Special Operations Command (JSOC) maintained lists of ''high value individuals'' targeted for assassination abroad, and that those lists contain U.S. citizens. What's more, the President may have authorized military operations with the express understanding that a U.S. citizen might be killed, or may be killed in the future.

Under such a policy, U.S. citizens are added to the list simply for being suspected of involvement in terrorism, in subversion of their basic constitutional rights to due process of law. Their right to a trial and to present a defense is summarily and anonymously stripped from them. History has demonstrated that the U.S. government has been mistaken when accusing someone of involvement in terrorism. Most recently, following the 2008 Supreme Court decision to afford detainees held indefinitely at Guantanamo Bay habeas corpus rights, the government was forced by federal judges to release thirty-three of thirty-nine detainees on the grounds of insufficient evidence to support accusations of their involvement in terrorism. U.S. citizens accused of involvement in terrorism are not even afforded the same rights that Guantanamo detainees are—if they are added to the targeted assassination list, their punishment is murder.

In response to these reports, I submitted a common-sense amendment that would have required the President to report to the congressional intelligence committees the identities of all U.S. citizens included on such lists, currently or in the future. My amendment was about accountability. If the Administration sees fit to revoke unilaterally the constitutional rights of U.S. citizens abroad based on suspicion of involvement in terrorism, devoid of any judicial review, it must at least be required to report to the congressional intelligence committees each time a U.S. citizen is added to a targeted assassination list.

Since the beginning of the War in Iraq more than eight years ago, I have expressed grave concern that intelligence is being fabricated or abused by the Executive Branch to justify the war in Iraq. More recently, The Nation reported that Blackwater was intimately involved in a targeted assassination program run by the JSOC and the Central Intelligence Agency (CIA) in Pakistan—a country with which we are not at war. I am gravely concerned about the use of private security contractors in intelligence work, particularly in programs that have virtually no transparency, accountability, or oversight. I remain concerned that we are continuing to conduct intelligence work in contravention of international law and in violation of the U.S. Constitution.

I will continue to work to ensure that all have equal protection under the law; and that

Congress conducts its constitutionally mandated oversight of the Executive Branch effectively.

Mr. REYES. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2010''.

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

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

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Prohibition on earmarks.
Sec. 106. Restriction on conduct of intelligence activities.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Temporary appointment to fill vacancies in Presidentially appointed and Senate confirmed positions in the Office of the Director of National Intelligence.
Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
Sec. 304. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Education

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.
Sec. 312. Intelligence officer training program.
Sec. 313. Modifications to the Stokes educational scholarship program.
Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Congressional Oversight of Covert Actions

Sec. 321. Reporting on covert actions.

Subtitle D—Reports and Other Congressional Oversight

Sec. 331. Report on financial intelligence on terrorist assets.
Sec. 332. Annual personnel level assessments for the intelligence community.
Sec. 333. Semiannual reports on nuclear weapons programs of Iran, Syria, and North Korea.
Sec. 334. Annual report on foreign language proficiency in the intelligence community.
Sec. 335. Government Accountability Office audits and investigations.
Sec. 336. Certification of compliance with oversight requirements.
Sec. 337. Reports on foreign industrial espionage.
Sec. 338. Report on intelligence community contractors.
Sec. 339. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.
Sec. 340. Report on intelligence resources dedicated to Iraq and Afghanistan.
Sec. 341. Report on international traffic in arms regulations.
Sec. 342. Report on nuclear trafficking.
Sec. 343. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
Sec. 344. Study on electronic waste destruction practices of the intelligence community.
Sec. 345. Report on retirement benefits for former employees of Air America.
Sec. 346. Study on college tuition programs for employees of the intelligence community.
Sec. 347. National Intelligence Estimate on global supply chain vulnerabilities.
Sec. 348. Review of records relating to potential health risks among Desert Storm veterans.
Sec. 349. Review of pensions of employees affected by ''five and out'' program of the Federal Bureau of Investigation.
Sec. 350. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 351. Summary of intelligence on Uighur detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 352. Report on interrogation research and training.
Sec. 353. Report on plans to increase diversity within the intelligence community.
Sec. 354. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.
Sec. 355. Repeal of certain reporting requirements.
Sec. 356. Incorporation of reporting requirements.
Sec. 357. Conforming amendments.

Subtitle E—Other Matters

Sec. 361. Modification of availability of funds for different intelligence activities.
Sec. 362. Protection of certain national security information.
Sec. 363. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 364. Exemption of dissemination of terrorist identity information from Freedom of Information Act.
Sec. 365. Misuse of the intelligence community and Office of the Director of National Intelligence name, initials, or seal.
Sec. 366. Security clearances: reports; ombudsman; reciprocity.
Sec. 367. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 368. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology.
Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.
Sec. 405. Title of Chief Information Officer of the Intelligence Community.
Sec. 406. Inspector General of the Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 411. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 412. Prohibition on the use of private contractors for interrogations involving persons in the custody of the Central Intelligence Agency.
Sec. 413. Appeals from decisions of Central Intelligence Agency contracting officers.
Sec. 414. Deputy Director of the Central Intelligence Agency.
Sec. 415. Protection against reprisals.
Sec. 416. Requirement for video recording of interrogations of persons in the custody of the Central Intelligence Agency.

Subtitle C—Other Elements

Sec. 421. Homeland Security intelligence elements.
Sec. 422. Clarification of inclusion of Drug Enforcement Administration as an element of the intelligence community.
Sec. 423. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 424. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 425. Associate Director of the National Security Agency for Compliance and Training.
Sec. 426. General Counsel of the National Security Agency.
Sec. 427. Inspector General of the National Security Agency.
Sec. 428. Charter for the National Reconnaissance Office.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 502. Expansion and clarification of the duties of the program manager for the information sharing environment.
Sec. 503. Classification review of executive branch materials in the possession of the congressional intelligence committees.
Sec. 504. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.

Subtitle B—Technical Amendments

Sec. 511. Technical amendments to the Central Intelligence Agency Act of 1949.
Sec. 512. Technical amendment to mandatory retirement provision of Central Intelligence Agency Retirement Act.
Sec. 513. Technical amendments to the Executive Schedule.
Sec. 514. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
Sec. 515. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 517. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 518. Technical amendments to the National Security Act of 1947.
Sec. 519. Technical amendments to title 10, United States Code.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

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

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2010 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of $672,812,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 853 full-time or full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—Nothing in the classified Schedule of Authorizations, a report of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress, a joint statement of the managers accompanying a conference report on such bill, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for a congressional earmark.

(b) CONGRESSIONAL EARMARK DEFINED.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, or Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SEC. 106. 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.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of $290,900,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

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. TEMPORARY APPOINTMENT TO FILL VACANCIES IN PRESIDENTIALLY APPOINTED AND SENATE CONFIRMED POSITIONS IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

''(e) TEMPORARY APPOINTMENT TO FILL VACANCIES.—Notwithstanding section 3345 of title 5, United States Code, if an officer of the Office of the Director of National Intelligence, other than the Director of National Intelligence, whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is unable to perform the functions and duties of the office—

''(1) if during the 365-day period immediately preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the person serving as the first assistant to the office of such officer served as such first assistant for not less than 90 days, such first assistant shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code;

''(2) notwithstanding paragraph (1), the President may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346; or

''(3) notwithstanding paragraph (1), the Director of National Intelligence shall recommend to the President, and the President may direct, a person to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346, if—

''(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, such person served in a position in an element of the intelligence community for not less than 90 days;

''(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule; and

''(C) in the case of a person who is employed by an element of the intelligence community—

''(i) the Director of National Intelligence shall consult with the head of such element; and

''(ii) if the head of such element objects to the recommendation, the Director of National Intelligence may make the recommendation to the President over the objection of the head of such element after informing the President of such objection.''.

SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

''DETAIL OF OTHER PERSONNEL

''SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element, for a period not to exceed two years.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 113A. Detail of other personnel.''.

SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

Subtitle B—Education

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

''PROGRAM ON RECRUITMENT AND TRAINING OF INTELLIGENCE ANALYSTS

''SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

''(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

''(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

''(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

''(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

''(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

''(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used to—

''(1) provide a monthly stipend for each month that a student is pursuing a course of study;

''(2) pay the full tuition of a student or former student for the completion of such course of study;

''(3) pay for books and materials that the student or former student requires or required to complete such course of study;

''(4) pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

''(5) for such other purposes the Director considers appropriate to carry out such program.''.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 303 of this Act, is further amended by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Program on recruitment and training of intelligence analysts.''.

(2) REPEAL OF PILOT PROGRAM.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is repealed.

SEC. 312. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''INTELLIGENCE OFFICER TRAINING PROGRAM

''SEC. 1023. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out a grant program in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

''(2) In carrying out paragraph (1), the Director of National Intelligence shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

''(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director of National Intelligence may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

''(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

''(A) Curriculum or program development.

''(B) Faculty development.

''(C) Laboratory equipment or improvements.

''(D) Faculty research.

''(3) An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(4) An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(c) REGULATIONS.—The Director of National Intelligence shall prescribe such regulations as may be necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(2) DIRECTOR.—The term 'Director' means the Director of National Intelligence.''.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 311 of this Act, is further amended by—

(1) striking the item relating to section 1003; and

(2) inserting after the item relating to section 1022 the following new item:

''Sec. 1023. Intelligence officer training program.''.

SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by striking ''undergraduate'' and inserting ''undergraduate and graduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate''; and

(2) in subsection (e)(2), by striking ''undergraduate'' and inserting ''undergraduate and graduate''.

(b) TERMINATION.—Section 16(d)(1)(C) of such Act is amended by striking ''terminated either by'' and all that follows and inserting the following: ''terminated by—

''(i) the Agency due to misconduct by the person;

''(ii) the person voluntarily; or

''(iii) by the Agency for the failure of the person to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency specifies in the agreement under this paragraph; and''.

(c) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Section 16(e) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(d) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441g et seq.), as amended by section 312 of this Act, is further amended by adding at the end the following new section:

''STOKES SCHOLARSHIP PROGRAM

''SEC. 1024. The head of an element of the intelligence community may establish an undergraduate and graduate training program with respect to civilian employees of such element in the same manner and under the same conditions as the Secretary of Defense is authorized to establish such a program under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 312 of this Act, is further amended by inserting after the item relating to section 1023 the following new item:

''Sec. 1024. Stokes scholarship program.''.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under such Act, as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established in accordance with subsection (a) shall terminate on the date that is 5 years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Congressional Oversight of Covert Actions

SEC. 321. REPORTING ON COVERT ACTIONS.

(a) GENERAL CONGRESSIONAL OVERSIGHT.—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

''(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

''(A) the legal authority under which the intelligence activity is being or was conducted;

''(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

''(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

''(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

''(E) the likelihood that the intelligence activity will fail.''.

(b) PROCEDURES.—Section 501(c) of such Act (50 U.S.C. 413(c)) is amended by striking ''such procedures'' and inserting ''such written procedures''.

(c) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting ''(including any information or material relating to the legal authority under which an intelligence activity is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views)'' after ''concerning intelligence activities''.

(d) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting ''(including any information or material relating to the legal authority under which a covert action is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the covert action, including dissenting legal views)'' after ''concerning covert actions'';

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

''(2) If, pursuant to the procedures established by each of the congressional intelligence committees under section 501(c), one of the congressional intelligence committees determines that not all members of that committee are required to have access to a finding under this subsection, the President may limit access to such finding or such notice as provided in such procedures.''; and

(B) in paragraph (4), by striking ''is limited to the Members of Congress specified in paragraph (2)'' and inserting ''is not provided to all members of one of the congressional intelligence committees in accordance with paragraph (2)'';

(3) in subsection (d)—

(A) by striking ''(d) The President'' and inserting ''(d)(1) The President'';

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking ''specified in'' and inserting ''informed in accordance with''; and

(C) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, an activity shall constitute a 'significant undertaking' if the activity—

''(A) involves the potential for loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''; and

(4) by adding at the end the following new subsections:

''(g)(1) A Member of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) may submit to the Director of National Intelligence an objection to any part of such finding or such notice. Not later than 48 hours after such an objection is submitted to the Director of National Intelligence, the Director shall report such objection in writing to the President and such Member of Congress.

''(2) In any case where access to a finding reported under subsection (c) or notice provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide such members with general information on the content of the finding or notice.

''(3) The President shall—

''(A) maintain a record of the Members of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) and the date on which each Member of Congress receives such finding or notice; and

''(B) not later than 30 days after the date on which such finding is reported or such notice is provided, provide such record to—

''(i) in the case of a finding reported or notice provided to a Member of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives; and

''(ii) in the case of a finding reported or notice provided to a Member of the Senate, the Select Committee on Intelligence of the Senate.

''(h) Any requirement under section 501, 502, or this section to provide information to the congressional intelligence committees shall be construed to require the submission of such information to all members of such committees, unless

such information is specifically authorized not to be submitted to all members of one of such committees in accordance with subsection (c)(2).''.

Subtitle D—Reports and Other Congressional Oversight

SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(2) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding one-year period'';

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''; and

(B) in paragraph (2), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''.

SEC. 332. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 507 the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

''SEC. 508. (a) ASSESSMENT.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels of such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President in accordance with section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) shall include, for the element of the intelligence community concerned, the following information:

''(1) The budget submission for personnel costs of such element for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the preceding five fiscal years.

''(4) The number of personnel positions requested for such element for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element during the preceding five fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by such element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors to be funded by such element during the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, of such element during the preceding five fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) The number of intelligence collectors and analysts employed or contracted by such element.

''(12) A list of all contractors that have been the subject of an investigation completed by the inspector general of such element during the preceding fiscal year, or are or have been the subject of an investigation by such inspector general during the current fiscal year.

''(13) A statement by the Director of National Intelligence of whether, based on current and projected funding, such element will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 332, is further amended by adding at the end the following new section:

''SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

''SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear weapons programs of each such country.

''(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

''(1) an assessment of nuclear weapons programs of each country;

''(2) an evaluation of the sources upon which the intelligence used to prepare the assessment referred to in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each source;

''(3) a summary of any intelligence related to any program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each country; and

''(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (1).

''(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the congressional intelligence committees;

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

''(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.''.

(b) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 334. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 333 of this Act, is further amended by adding at the end the following new section:

''REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

''SEC. 510. Each year on the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

''(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

''(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

''(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

''(A) military personnel; and

''(B) civilian personnel;

''(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

''(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

''(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

''(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

''(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

''(9) for each foreign language and, as appropriate, dialect of a foreign language—

''(A) the number of positions of such element that require proficiency in the foreign language or dialect;

''(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

''(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

''(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

''(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

''(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

''(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

''(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

''(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

''(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.''.

SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

''GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES, EVALUATIONS, AND INVESTIGATIONS

''SEC. 511. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

''(b) EXCEPTION.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Comptroller General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such report.

''(4) The Comptroller General shall submit to the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3) that the Comptroller General considers appropriate.''.

SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

''SEC. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

''(1) a certification that, to the best of the knowledge of the head of such element—

''(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

''(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

''(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

''(A) of the reasons such head of such element is not able to submit such a certification;

''(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

''(C) that the head of such element will submit such information as soon as possible after the submission of such statement.''.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 337. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—Section 809(b) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. app. 2170b(b)) is amended—

(1) in the heading, by striking ''ANNUAL'' and inserting ''BIANNUAL'';

(2) by striking paragraph (1) and inserting the following new paragraph:

''(1) SUBMISSION TO CONGRESS.—The President shall biannually submit to the congressional intelligence committees, the Committees on Armed Services of the House of Representatives and the Senate, and congressional leadership a report updating the information referred to in subsection (a)(1)(D).'';

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(b) INITIAL REPORT.—The first report required under section 809(b)(1) of such Act, as amended by subsection (a)(2) of this section, shall be submitted not later than February 1, 2010.

SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into Federal Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for Federal Government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing substantially similar functions to a Federal Government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and Federal Government employees performing substantially similar functions;

(G) an analysis of the attrition of Federal Government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to Federal Government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2008 and 2009;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 339. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report describing the Director's long-term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on intelligence collection and analysis resources (1) dedicated to Iraq and Afghanistan during fiscal years 2008 and 2009, and

(2) planned to be dedicated during fiscal year 2010. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection and analysis resources.

SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means, sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.—The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 342. REPORT ON NUCLEAR TRAFFICKING.

(a) REPORT.—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) CONTENTS.—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of—

(A) nuclear or radiological material;

(B) equipment useful for the production of nuclear or radiological material; or

(C) nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) FORM.—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel of the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that such employees will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(5) If legislative action is considered advisable under paragraph (4), a proposal for such action and an assessment of its costs.

(6) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasability of—

(1) providing matching funds for contributions to college savings programs made by employees of elements of the intelligence community; and

(2) establishing a program to pay the college tuition of each child of an employee of an element of the intelligence community that has died in the performance of the official duties of such employee.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report containing the results of the study conducted under subsection (a).

(c) COLLEGE SAVINGS PROGRAM DEFINED.—In this section, the term ''college savings program'' means—

(1) a qualified tuition program, as defined in section 529 of the Internal Revenue Code of 1986;

(2) a Coverdell education savings account, as defined in section 530 of the Internal Revenue Code of 1986; and

(3) any other appropriate program providing tax incentives for saving funds to pay for college tuition, as determined by the Director of National Intelligence.

SEC. 347. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL SUPPLY CHAIN VULNERABILITIES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate or National Intelligence Assessment on the global supply chain to determine whether such supply chain poses a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(b) REVIEW OF MITIGATION.—

(1) NCIX REVIEW.—The National Counterintelligence Executive shall conduct a review of the adequacy of the mechanisms to identify and mitigate vulnerabilities in the global supply chain that pose a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the National Counterintelligence Executive shall submit to Congress a report containing the results of the review conducted under paragraph (1).

SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans Illnesses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 349. REVIEW OF PENSIONS OF EMPLOYEES AFFECTED BY "FIVE AND OUT" PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.

None of the funds authorized to be appropriated by this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for seven years (commonly known as the ''seven and out'' program) until the Director of the Federal Bureau of Investigation submits to the congressional intelligence committees a certification that the Director has completed a review of issues related to the pensions of former employees of the Bureau affected by a previous program of mandatory reassignment after serving in a management position for five years (commonly known as the ''five and out'' program) and the effect of such program on the Bureau and the results of such review.

SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

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

SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to threats posed by Uighur detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

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

SEC. 352. REPORT ON INTERROGATION RESEARCH AND TRAINING.

(a) REQUIREMENT FOR REPORT.—Not later than December 31, 2009, the Director of National Intelligence, in coordination with the heads of the relevant elements of the intelligence community, shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate a report on the state of research, analysis, and training in interrogation and debriefing practices.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of—

(A) the quality and value of scientific and technical research in interrogation and debriefing practices that has been conducted independently or in affiliation with the Federal Government and the identification of areas in which additional research could potentially improve interrogation practices;

(B) the state of interrogation and debriefing training in the intelligence community, including the character and adequacy of the ethical component of such training, and the identification of any gaps in training;

(C) the adequacy of efforts to enhance career path options for intelligence community personnel that serve as interrogators and debriefers, including efforts to recruit and retain career personnel; and

(D) the effectiveness of existing processes for studying and implementing lessons learned and best practices of interrogation and debriefing; and

(2) any recommendations that the Director considers appropriate for improving the performance of the intelligence community with respect to the issues described in subparagraphs (A) through (D) of paragraph (1).

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

SEC. 354. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 60 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 355. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1) The Director'' and inserting ''The Director'' ; and

(2) by striking paragraph (2).

(c) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

SEC. 356. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 357. CONFORMING AMENDMENTS.

(a) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (G);

(ii) by redesignating subparagraphs (B), (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H), respectively; and

(iii) by adding at the end the following new subparagraphs:

''(I) The annual report on financial intelligence on terrorist assets required by section 118.

''(J) The annual report on foreign language proficiency in the intelligence community required by section 510.''; and

(B) in paragraph (2), by striking subparagraph (D); and

(2) in subsection (b), by striking paragraph (6).

(b) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 313 of this Act, is further amended by—

(1) striking the item relating to section 109; and

(2) inserting after the item relating to section 507 the following new items:

''Sec. 508. Annual personnel level assessment for the intelligence community.

''Sec. 509. Semiannual reports on the nuclear weapons programs of Iran, Syria, and North Korea.

''Sec. 510. Report on foreign language proficiency in the intelligence community.

''Sec. 511. Government Accountability Office analyses, evaluations, and investigations.

''Sec. 512. Certification of compliance with oversight requirements.''.

Subtitle E—Other Matters

SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert

agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.

Section 119 of the National Security Act of 1947 (50 U.S.C. Section 404o) is amended by adding at the end the following new subsection:

''(k) EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.—(1) Terrorist identity information disseminated for terrorist screening purposes or other authorized counterterrorism purposes shall be exempt from disclosure under section 552 of title 5, United States Code.

''(2) In this section:

''(A) AUTHORIZED COUNTERTERRORISM PURPOSE.—The term 'authorized counterterrorism purpose' includes disclosure to and appropriate use by an element of the Federal Government of terrorist identifiers of persons reasonably suspected to be terrorists or supporters of terrorists.

''(B) TERRORIST IDENTITY INFORMATION.—The term 'terrorist identity information' means—

''(i) information from a database maintained by any element of the Federal Government that would reveal whether an individual has or has not been determined to be a known or suspected terrorist or has or has not been determined to be within the networks of contacts and support of a known or suspected terrorist; and

''(ii) information related to a determination as to whether or not an individual is or should be included in the Terrorist Screening Database or other screening databases based on a determination that the individual is a known or suspected terrorist.

''(C) TERRORIST IDENTIFIERS.—The term 'terrorist identifiers'—

''(i) includes—

''(I) names and aliases;

''(II) dates or places of birth;

''(III) unique identifying numbers or information;

''(IV) physical identifiers or biometrics; and

''(V) any other identifying information provided for watchlisting purposes; and

''(ii) does not include derogatory information or information that would reveal or compromise intelligence or law enforcement sources or methods.''.

SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) INTELLIGENCE COMMUNITY.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''MISUSE OF THE INTELLIGENCE COMMUNITY NAME, INITIALS, OR SEAL

''SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'intelligence community', the initials 'IC', the seal of the intelligence community, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence, except that employees of the intelligence community may use the intelligence community name, initials, and seal in accordance with regulations promulgated by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.), as amended by subsection (a) of this section, is further amended by adding at the end the following new section:

''MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

''SEC. 1104. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'Office of the Director of National Intelligence', the initials 'ODNI', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(c) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 357 of this Act, is further amended by adding at the end the following new items:

''Sec. 1103. Misuse of the intelligence community name, initials, or seal.

''Sec. 1104. Misuse of the Office of the Director of National Intelligence name, initials, or seal.''.

SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 336 of this Act, is further amended by adding at the end the following new section:

''REPORTS ON SECURITY CLEARANCES

''SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of how the executive branch determines whether a security clearance is required for a particular position in the Federal Government.

''(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

''(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

''(A) the number of Federal Government employees who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year;

''(B) the number of contractors to the Federal Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year; and

''(C) for each element of the intelligence community—

''(i) the amount of time it took to process the fastest 80 percent of security clearance determinations for such level;

''(ii) the amount of time it took to process the fastest 90 percent of security clearance determinations for such level;

''(iii) the number of open security clearance investigations for such level that have remained open for—

''(I) 4 months or less;

''(II) between 4 months and 8 months;

''(III) between 8 months and 12 months; and

''(IV) more than a year;

''(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

''(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

''(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

''(vii) for security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than one year to complete—

''(I) the number of security clearance determinations for positions as employees of the Federal Government that required more than one year to complete;

''(II) the number of security clearance determinations for contractors that required more than one year to complete;

''(III) the agencies that investigated and adjudicated such determinations; and

''(IV) the cause of significant delays in such determinations.

''(2) For purposes of paragraph (1), the Director of National Intelligence may consider—

''(A) security clearances at the level of confidential and secret as one security clearance level; and

''(B) security clearances at the level of top secret or higher as one security clearance level.''.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 513(a)(1) of the National Security Act of 1947 (as added by paragraph (1)) shall be completed not later than February 1, 2010.

(C) CLERICAL AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 365 of this Act, is further amended by inserting after the item relating to section 512 the following new item:

''Sec. 513. Reports on security clearances.''.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) Federal Government wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) Federal Government wide investigation standards and metrics for investigation quality; and

(E) the feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 303 of this Act, is further amended by inserting after section 103G the following new section:

''OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

''SEC. 103H. (a) APPOINTMENT.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

''(b) PROVISION OF INFORMATION.—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

''(c) REPORT.—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

''(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

''(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.''.

(2) APPOINTMENT DATE.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103H(a) of the National Security Act of 1947, as added by paragraph (1), not later than 120 days after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by subsection (a)(1)(C) of this section, is further amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Ombudsman for intelligence community security clearances.''.

(c) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Director of National Intelligence may not use any of the amounts authorized to be appropriated in this Act for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to Congress a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition for each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

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

(1) it is no longer excusable to allow poor business systems, a deficiency of resources, or a lack of commitment from senior leadership of the intelligence community to foster waste or nonaccountability to the United States taxpayer;

(2) the Director of National Intelligence has not made compliance with financial management and audit readiness standards a top priority; and

(3) the Director of National Intelligence should require each element of the intelligence community to develop and implement a specific plan to become compliant with the law.

(b) REVIEW; PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and timeline to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3), as amended by section 302(1) of this Act, is further amended—

(1) in subsection (f) (as so redesignated)—

(A) in the heading, by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(B) by striking ''Commencing as of October 1, 2008, the'' and inserting ''(1) Except as provided in paragraph (2), the'';

(C) in paragraph (1), as designated by paragraph (2) of this section, by inserting ''the headquarters of'' before ''the Office'';

(D) in paragraph (1) (as so designated), by striking ''any other element'' and inserting ''the headquarters of any other element''; and

(E) by adding at the end the following new paragraph:

''(2) The President may waive the limitation in paragraph (1) if the President determines that—

''(A) a waiver is in the interests of national security; or

''(B) the costs of a headquarters of the Office of the Director of National Intelligence that is separate from the headquarters of the other elements of the intelligence community outweighs the potential benefits of the separation.''; and

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

''(g) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

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

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''; and'' and inserting ''.''; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director of National Intelligence in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

''(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and''; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting ''and prioritize'' after ''coordinate''; and

(ii) by striking ''; and'' and inserting ''.''; ''

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and''.

SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the

recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

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

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c) in the matter preceding paragraph (1), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''.

SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 366 of this Act, is further amended by inserting after section 103H (as added by such section 366) the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) be an independent and objective office appropriately accountable to Congress and to initiate and conduct investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security;

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing; and

''(D) on the basis of expertise in investigations.

''(3) The Inspector General shall report directly to the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General not later than 30 days before the date on which the Inspector General is removed from office.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), the Inspector General of the Intelligence Community shall—

''(1) provide policy direction for, and plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) keep the Director of National Intelligence and Congress fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and report the progress made in implementing corrective action;

''(3) take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, comply with generally accepted Federal Government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not prohibit an investigation, inspection, or audit under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the Inspector General may seek access to while conducting such investigation, inspection, or audit.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General shall submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The Director or, on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative action against an employee, or employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or termination of an existing contractual relationship.

''(3) The Inspector General shall, in accordance with subsection (g), receive and investigate complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General may require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized under section 3109 of title 5,

United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(7) The Inspector may, to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(g) COORDINATION AMONG THE INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, review, or audit by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, review, or audit to avoid unnecessary duplication of the activities of the inspectors general.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). If a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community has not been resolved with the assistance of the Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The inspector general conducting an investigation, inspection, review, or audit referred to in paragraph (1) shall submit the results of such investigation, inspection, review, or audit to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, review, or audit who did not conduct such investigation, inspection, review, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations and with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) The Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee selected, appointed, or employed has a security clearance appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall recommend policies to the Director of National Intelligence to create within the intelligence community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) The Inspector General may, in consultation with the Director, request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with the inspector general of that element pursuant to subsection (g), conduct an inspection, review, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) Not later than January 31 and July 31 of each year, the Inspector General of the Intelligence Community shall prepare and submit to the Director of National Intelligence a report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the preceding six-month period. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include the following:

''(i) A list of the titles or subjects of each investigation, inspection, review, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies described in clause (ii).

''(iv) A statement of whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Any recommendations that the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall submit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(D) Each report submitted under subparagraphs (A) and (C) shall be submitted in unclassified form, but may include a classified annex.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall submit to the congressional intelligence committees each report under subparagraph (A) within 7 days of the receipt of such report, together with such comments as the Director considers appropriate. The Director shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) The Inspector General shall immediately notify and submit a report to the congressional intelligence committees on an investigation, inspection, review, or audit if—

''(A) the Inspector General is unable to resolve any significant differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) the investigation, inspection, review, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of such investigation, inspection, review, or audit.

''(4)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor of the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall submit to

the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a submittal from the Inspector General under subparagraph (B), the Director shall, not later than 7 days after such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not submit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (ii) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) Nothing in this paragraph shall be construed to limit the protections afforded an employee of or contractor to the Central Intelligence Agency under section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)).

''(H) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section.

''(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 366 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

(d) APPLICABILITY DATE; TRANSITION.—

(1) APPLICABILITY.—The amendment made by subsection (b) shall apply on the earlier of—

(A) the date of the appointment by the President and confirmation by the Senate of an individual to serve as Inspector General of the Intelligence Community; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the Intelligence Community by the individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act.

(2) TRANSITION.—The individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act shall perform the duties of the Inspector General of the Intelligence Community until the individual appointed to the position of Inspector General of the Intelligence Community assumes the duties of such position.

Subtitle B—Central Intelligence Agency

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b), as amended by section 321 of this Act, is further amended—

(1) by redesignating subsection (e) as subsection (i) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

''(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

''(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

''(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.''.

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking ''503(e)'' and inserting ''503(i)'';

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking ''503(e)'' and inserting ''503(i)''; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking ''503(e)'' and inserting ''503(i)''.

SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 24. (a) PROHIBITION.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in the custody of the Central Intelligence Agency.

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

''(A) no employee of the Federal Government is—

''(i) capable of performing such interrogation; and

''(ii) available to perform such interrogation; and

''(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

''(2) CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.''.

SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTELLIGENCE AGENCY CONTRACTING OFFICERS.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by inserting before the sentence beginning with ''In exercising'' the following new sentence: ''Notwithstanding any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board or the Civilian Board is specified by the contracting officer as the Board to which such an appeal may be made and the Board so specified shall have jurisdiction to decide that appeal.''.

SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

''(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking ''Deputy Directors of Central Intelligence (2)'' and inserting ''Deputy Director of the Central Intelligence Agency''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note) is amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 415. PROTECTION AGAINST REPRISALS.

Section 17(e)(3)(B) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by inserting ''or providing such information'' after ''making such complaint''.

SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), as amended by section 412 of this Act, is further amended by adding at the end the following new section:

''REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 25. (a) IN GENERAL.—Except as provided in subsection (b), the Director of the Central Intelligence Agency shall establish guidelines to ensure that each interrogation of a person who is in the custody of the Central Intelligence Agency is recorded in video form and that the video recording of such interrogation is maintained—

''(1) for not less than 10 years from the date on which such recording is made; and

''(2) until such time as such recording is no longer relevant to an ongoing or anticipated legal proceeding or investigation or required to be maintained under any other provision of law.

''(b) EXCEPTION.—The requirement to record an interrogation in video form under subsection (a) shall not apply with respect to an interrogation incident to arrest conducted by Agency personnel designated by the Director under section 15(a) that are assigned to the headquarters of the Central Intelligence Agency and acting in the official capacity of such personnel.

''(c) INTERROGATION DEFINED.—In this section, the term 'interrogation' means the systematic process of attempting to obtain information from an uncooperative detainee.''.

(b) SUBMISSION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees the guidelines developed under section 25(a) of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section. Such guidelines shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Other Elements

SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H), by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(2) in subparagraph (K), by striking ''The elements'' and all that follows through ''the Coast Guard'' and inserting ''The Office of Intelligence and Analysis of the Department of Homeland Security''.

SEC. 422. CLARIFICATION OF INCLUSION OF DRUG ENFORCEMENT ADMINISTRATION AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H)), as amended by section 421 of this Act, is further amended by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''.

SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2) of this subsection, by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section—

(A) in paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) CONFORMING AMENDMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (I) as subparagraphs (A) through (G), respectively; and

(3) by moving subparagraph (G), as redesignated by paragraph (2) of this subsection, two ems to the left.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECURITY AGENCY FOR COMPLIANCE AND TRAINING.

The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 424 of this Act, is further amended by inserting after section 2 (as added by such section 424) the following new section:

''SEC. 3. (a) There is an Associate Director of the National Security Agency for Compliance and Training, who shall be appointed by the Director of the National Security Agency.

''(b) The Associate Director of the National Security Agency for Compliance and Training shall ensure that—

''(1) all programs and activities of the National Security Agency are conducted in a manner consistent with all applicable laws, regulations, and policies; and

''(2) the training of relevant personnel is sufficient to ensure that such programs and activities are conducted in such a manner.''.

SEC. 426. GENERAL COUNSEL OF THE NATIONAL SECURITY AGENCY.

(a) GENERAL COUNSEL.—The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 425 of this Act, is further amended by inserting after section 3 (as added by such section 425), the following new section:

''SEC. 4. (a) There is a General Counsel of the National Security Agency, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) The General Counsel of the National Security Agency shall serve as the chief legal officer of the National Security Agency.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date on which the Director of the National Security Agency is appointed by the President and confirmed by the Senate in accordance with section 2 of the National Security Agency Act of 1959, as added by section 424 of this Act.

SEC. 427. INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''the National Security Agency;'' after ''the Federal Emergency Management Agency,''; and

(2) in paragraph (2), by inserting ''the National Security Agency,'' after ''the National Aeronautics and Space Administration,''.

SEC. 428. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) a revised charter for the National Reconnaissance Office (in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) NRO participation in the development and generation of requirements and acquisition.

(3) The scope of NRO capabilities.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other elements of the intelligence community and the defense community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2442) is amended by striking ''September 1, 2004'' and inserting ''February 1, 2011''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 116 Stat. 2438) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. EXPANSION AND CLARIFICATION OF THE DUTIES OF THE PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT.

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''terrorism and homeland security information'' and inserting ''national security information'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) NATIONAL SECURITY INFORMATION.—The term 'national security information' includes homeland security information and terrorism information.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''terrorism information'' and inserting ''national security information''; and

(B) in paragraph (2) in the first sentence of the matter preceding subparagraph (A), by striking ''terrorism information'' and inserting ''national security information''; and

(3) in subsection (f)(1)—

(A) in the second sentence, by inserting ''in the Executive Office of the President and shall serve'' after ''The individual designated as the program manager shall serve''; and

(B) in the third sentence, by striking ''homeland security information, terrorism information, and weapons of mass destruction information'' and inserting ''national security information''.

SEC. 503. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence shall, in accordance with procedures established by each of the congressional intelligence committees, conduct a classification review of materials in the possession of each of those committees that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by the executive branch.

SEC. 504. PROHIBITION ON USE OF FUNDS TO PROVIDE MIRANDA WARNINGS TO CERTAIN PERSONS OUTSIDE OF THE UNITED STATES.

None of the funds authorized to be appropriated by this Act may be used to provide the warnings of constitutional rights described in Miranda v. Arizona, 384 U.S. 436 (U.S. 1966), to a person located outside of the United States who is not a United States person and is—

(1) suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists; or

(2) a detainee in the custody of the Armed Forces of the United States.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in section 5(a)(1), by striking ''authorized under paragraphs (2) and (3)'' and all that follows through ''(50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

(B) in clause (ii)—

(i) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(ii) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service'';

(iii) in subclause (III), by striking ''Deputy Director for Intelligence'' and inserting ''Director of Intelligence'';

(iv) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director of Support''; and

(v) in subclause (V), by striking ''Deputy Director for Science and Technology'' and inserting ''Director of Science and Technology''.

SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

''(A) Upon reaching age 65, in the case of a participant in the system who is at the Senior Intelligence Service rank of level 4 or above; and''.

SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '''United States''' and all that follows through ''and 'State''' and inserting '''United States', 'person', 'weapon of mass destruction', and 'State''';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f) in the matter preceding paragraph (1), by striking ''shall,'' and inserting ''shall''; and

(3) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

Section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''**FOREIGN**'';

(2) in subsection (a)—

(A) in the heading, by striking ''FOREIGN'';

(B) by striking ''foreign'' each place it appears; and

(C) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(3) in subsection (b), by striking ''The Director'' and inserting ''The Director of National Intelligence''; and

(4) in subsection (c)—

(A) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(B) by striking ''section 114a'' and inserting ''section 221''.

SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

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

(1) section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program'';

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program'';

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)(A)''; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in the table of contents in the first section—

(A) by striking the item relating to section 1002; and

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

''Sec. 1002. Framework for cross-disciplinary education and training.''.

SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–419.

Mr. REYES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

Page 9, line 21, strike ''$672,812,000'' and insert ''$643,252,000''.

Page 23, line 14, strike ''a grant program'' and insert ''grant programs''.

Page 23, line 15, strike ''subsection (b)'' and insert ''subsections (b) and (c)''.

Page 24, after line 10, insert the following:

''(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

''(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

''(A) Foreign languages, including Middle Eastern and South Asian dialects.

''(B) Computer science.

''(C) Analytical courses.

''(D) Cryptography.

''(E) Study abroad programs.''.

Page 24, line 11, strike ''(3) An'' and insert ''(d) APPLICATION.—An''.

Page 24, line 15, strike ''(4) An'' and insert ''(e) REPORTS.—An''.

Page 25, line 1, strike ''(c)'' and insert ''(f)''.

Page 25, line 4, strike ''(d)'' and insert ''(g)''.

Page 25, line 10, strike the quotation mark and the second period.

Page 25, after line 10, insert the following:

''(3) ANALYTICAL COURSES.—The term 'analytical courses' mean programs of study involving—

''(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

''(B) analysis of counterterrorism, crime, and counternarcotics;

''(C) economic analysis that includes analyzing and interpreting economic trends and developments;

''(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

''(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

''(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

''(4) COMPUTER SCIENCE.—The term 'computer science' means a program of study in computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

''(5) CRYPTOGRAPHY.—The term 'cryptography' means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

''(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically black college and university' means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(7) STUDY ABROAD PROGRAM.—The term 'study abroad program' means a program of study that—

''(A) takes places outside the geographical boundaries of the United States;

''(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

''(C) is a credit or noncredit program.''.

Page 30, strike lines 10 through 12.

Page 30, line 13, strike ''(C)'' and insert ''(B)''.

Page 30, line 16, strike ''(D)'' and insert ''(C)''.

Page 30, line 19, strike ''(E)'' and insert ''(D)''.

Page 31, line 1, strike ''any information'' and all that follows through ''dissenting legal views'' and insert ''the legal authority under which the intelligence activity is being or was conducted''.

Page 31, line 11, strike ''any information'' and all that follows through ''legal views'' and insert ''the legal authority under which the covert action is being or was conducted''.

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (2), by striking ''If the President'' and inserting ''Subject to paragraph (5), if the President''; and

(C) by adding at the end the following new paragraph:

''(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

''(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

''(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

''(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.'';

Page 32, strike lines 12 through 15 and insert the following:

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting ''in writing'' after ''notified''; and

Page 33, line 13, insert ''or to the limiting of access to such finding or such notice'' after ''notice''.

Page 33, line 13, strike ''48 hours'' and insert ''seven days''.

Page 33, line 22, strike ''on the content of'' and insert ''regarding''.

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and,

as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike ''one of the congressional intelligence committees'' and insert ''a committee of Congress with jurisdiction over such program or activity''.

Page 46, beginning on line 8, strike ''the congressional intelligence committees'' and insert ''each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph''.

Page 46, line 13, strike ''report'' and insert ''statement''.

Page 46, line 16, strike ''report'' and insert ''statement''.

Page 46, beginning on line 17, strike ''the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)'' and insert ''each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement''.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

''(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

''(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

''(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.''.

Page 48, line 15, strike ''BIANNUAL'' and insert ''BIENNIAL''.

Page 48, line 19, strike ''biannually'' and insert ''biennially''.

Page 62, line 14, strike ''**NATIONAL INTELLIGENCE ESTIMATE**'' and insert ''**REPORT**''.

Page 62, beginning on line 18, strike ''National Intelligence Estimate or National Intelligence Assessment'' and insert ''report''.

Page 62, strike line 20 and insert the following: ''supply chain and global provision of services to determine whether such supply chain and such services pose''.

Page 62, line 21, strike ''counterfeit''.

Page 62, line 22, strike ''defective'' and insert ''counterfeit, defective,''.

Page 62, line 23, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, beginning on line 5, strike ''counterfeit''.

Page 63, line 6, strike ''defective'' and insert ''counterfeit, defective,''.

Page 63, line 8, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, at the end of line 8 insert the following: ''Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.''.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike ''Federal Bureau of Investigation'' and insert ''Federal Bureau of Investigation, in consultation with the Secretary of State,''.

Insert after section 354 (Page 69, after line 15) the following new sections:

SEC. 355. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiently of colocating such an intelligence training center

with an existing intelligence community or military intelligence training center.

SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of over-classification of intelligence and ways to address such over-classification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) UPDATES.—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 366. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike ''includes'' and insert ''means''.

Page 75, line 24, strike the closing quotation mark and the final period.

Page 75, after line 24, insert the following:

''(D) TERRORIST SCREENING PURPOSE.—The term 'terrorist screening purpose' means—

''(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

''(ii) the use of such information for risk assessment, inspection, and credentialing.''.

Page 86, line 11, strike ''the congressional defense committees'' and insert ''Congress''.

Page 87, line 17, strike ''the''.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.

(a) FINDING.—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

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

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

Page 96, line 14, insert after the period the following: ''Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.''.

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking ''(4) If'' and inserting ''(4)(A) If''; and

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

''(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.'';

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period;''; and

(3) by adding at the end the following new subsection:

''(h) COVERT ACTION DEFINED.—In this section, the term 'covert action' has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).''.

Strike section 426 (Page 128, line 21 and all that follows through line 15 on page 129).

Strike section 427 (Page 129, lines 16 through 25).

Strike section 502 (Page 133, line 1 and all that follow through line 10 on page 134).

At the end of subtitle A of title V (Page 135, after line 12), add the following new section:

SEC. 505. CYBERSECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) CHAIR.—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) TERMINATION.—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

SEC. 506. CRUEL, INHUMAN, AND DEGRADING TREATMENT IN INTERROGATIONS PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the ''Cruel, Inhuman, and Degrading Interrogations Prohibition Act of 2010''.

(b) FINDINGS.—The Congress finds the following:

(1) The United States is a world power and an exemplar of the merits of due process and the rule of law.

(2) The use of torture and cruel, inhuman, and degrading treatment harms our servicemen and women because it removes their assurance that they are operating under a legally acceptable standard, brings discredit upon the US and its forces, and may place US and allied personnel in enemy hands at a greater risk of abuse by their captors.

(3) The use of torture and cruel, inhuman, and degrading treatment gives propaganda and recruitment tools to those who wish to do harm to the people of the United States.

(4) Torture and cruel, inhuman, and degrading treatment do not produce consistently reliable information or intelligence, and are not acceptable practices because their use runs counter to our identity and values as a nation.

(5) The moral standards that reflect the values of the United States governing appropriate tactics for interrogations do not change according to the dangers that we face as a nation.

(6) Every effort must be made to ensure that the United States is a nation governed by the rule of law in every circumstance.

(7) Executive Order 13491 requires those interrogating persons detained as a result of armed conflicts to follow the standards set out in Army Field Manual FM 2–22.3.

(8) The Congress should act in affirmation of its principles and the Executive Order 13491 by enacting standards for interrogations and providing criminal liability for those who do not adhere to the enacted standards.

(9) The courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces deserve the full support of the United States Congress. The Congress shows true support, in part, by providing clear legislation relating to standards for interrogation techniques.

(c) CRUEL, INHUMAN, OR DEGRADING TREATMENT PROHIBITED.—Part I of title 18, United States Code, is amended by inserting after chapter 26 the following:

''CHAPTER 26A—CRUEL, INHUMAN, OR DEGRADING TREATMENT

''531. Cruel, inhuman, or degrading treatment.
''532. Definitions.
''533. Application.
''534. Exclusive remedies.

''§ 531. Cruel, inhuman, or degrading treatment

''Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhuman, or degrading treatment—

''(1) if death results from that act to the individual under interrogation, shall be fined under this title or imprisoned for any term of years or for life;

''(2) if that act involves an act of medical malfeasance (as defined in section 1371), shall be fined under this title or imprisoned for not more than 20 years, or both; and

''(3) in any other case, shall be fined under this title or imprisoned for not more than 15 years, or both.

''§ 532. Definitions

''In this chapter:

''(1) The term 'act of cruel, inhuman, or degrading treatment' means the cruel, unusual, and inhuman treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution

of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984, and includes but is not limited to the following:

''(A) Any of the following acts, knowingly committed against an individual:

''(i) Forcing the individual to be naked, perform sexual acts, or pose in a sexual manner.

''(ii) Beatings, electric shock, burns, or other forms of inflicting physical pain.

''(iii) Waterboarding.

''(iv) Using military working dogs.

''(v) Inducing hypothermia or heat injury.

''(vi) Depriving the individual of necessary food, water, sleep, or medical care.

''(vii) Conducting mock executions of the individual.

''(B) Any of the following acts, when committed with the intent to cause mental or physical harm to an individual:

''(i) Using force or the threat of force to compel an individual to maintain a stress position.

''(ii) Exploiting phobias of the individual.

''(iii) Using force or the threat of force to coerce an individual to desecrate the individual's religious articles, or to blaspheme his or her religious beliefs, or to otherwise participate in acts intended to violate the individual's religious beliefs.

''(iv) Making threats against any individual that, if carried out, would result in death or serious bodily injury (as defined in section 1365(4)) to that individual.

''(v) Exposure to excessive cold, heat, or cramped confinement.

''(vi) Sensory deprivation or overload, including the following:

''(I) Prolonged isolation.

''(II) Placing hoods or sacks over the head of the individual.

''(III) Applying duct tape over the eyes of the individual.

''(C) Any act that causes pain or suffering to an individual equivalent to the acts described in subparagraph (B) or (C).

''(2) The term 'covered interrogation' means an interrogation, including an interrogation conducted outside the United States, conducted—

''(A) in the course of the official duties of an officer or employee of the Federal government; and

''(B) under color of Federal law or authority of Federal law.

''(3) The term 'intelligence community' has the meaning given such term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) The term 'interrogation' means the questioning of an individual for the purpose of gathering information for intelligence purposes.

''(5) The term 'US national' means any national of the United States as defined in section 101 of the Immigration and Nationality Act.

''(6) The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

''(7) The term 'waterboarding' includes any act in which an individual is immobilized on the individual's back with the individual's head inclined downwards, while water is poured over the individual's face and breathing passages.

''§ 533. Application

''Section 531 applies to any alleged offender who is—

''(1) a US national; or

''(2) any officer, employee, or contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor) of the Federal Government—

''(A) who is not a US national; and

''(B) while acting in that capacity.

''§ 534. Exclusive remedies

''Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.''.

(d) MEDICAL MALFEASANCE.—Part I of title 18, United States Code, is amended by inserting after chapter 65 the following:

''CHAPTER 66—MEDICAL MALFEASANCE

''1371. Medical malfeasance.

''1372. Definitions.

''§ 1371. Medical malfeasance

''Any medical professional who, in the course of or in anticipation of a covered interrogation (as defined in section 532(2)), knowingly commits, attempts to commit, or conspires to commit an act of medical malfeasance with the intent to enable an act of cruel, inhuman, and degrading treatment shall be fined under this title or imprisoned not more than 5 years, or both.

''§ 1372. Definitions

''In this chapter:

''(1) The term 'medical professional' means any individual who—

''(A) has received professional training, education, or knowledge in a health-related field (including psychology) and who provides services in that field; and

''(B) is a contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor), officer, or employee of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(2) The term 'covered interrogee' means an individual who is interrogated in a covered interrogation (as defined in section 532(2) of this title).

''(3) The term 'act of medical malfeasance'—

''(A) means the use by a medical professional of his or her training, education, or knowledge in a health-related field to cause a significant adverse effect on the physical or mental health of a covered interrogee; and

''(B) includes but is not limited to any of the following contraventions of the principles of medical ethics with respect to a covered interrogee:

''(i) To be involved in any professional relationship with a covered interrogee, the purpose of which is not solely to evaluate, protect, or improve the physical and mental health of that covered interrogee.

''(ii) To fail to protect the physical or mental health of a covered interrogee in the same way as a medical professional would protect the physical or mental health of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva, August 12, 1949 (6 UST 3316).

''(iii) To fail to treat any disease or condition of the covered interrogee in the same way as a medical professional would treat a disease or condition of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

''(iv) To certify, or to participate in the certification of, the fitness of a covered interrogee for any form of treatment or punishment that may have a significant adverse effect on the physical or mental health of the covered interrogee.

''(v) To participate in any way in the infliction of any treatment or punishment referred to in clause (iv).

''(vi) To participate in any procedure for restraining a covered interrogee unless such a procedure is determined, in accordance with purely medical criteria, as being necessary for the protection of the physical or mental health of the covered interrogee or of others, and presents no additional hazard to the covered interrogee's physical or mental health.''.

(e) CLERICAL AMENDMENTS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended—

(1) by inserting, after the item relating to ''Criminal street gangs'' the following:

''26A. Cruel, inhuman, or degrading treatment ..... 531''; and

(2) by inserting, after the item relating to ''Malicious mischief'' the following:

''66. Medical malfeasance ..... 1371''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. I yield myself such time as I may consume.

Madam Chair, the manager's amendment includes a number of revisions to H.R. 2701 along with a number of technical changes. I would like to highlight several of these key provisions.

The manager's amendment makes significant changes to the underlying bill's reforms to the process for notifying Congress on sensitive covert actions.

As my colleagues know, the National Security Act requires that the President inform Congress through the intelligence committees about all significant intelligence activities including covert actions.

In very limited circumstances, it allows the President to limit briefings on certain highly sensitive covert actions to the Gang of Eight—the leadership of the Intelligence Committees and the leadership of both Houses.

Over the past several months, we have carefully considered the administration's objections to the reforms that the committee included in the underlying bill. The manager's amendment is a product of that work.

The bill, as amended, would require the President to maintain a record of all Gang of Eight briefings. It also requires that the full committee be notified every time that a Gang of Eight briefing is conducted and be provided with general information regarding that briefing.

In the event the President decides that a briefing must be limited to the Gang of Eight, the manager's amendment also requires that he submit a certification stating that extraordinary circumstances require the briefing to be limited.

In the case of a limited briefing, the DNI will have to reissue that certification every 180 days or open the briefing to all members of the committee.

This reform is a substantial improvement over the language we included in previous authorization bills and which some of my colleagues still support. This earlier language would have actually expanded the President's authority to conduct restricted briefings, going so far as to include all intelligence activities, not just covert actions. It would also result in more restricted briefings and not fewer.

I am interested in passing laws that reform the notification process, not, as some would say, in sending political messages.

The manager's amendment also includes a number of provisions proposed by my colleagues. These include an amendment by Mr. BISHOP, which would require the DNI and the Attorney General to provide Congress with a strategy on balancing intelligence collection needs with the interests of the United States in prosecuting terrorist suspects.

The questioning and prosecution of terrorist suspects has been the subject of some controversy in recent weeks, and I believe that Congress could benefit from understanding how the administration plans to handle such cases in the future.

A second provision included in the manager's amendment was proposed by Mr. MARSHALL of Georgia. It requires the DNI to study the best practices of other foreign governments to combat violent domestic extremism.

A number of our allies, including the United Kingdom and the Netherlands, have established programs to stop individuals from turning to terrorism. This is a growing problem here in the United States, and we could benefit from learning how our friends and allies have dealt with this problem.

Madam Chair, I urge the passage of the manager's amendment.

At this point, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 10 minutes.

Mr. HOEKSTRA. I yield myself such time as I may consume.

Since the other side doesn't want to talk about this amendment, I find myself having to come back and, once again, bring up the McDermott amendment. I would just appreciate, since there have been no hearings on this and it has slipped into this in the dead of night, just some answers to questions that maybe someone on the majority side can answer.

Remember, we are in a community now where the people at the front lines realize, when they have been asked by Congress and the President to do something, that, 3 or 4 years later, they may be prosecuted for those very activities by following the requests of this Congress.

We are talking about enhanced interrogation techniques. The record indicates that even people as high as the Speaker of this House knew about it. Yet this House is supporting those efforts to perhaps go back and prosecute this. Now we open up a whole new set of legal risk for our people in the intelligence community. I wish this thing just said, ''Follow the rules,'' but it doesn't. It's 11 pages of legalese, creating all types of new and ambiguous rules for our people in the intelligence community.

Would someone please answer the question: Why did we never have any hearings on this? Why no discussion? Why no debate? Why does this amendment define a criminal offense that only intelligence community personnel would be guilty of? This only applies to intelligence community personnel. Answer the question.

The amendment would make it a crime for depriving the individual of necessary food, water, sleep, or medical care. How does the bill define ''necessary''? How will we explain that to the people in the intelligence community?

The amendment would make it a crime to require someone to participate in acts intended to violate the individual's religious beliefs. Is there any objective standard to define that term or is it a subjective standard? Is there any requirement of reasonableness?

The amendment would make it a crime to exploit phobias of the individual. Phobias? Could you explain why this would be a criminal offense for a member of the intelligence community but not a criminal offense for a prosecutor who threatens a detainee with increased jail time if he does not cooperate?

These are just some simple questions—questions that I would think people in the intelligence community would ask the next time someone from this body comes and visits with them and tells them how much we support them and how great of a job we think they're doing. I would think they would hold this amendment up and say, Sir, Madam, did you vote for this? Did you understand what it meant when you voted for it? Could you explain it to me? Somebody please answer these questions.

□ 1445

We sure didn't have the opportunity to ask this in committee, to get any briefings on this, to have any hearings, for someone to explain this to us. But, no, if the other side has its way, soon this will be law.

Madam Chair, I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 2 minutes to the gentleman from Rhode Island, and a valued member of our committee, Mr. LANGEVIN.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding and for his leadership on the Intelligence Committee.

Madam Chair, I rise in strong support of H.R. 2701.

This bill before us today funds critical intelligence activities that are vital to our national security. Of particular interest to me, it provides the resources for the foundational capabilities of a comprehensive cybersecurity strategy.

As the recent cyberattacks against Google and U.S. networks have demonstrated, our information infrastructure is far more vulnerable than many realize. It is absolutely imperative that the United States strengthen its cyberdefenses to ensure government and commercial functions are protected and to improve our ability to attribute attacks and hold aggressors accountable. The intelligence community has begun this work, and the President has committed to developing a broad strategy to secure U.S. information networks. I applaud those efforts.

In order to further foster cyberreadiness of our intelligence agencies, I offered an amendment requiring the administration to submit to Congress a plan for securing intelligence networks and determining whether we have the workforce we need to secure this vital part of cyberspace as well as the ability to recruit and retain the best and brightest in this field. I'm truly grateful this provision has been included in the manager's amendment that we're debating today.

Another issue of great importance is congressional oversight of our intelligence community. I'm pleased that this bill modifies the Gang of Eight notification process currently used to brief Congress on intelligence activities. During the last administration, we saw the danger of giving the executive branch too much leeway to engage in activities outside of congressional review. Reforming the mechanism governing congressional notification will restore Congress's ability to conduct oversight on our intelligence activities.

So with that I just want to thank Chairman REYES for his leadership in crafting this bill as well as his general leadership of the Intelligence Committee itself and particularly the attention he's paid to the issue of cybersecurity. I support the bill and I urge my colleagues to do the same.

Mr. HOEKSTRA. Madam Chair, I yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, just to further again tell you how dangerous the amendment is on making it a criminal act for CIA officers to try to conduct interrogations, again I just want to read—this goes after specifically any intelligence officer or employee of the intelligence community. So saying we're just restating law simply isn't true. And then it goes on to say ''interrogation knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhumane, or degrading treatment.'' ''Degrading,'' of course, is undefined.

But think of this: It goes on to explain at a further portion in their language ''if you seek to blaspheme his or

her religious beliefs.'' Now, we know that al Qaeda through their training always says when you're caught by the United States, allege abuse. It shuts the system down. Guess what we just did. Does that mean a Jewish FBI official is no longer able to go in and conduct an interview? I don't know. Does it mean that if an uncovered woman goes in to conduct an interview, we've blasphemed their beliefs and their religion? I don't know. But we've certainly made it easier to make the allegation, haven't we? We have made it almost impossible for them to do what we have to have them do, and that's extract information that's going to save lives. I mean you could go on to any sector of any religion that has become radicalized and understand it's impossible to meet that standard. Impossible. We are hugely restricting and handcuffing our intelligence community from doing what they need to do, and that's to get information, without torture, that keeps Americans safe and alive.

And, again, al Qaeda, Madam Chair, uses the technique, and we know this through a whole series of sources, to allege abuse. They use it in their media campaign, and they know it makes us chase our tail for weeks on end. This only enhances, this only strengthens their cause and al Qaeda's operational tactic to slow us down in the obtaining of that information.

I can't tell you how serious this amendment is with no debate and no discussion. It's dangerous. I urge rejection on this alone.

Mr. REYES. Madam Chair, it is now my privilege to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON), who is a member of the Homeland Security Subcommittee on Emerging Threats.

Ms. RICHARDSON. Madam Chair, I rise to engage the chairman of the Intelligence Committee for purposes of a colloquy.

Mr. REYES. I am happy to oblige.

Ms. RICHARDSON. Mr. Chairman, as a member of the Homeland Security Committee and subcommittee Chair, I'm concerned that the members of the Homeland Security Committee have not consistently and were not adequately briefed by the administration on the events surrounding the failed Christmas Day terrorist attack. The Homeland Security Committee has an important role in congressional oversight over agencies within its jurisdiction.

Mr. Chairman, do you agree with me and Chairman THOMPSON that the Homeland Security Committee should be briefed in a timely manner on national security matters that play a central role in homeland security?

Mr. REYES. I believe that the Homeland Security Committees have an important role to play in congressional oversight of national security matters and that the committee should be briefed on national security matters that fall within its jurisdiction.

Ms. RICHARDSON. I thank the chairman for that response.

Mr. HOEKSTRA. Madam Chair, I yield 1 minute to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, a few moments ago, a Member stated that the McDermott language only restates what's in current law. I would be very interested for any Member who can come to the floor and tell me where in current law it says any officer or employee of the intelligence community who forces an individual to be naked goes to jail for 15 years. Sometimes there's a good reason to ask someone to take their clothes off—to make sure they don't have bombs strapped around their waist. And yet an intelligence officer who does that under the McDermott language is liable for 15 years in jail.

The McDermott language says an officer or employee in the intelligence community who deprives an individual of necessary sleep goes to jail for 15 years.

Now, I cannot believe the many good Members on both sides of the aisle who are concerned about prosecuting terrorists, about keeping the country safe, have thought through the implications of this language. And to have it included in a manager's amendment along with 20 other amendments is just amazing to me.

I strongly encourage every Member of the House to read this language and be careful before you vote on it.

Mr. REYES. Madam Chair, I yield myself 2 minutes.

The manager's amendment includes language originally proposed by Mr. MCDERMOTT that reiterates existing law on torture and provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment. Torture is a reprehensible and counterproductive practice. The U.S., as we all know, has no business engaging in that. The language in the manager's amendment simply reasserts existing law.

Executive Order 13491 prohibits interrogators from engaging in any of the activities highlighted in the manager's amendment language. This Executive Order limits interrogations to the interrogation techniques that are authorized by the Army Field Manual. It also spells out the terms of Common Article 3 and relevant provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as the minimum standard for the United States to follow.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law. It provides a specific criminal penalty for those who knowingly cause the death of a detainee. It is already a crime for an interrogator to knowingly murder a detainee. This provision merely adds a concrete statutory penalty to that conduct.

This language does not, does not, give terrorists greater rights than ordinary criminals.

We cannot afford another Abu Ghraib, and the language in the manager's amendment simply reasserts these important provisions already codified in law, plain and simple.

Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I wish it were plain and simple. It's 11 pages, 11 pages dropped in in the middle of the night. No debate, no discussion, just inserted.

If it's already a crime, why are you putting it in here?

We haven't answered all the questions that we asked before. I notice that the sponsor of the amendment, who was here for an extended period of time, I'm not sure if he wanted to speak on the amendment or not but obviously wasn't given the opportunity to speak on the amendment if he wanted to. It's too bad because I think there's legitimate need for discussion and debate because I don't think it's at all clear that this is just a restatement of current law.

Answer the questions. The amendment would make it a crime to exploit phobias of the individual. Why is this a criminal offense for a member of the intelligence community but for no one else, not a criminal offense for a prosecutor? Why didn't we ever talk about this in committee? Why didn't we ever debate it?

Madam Chair, I reserve the balance of my time

Mr. REYES. Madam Chair, I now yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the Chair for yielding.

I rise to commend Chairman REYES for including in the manager's amendment my amendment to develop a competitive grant program that will encourage the U.S. intelligence community to partner with Historically Black Colleges and Universities to recruit, train, and retain an ethnically and culturally diverse intelligence workforce.

We face a diverse and growing array of threats around the globe. As the means used by our enemies become more advanced, so must our defenses. Cultural, language, and educational barriers affect the quality of intelligence we can gather, and it's critical that our intelligence community have the human assets to overcome these barriers.

The area of Georgia that I represent is home to several HBCUs with specific expertise in languages and computer sciences. Engaging these centers of academic excellence, as this amendment does, will produce more sophisticated intelligence officers, who will in turn make our country more secure.

I want to thank Chairman REYES for his work on this important legislation,

and I urge my colleagues to support passage of this bill.

Mr. HOEKSTRA. Madam Chair, I yield 1½ minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, it's not that you're giving terrorists better rights than Americans. It's the fact that you're extending to foreign terrorists, foreign nationals, foreign-trained individuals coming here to commit acts of violence and kill civilians the same rights as Americans. That's wrong. They are enemy combatants.

You say, well, we can't have Abu Ghraib. You're right; we can't. Torture is illegal. It was illegal then, and guess what? It was investigated and they have been prosecuted, rightly so. They abused people. Wrong. They go to jail. That's what happens in this system.

What you're doing now is interjecting mass confusion into the people who are going to try to conduct debriefings all over the world, and they're going to go to dangerous places, and guess what? You've engaged one of the worst parts of the al Qaeda playbook that says, remember, when Americans are shooting at themselves and chasing their tail, they are not shooting at us. Allege abuse. You've just put 11 confusing pages right into the hands of our enemy to say, make it really hard on the folks who are risking their lives to save Americans so that we can continue to do what we do, and that's plan, train, recruit, and we will send people to America to kill American civilians.

This is a dangerous, dangerous, dangerous step that you take. No debate. No discussion. Lots of confusion. Don't do this to the men and women who risk their lives every day to protect the United States of America.

□ 1500

Mr. REYES. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. REYES. Thank you, Madam Chair.

I rise to inform my colleagues on the other side that the men and women protecting this country are clear about their duties. They are focused on keeping us safe. They are not concerned about the political spin here. They are not concerned about the rhetoric that they hear. But they do appreciate actions more than rhetoric.

I know because I have been around the world visiting them. I have been to talk to various groups in the intelligence community. They know that we appreciate the work that they do each and every day to keep us safe. And they are not going to be fooled, like the American people are not going to be fooled, by the rhetoric that comes up, the spin that they try to put on the manager's amendment, and in particular the reiteration of something that is fundamentally American, and that is we have a Constitution. We have rules that we all have to live by. We understand the law. And we have to have respect for that law. It does not undermine any of that.

It is a good manager's amendment. I urge the adoption of the manager's amendment.

Mr. HOEKSTRA. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. HOEKSTRA. Thank you.

Madam Chair, my colleague on the other side of the aisle is exactly right. The people in the intelligence community are watching exactly what we are doing. And actions do speak louder than words. The actions that they have seen, their colleagues were asked by this Congress, including, the record shows, the leadership of this House and the former administration, to do things on their behalf to keep America safe, and they see their colleagues now potentially being prosecuted because the rules changed under this administration.

As they see the rules changed for them and perhaps their colleagues being prosecuted, they see a global justice initiative coming out of the FBI where we are reading Miranda rights to our enemies on the battlefield in Afghanistan. They see the actions and they see the actions are very, very different.

They see that we are moving KSM from Gitmo to trial in New York City. Thankfully, the people in New York City are saying no way, we are not doing it. And at the same time that KSM is being promised a trial in civilian courts in the United States, they are seeing 11 pages of new vulnerabilities being placed on them after no hearings and no debate.

Yes, our men and women in the field are seeing a real difference. They are seeing a real difference in actions by this Congress and by this administration. They see that they have become kind of a target of this administration, that this is now not about keeping America safe, it is about putting them into a legal framework, an ugly legal net.

Madam Chair, I rise in strong opposition to this bloated Manager's Amendment. Its flaws powerfully demonstrate how the Intelligence Committee is failing to do its work and has in fact become counterproductive to the work of the intelligence community.

This amendment is everything that is wrong with intelligence policy in 2010. It is politicized, it fails to recognize or act on the serious threats that we continue to face as a nation, and it puts off the tough decisions indefinitely. Where it does take a substantive action, instead of taking meaningful steps to fix the problem it blames the men and women of the intelligence community for failing to follow a politically correct policy, even though that policy was ratified by Members of Congress at the highest levels. I think we have heard this story before.

The Managers Amendment contains the text of 22 Democratic amendments, and no Republican amendments. The Committee minority was not consulted on a single one of these amendments—in fact, one of them continues to reverse a bipartisan agreement on notification reform from last year.

Instead of taking meaningful steps to address critical national security problems such as the threat posed by bringing Guantanamo detainees to the United States, the flaws revealed in our intelligence sharing by the Fort Hood and Christmas attacks, and the issues posed by American citizens who join terrorist groups abroad, it would require 16 new reports, to bring the total for the bill to at least 57 new reports. And instead of supporting the men and women of our intelligence community, it would create a new criminal offense that not only would duplicate an existing law—it would apply only to our intelligence personnel. How's that for gratitude?

Instead of trying to provide proper procedures are in place to govern the conduct of covert action activities that could impact American citizens, the Majority believes it is more important to order yet another duplicative report on foreign language proficiency when the Committee is already briefed regularly and repeatedly on the efforts that are ongoing in this area.

Instead of trying to fix the intelligence sharing problems that were laid bare at the Fort Hood shooting and shown to be critical during the Christmas bombing attack, the Majority has instead chosen to put its head in the sand and order up a report on events in Argentina between the mid-1970s and the mid-1980s.

Instead of resolving the serious problems in coordinating the interrogation of the high-value detainees that became apparent when Miranda rights were read to a foreign radical jihadist, the Majority has chosen to require the intelligence community to write up not one, but two new reports and a "Task Force" on cybersecurity even though the Committee is in the middle of a series of comprehensive briefings and hearings on the subject and has conducted repeated oversight.

Madam Chair, I can't think of a single terrorist plot that has ever been disrupted by a report to Congress.

In addition to these more fundamental issues, I need to note for the record some specific serious problems with this amendment.

First, the amendment does even further damage to the bipartisan agreement that had been reached on reform of congressional notification. Instead of providing a mechanism that respects the separation of powers and the various equities of the President and the Congress, this amendment has ceded the decision of which Members of Congress will be briefed on sensitive covert actions entirely to the President, apparently to avoid the White House's veto threat on the bill. That is ironic for a majority who has claimed so long and so loud—despite clear records and the recollection of others to the contrary—that it was never briefed on intelligence policies that they explicitly helped to ratify on a bipartisan basis.

Second, the amendment does even further damage to years of carefully developed practice and procedure for how the congressional intelligence committees conduct oversight by attempting to cede its responsibility to the GAO. The original bill was flawed because it would have provided the GAO with virtually unfettered authority to insert itself into intelligence community matters without applying

the same rules that govern the congressional intelligence committees or limiting the dissemination of any work product to protect sources and methods.

It was so bad that even the Obama administration objected that the bill ''would fundamentally shift the longstanding relationship and information flow between the IC and intelligence committee members and staff.'' This Managers Amendment makes these problems even worse by allowing the Comptroller General to unilaterally develop procedures for handling of highly sensitive material with no requirement that it follow House or Committee rules, and in fact would allow committees other than the intelligence committees to request GAO review of the intelligence community.

This is contrary to the Rules of the House and the recommendations of the 9/11 Commission. How many times do we have to learn the simple lesson that intelligence oversight is most effective when it is conducted by the intelligence committees—at least when those committees do more than just require new reports.

Third, buried deep within the 22 amendments contained in this Managers Amendment is an extraordinary provision that would create a new criminal offense that would only apply to the men and women of the intelligence community. Title 18 of the U.S. Code, section 2340A, already gives effect to the Convention Against Torture and makes torture a criminal offense in the United States. Torture is already against the law.

Apparently, that's not enough for the Majority—it has to have a special offense that would apply only to the men and women of the Intelligence Community—just as Attorney General Holder has appointed a special prosecutor to investigate them. There is no legal reason to do this—it apparently exists only to make a political statement. The intelligence operatives on the front lines deserve our thanks and our support for doing hard things in hard places, like the men and women who made the ultimate sacrifice this year in Khost, Afghanistan. They do not deserve to be singled out for special criminal offenses. I believe that this is wrong.

Madam Chair, I strongly oppose this amendment.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I'd like to extend my sincere thanks to Chairman REYES for accepting this amendment and taking an important step toward strengthening our Nation's cyber infrastructure against attack. Madam Chair, the protection of our country's cyber infrastructure is one of today's most pressing—and challenging—national security issues. Computers and Internet device technology have become pervasive in every type of crime and federal agencies are experiencing an increase in cyber-intrusions into our most secure and sensitive government computer networks. This growing threat is extraordinarily difficult to address. The technology used to perpetrate these crimes evolves constantly and rapidly, and it can be exceedingly difficult to track down the perpetrators. It is our duty to ensure that our Intelligence Community and our Nation's law enforcement agencies have every tool necessary in their arsenal to combat cyber criminals and cyber terrorists who seek to access or steal protected information.

To be successful in preventing security breaches, Madam Chair, the agencies tasked with protecting the country from cyber attacks must constantly revise and improve their primary functions of data collection, analysis, and dissemination to keep pace with expanding threats. Experts in the field have pointed to several areas of the law which may need to be reviewed and updated to ensure their effectiveness and to best protect American individuals, businesses, and our national security.

Our proposal would establish the Cybercrime Task Force to analyze the current tools available to the Intelligence Community and law enforcement and provide legislative recommendations on ways to strengthen those resources, reduce our national exposure, and prevent and deter cyber attacks, cyber terrorism, cyber espionage, and cybercrimes.

The goals of the task force include improving attribution to specific criminals, understanding the nontraditional targets of attackers, and strengthening federal computer crime statutes to deter would-be perpetrators.

First, crucial to better deterrence—and the possibility of implementing sanctions—is improving the IC's ability to designate concrete attribution for cyber attacks. Attacks committed with the aid of computer or Internet device technology are often cleared with negative clearance. In order words, the IC is not able to detect and identify hostile foreign actors because of missing data at Internet service providers. The task force shall provide evidence-based recommendations on mandatory data retention requirements that balance the privacy of an individual's data, the technical and financial limitations of companies and Internet service providers, and the need to ensure effective cybercrime investigation.

The task force shall incorporate in their recommendations suggestions to minimize barriers to entry into the service provider industry and to lessen any negative impact on innovation or new start-ups in the industry.

Second, Madam Chair, in light of the rapidly evolving nature of the crimes, we must better understand the likely, but nontraditional, targets to which perpetrators may seek unauthorized access. Cyber attacks are increasingly the preferred method of foreign intelligence services collection of data against the U.S., raising a host of novel training, counterintelligence and investigative issues. To improve these operations in the IC's understanding of the extent to which computer and Internet device technology pervades traditional crimes, the task force shall compile a list of nontraditional targets (i.e., economic or industrial bases) in the U.S. that the IC has not traditionally dealt with as a target for foreign intelligence services.

Finally, Madam Chair, an increasing number of ''terrestrial'' (i.e., physical) crimes are being committed with the aid of a computer or Internet services. The task force shall survey the current federal crime statute for computer fraud and abuse to determine whether it is sufficient in light of the advanced nature of the crimes being committed and to enhance the ability of our law enforcement agencies to identify, detect and apprehend suspects as well as enhance investigative and prosecutorial efforts.

The task force shall survey the current federal crime statute for computer fraud and abuse (as provided in 18 U.S.C. 1030) to determine whether it is sufficient in light of the advanced nature of the crimes being committed. It shall determine the adequacy of the laws for which cybercrime and cyber espionage constitute a predicate offense and provide recommendations for updating those statutes when warranted. The task force shall establish and disseminate guidelines for States to revise their State-level statutes equivalent to 18 U.S.C. 1030 to help ensure they keep pace with Federal changes.

An increase in the prevalence of crimes facilitated through computer fraud and abuse raises novel investigative, prosecutorial and training issues because of the complex and unique attributes of computer and Internet technology. To improve law enforcement's understanding of the extent to which computer technology pervades traditional crimes, the task force shall compile a list of which crimes are most often committed with the aid of computers or Internet devices, determine whether the relevant prosecutorial tools are up to date, and provide specific legislative recommendations on how to update the statute to improve prosecution efforts while simultaneously providing for individual privacy and data security.

The task force shall also advise whether a need exists to outlaw, or more clearly prohibit, certain behavior (i.e., unauthorized access) regardless of intent or resulting damage, whether monetary or to a computer system. The recommendations should take into account the increasing prevalence of individuals using preprogrammed hacking tools to commit a crime without necessarily understanding the full implications or potential consequences of the technology.

The task force shall analyze existing Federal and State data breach notification requirements and advise whether and how current law should be amended to strengthen requirements and improve compliance, including notification of relevant law enforcement authorities as well as any individuals whose personally identifiable information may be at risk from the breach. Currently, forty-three States have enacted breach notification requirements, and they vary widely, resulting in low compliance levels. The task force shall analyze discrepancies among existing State-level statutes, determine barriers to compliance, and provide recommendations for overcoming such barriers (i.e., through Federal legislation, tying a company's obligations to specific jurisdiction and their requirements, or through some other means).

Finally, the task force shall determine whether and how current victim restitution statutes should be amended in order for victims of cyber attacks to be made whole. Currently States have varying forms of recourse for victims of cyber attacks, particularly when a person is hurt because a company's data was breached. The task force shall recommend whether a Federal law is needed to address this and if so, how it should be structured.

Madam Chair, I urge my colleagues to ensure that we stay a step ahead of hackers and cyber terrorists seeking to cause us harm and to pass this important amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HOEKSTRA. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–419.

Mr. HOEKSTRA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Insert after section 354 the following new section:

SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995-2001'', dated August 25, 2008.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, I would like to yield myself as much time as I may consume.

Madam Chair, this is a very straightforward amendment. I thank the Rules Committee for making it in order. It basically says that for not later than 30 days after the enactment of this act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru.''

Many of you may remember that this was a very tragic incident where, with the assistance of our intelligence community, two of my constituents were tragically killed in Peru, shot down by the Peruvian Air Force. We need an unclassified version of this report being made available to the public, and more importantly, to the families, the families of those who were killed.

You know, it wasn't that long ago, it was within the last month that there was a discussion about an accountability review. Almost 9 years after that tragic shoot-down, there was an Accountability Board that had been convened. And its results have been made or were reported to our committee. Roughly 4 weeks ago I asked the Director of the CIA whether the families of those killed would be briefed on what was found in the Accountability Board and the accountabilities that were put in order. To date I am yet waiting for an answer.

This has been unfair to these families, it has been unfair to the American public that when we have had such a tragic failing in the intelligence community, which included, from my perspective, an attempted coverup by the previous administration or by the intelligence community as to exactly what happened, how it happened, and how these Americans were killed, that we have been so closed in sharing that information with the American public and the families.

I reserve the balance of my time.

Mr. REYES. I would like to claim the time in opposition, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. I yield such time as she may consume to my friend from California (Ms. HARMAN).

Ms. HARMAN. I thank the chairman for yielding, and surely hope that we will accept his amendment. I recall during my years as ranking member on the committee when we were, in quotes, ''briefed'' on this incident. I am very disappointed about the way it was handled. I personally think the gentleman from Michigan is correct, and I applaud what he is doing.

As we debate this bill, we must thank again the thousands of patriotic and courageous women and men who are serving in our intelligence community around the world. As I so often say, a grateful Nation salutes them for their efforts to keep us safe. Our Nation also remembers and honors those who lost their lives, most recently at Forward Operating Base Chapman in Afghanistan.

Madam Chair, in addition to this excellent amendment, I applaud the underlying bill's provisions to reform the way Congress is notified of sensitive covert programs, briefings that for too long were limited to the so-called ''Gang of Eight.'' During my years as ranking member, it was clear that effective oversight required providing the entire committee with information previously limited to its leadership. And so this bill rightly provides for full committee notice of Gang of Eight briefings, a contemporaneous record of those briefings, something we sorely lacked, and it entitles the full committee to receive the same briefings as the Gang of Eight within 180 days.

These changes go a long way toward correcting the frustration felt on both sides of the aisle during my tenure on the committee. We should not have been put in the position of on the one hand upholding our oath of secrecy, while on the other hand being starved for information to conduct necessary oversight.

Just last week, pursuant to a FOIA request, memoranda describing some of our briefings were declassified. The documents, which are available to the public, show repeated pushback from Intelligence Committee members, surely including me, about the failure to brief us or to provide documents or other timely information.

Madam Chair, last time I checked, Congress was an independent branch of government. We must assert our prerogative to monitor and rectify problems that surface in the programs we oversee. In the intelligence world, some of these problems affect our core values as well as our Constitution. Security and liberty are not a zero sum game. It is our sworn duty to protect both. The language in the underlying bill and this amendment offered by Mr. HOEKSTRA go a long way to rectify long-existing problems.

I urge support for the bill and support for this amendment.

Mr. REYES. I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has the right to close.

Mr. REYES. Madam Chairwoman, I am prepared to accept the amendment, and want the record to reflect that Ms. SCHAKOWSKY from Illinois is very much in agreement with Mr. HOEKSTRA.

I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. HOEKSTRA. Thank you, Madam Chair.

I would like to thank my colleagues on the other side of the aisle and the chairman for accepting the amendment, my colleague from California for the kind words that she had to say. We worked on this program for a number of years together. And it has taken us such a long period of time to get the answers that help understand but do not explain what happened.

This amendment is intended to get more information to the American people, more information to the families. I do hope that over the coming days that the Director of the CIA, that the people in the intelligence community decide to give the families full access to the Accountability Board.

I appreciate the support of the chairwoman of the subcommittee, Ms. SCHAKOWSKY from Illinois. This is a case where we have worked uniquely in a bipartisan way to address failings within the intelligence community, to try to right those wrongs, and to try to move us forward in a constructive and positive way. I thank my colleagues who have enabled that process to work and to work effectively.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–419.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Insert after section 352 the following new section:

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, I would like to correct some things, because I have been here all day listening to our colleagues complain about the process. This is the beginning of the process. And it is an important one, one that has not been undertaken in 4 years, such that we have not had an authorization bill for all that time.

Now, I am sure that my colleagues know that when this measure is completed, and on the other side in the other body, that we will have a conference. And many of the discussions that are being heard here today are likely to be addressed in that conference report.

Now, I have stated time and again that the intelligence community is not diverse enough to do its job of obtaining and analyzing foreign countries' secrets. Diversity is a mission imperative. We need people who blend in, speak the language, and understand the cultures and the countries that we are targeting.

The intelligence community is our Nation's first line of defense against the increasing dangers and threats we face around the world. From the scourge of terrorism, to the proliferation of weapons of mass destruction, to hostile governments, intelligence work is often unseen, and mostly thankless.

Now, I keep hearing all this talk about Mirandizing people on the battlefield. I have a lot of difficulty understanding when that happened. I have been on the committee for 10 years, and I don't know that that is a methodology that is being employed with any regularity.

I have had the honor and privilege of meeting many of our intelligence professionals during my oversight travel as a member of the Intelligence Committee to more than 50 countries. I cannot overstate how much all of us, Democrats and Republicans, every Member of this House and every President that I have known, are appreciative and humbled by their service. And yes, I will stand and say that when this authorization measure passes that I do support the men and women in the 16 elements of the intelligence services and appreciate them very much.

I am proud to support this measure for several reasons. It substantially increases funding for human intelligence collection and counterintelligence activities, tools that have been underresourced in the past years.

□ 1515

The bill continues the essential funding to support the critical efforts of U.S. warfighters in Iraq, Afghanistan and Pakistan, and provides additional funding to address significantly emerging issues in Africa, Latin America and elsewhere. And I would urge my colleagues to footnote that.

There is no place that I think that we should focus as much attention as we have with Iran as Yemen. It is going to be critical for us to pay attention to that area of the world.

This bill also adds funds and authorities for language programs. Chairman REYES and I and countless other members on this committee have fought this issue repeatedly for us to make progress in languages; and, I might add, we have been successful. If you see the new people entering the service, if you visit our operational activities, you begin to see more and more people that are in the service.

I do have something to quarrel about, and that is, the gays in the military provision that allows, among other things, that we're putting people out of the service who are Farsi and Arabic speakers because they're gay, and I think that's ridiculous in the environment that we're operating in.

But we still don't have enough women. We still don't have enough Arabs. We still don't have enough North Koreans, and I could go on and on.

While the intelligence community has made some progress in hiring people with diverse backgrounds, education and experience, including, indeed, more women and minorities, this progress has been at a glacial speed. The intelligence community has been historically slow to recognize the wealth and abundance of talent and skills that reside in first-, second-, and even third-generation Americans. We still don't have an intelligence workforce that looks like our country. We aren't even close.

The bottom line is that we, until we have every segment of society participating in the intelligence community, our capabilities will not rise to the level needed to defeat terrorism.

I'd like to yield the balance of my time to the distinguished chairperson of the Intelligence Committee, and to thank the Members of the Democrat and Republican staff on the House Intelligence Select Committee.

Mr. REYES. I just want to thank the vice chair of our Intelligence Committee for his hard work. I know he's worked ever since he's been on the committee on this very important issue that keeps, I think, the face of the intelligence community reflecting the face of this Nation.

Mr. HOEKSTRA. Madam Chairman, I'd like to claim the time in opposition, although I will not be opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. I would like to recognize my colleague from Texas (Mr. THORNBERRY) for 1 minute.

Mr. THORNBERRY. The gentleman from Florida (Mr. HASTINGS) has been a forceful and eloquent advocate for greater diversity in the intelligence community. And he's exactly right: we will be more effective when we have greater diversity in the intelligence community. We're more effective human collectors when we look like those from whom we are collecting. We will be more effective when we have a greater range of language talents including dialects. All of that is absolutely true.

My point, in addition, however, is that it's not just getting them into the intelligence community. It's how we treat them once they're hired. And some of the recent actions over the last year, whether it's a special prosecutor to go after, again, interrogators after they have already been investigated, or whether it's releasing classified

memos, even though five CIA directors recommend not having it done, that cuts against the ability to keep these qualified people in government service after we have them hired. And I can think of nothing worse than to threaten these people with 15 years of prison if they stray across the line in an interrogation as far as encouraging our intelligence professionals to stay with the government.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I will not oppose the amendment. I support the amendment. I think the report on highlighting the progress that we have made or that we may not have made toward our objectives of increasing the diversity within the intelligence community is something that is needed and something that my colleague has been championing for all the years that we have served on the committee together. I support the amendment and urge my colleagues to support it as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–419.

Mr. ROGERS of Michigan. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Strike section 349 (page 64, lines 8 through 24) and insert the following new section:

SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OFFICE SUPERVISORY TERM LIMIT POLICY.

None of the funds authorized to be appropriated by this Act may be used to implement the field office supervisory term limit policy of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chairman, it's with a heavy heart I rise with this amendment. This has been a bipartisan issue for, I hate to say it, going on 5 years where the Director of the FBI implemented a new policy, and the policy was designed to try to get a different talent pool of individuals to come to Washington, D.C. to be supervisors in their new bureaucracy of the intelligence community, if you will. They were having a difficult time doing it.

So what they ended up doing is they forced supervisors in the field. These are FBI experts in a whole variety of fields—it could be white- collar crime, it could be organized crime, it could be foreign counterintelligence, could be counterterrorism efforts—and arbitrarily said, after 5 years you're done. You either have to step down, you have to come to Washington, D.C. and apply to be an ASAC or other job, or you have to move on. You can either leave the Bureau, you can step down and go back to the ranks of what we used to call a brick agent in the FBI.

Five years ago we said, you know this is really unfair to a lot of agents. You're going to lose agents. Unfortunately, they implemented it, we lost agents, senior agents, talented agents. And from both sides of this aisle we heard stories after stories where we represented about good, quality, talented, seasoned FBI agents being forced to make decisions based on their families. Some were just not in a position to come back to Washington, D.C., so their reward for all that honorable service is get out.

Well, the Director cut a deal with this Congress, not this particular session, but a Congress a few years ago, 5 years ago: I will fix this problem for the agents who this harmed. We are still waiting today.

This is called the up-and-out policy of the FBI. It is wrong, Mr. Director. It is absolutely unconscionable that this continues to be a problem, after they've given the Congress of the United States your word it would be fixed. I just implore the Director to fix this problem.

The only way for us to join together to get this fixed for the men and women who have risked their lives, who moved their families, who make the difficult choices to be an agent of the FBI, is to offer this amendment and say, no more. We're not playing anymore. Fix this problem. It's wrong to treat the men and women of the FBI with this blatant disregard for what has been harmful to them and their families, in some cases, their pensions as well. It's wrong.

I know it has been bipartisan in the past, and I hope that it continues to be a bipartisan effort. And, Madam Chairman, I can't strongly enough say that I support it. But also, I have a letter here from the FBI, the Federal Bureau of Investigation Agents Association, representing literally tens of thousands of former and current agents all across the country who have stood up and said this is the right thing. They support this amendment unconditionally.

Let us stand with those men and women who are doing so much to keep us safe today. This is the one thing that we can do and send a message to this Director. For all the good and all the bad that happened since 9/11 and he's been part of a lot of good things, this could be a horrible black mark on what could otherwise be a great career there if you don't take care of the people who have been taking care of America.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time?

Mr. ROGERS of Michigan. Seeing there's no further speakers, I would just urge the body's quick support and, again, hopefully we can stand with the men and women who have stood with us in difficult times across the country. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–419.

Ms. ESHOO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. ESHOO:

At the end of subtitle A of title III, add the following new section:

SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT FOR INTELLIGENCE COMMUNITY EMPLOYEES.

(a) CONFLICT OF INTEREST REGULATIONS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

''(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.''.

(b) OUTSIDE EMPLOYMENT.—

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

''PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF OFFICERS AND EMPLOYEES OF THE INTELLIGENCE COMMUNITY

''SEC. 120. An officer or employee of an element of the intelligence community may not personally own or effectively control an entity that markets or sells for profit the use of knowledge or skills that such officer or employee acquires or makes use of while carrying out the official duties of such officer or employee as an officer or employee of an element of the intelligence community.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50

U.S.C. 401 note) is further amended by inserting after the item relating to section 119B the following new item:

''Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.''.

Page 71, strike line 11 and insert ''section 510.''.

Page 71, after line 11 insert the following:

''(K) The annual report on outside employment required by section 102A(s)(2).''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Madam Chairman, I rise to offer an important amendment to the Intelligence Authorization Act.

Madam Chairman, many of the provisions that I supported and authored are already in the legislation that was reported out of the committee. Today I'm offering this amendment to address a problem that arose after our consideration of the bill last year.

Earlier this month we discovered that intelligence community employees have been starting businesses to sell private companies the very skills they use in their employment for the government. For example, a number of CIA employees launched a company to sell deception detection services to hedge funds and ran this company while they were Federal employees. I'm very troubled by this. I questioned the Director of National Intelligence about this at HPSCI's worldwide threats hearing, and he said he would look into it. While waiting for a formal answer, I discovered, to my great surprise, that this activity had already been approved by their agencies. Clearly, we need to tighten up that process.

All Federal agencies are required to have conflict of interest guidelines that set limits on employees' outside employment. Now, these guidelines are developed jointly by the agency and by the Office of Government Ethics. But the DNI has not issued intelligence community-wide policy guidance on conflicts of interest for outside employment.

So this amendment does two things. First, it requires the DNI to establish an intelligence community-wide conflict of interest regulation working in connection with, and in conjunction with, the Office of Government Ethics to establish a community-wide process for checking outside employment for conflicts of interest, and also to submit an annual report to the intelligence committees on outside employment activities that were approved in the last year.

Second, it would prohibit employees from owning companies that sell skills that are related to their government service.

I think that government employees, and especially those in the intelligence community, should adhere to the highest ethical standards. The American people have to have confidence that government employees are working in the best interest of the Nation and not in just a personal self-interest.

I want to thank my colleagues from the HPSCI, Representatives TIERNEY, BOREN, SCHAKOWSKY, THOMPSON, HOLT, ROGERS and MYRICK, for cosponsoring this amendment. And I urge the adoption of it.

Madam Chairman, how much time do I have left?

The Acting CHAIR. 2½ minutes is remaining.

Ms. ESHOO. I yield to the gentleman from Michigan (Mr. ROGERS) 1½ minutes.

Mr. ROGERS of Michigan. Madam Chairman, I want to thank my good friend, Ms. ESHOO from California. You know, sometimes you can get ahead of a problem. We don't often do that in Congress. I think this is a great way to get ahead of a problem.

Given the fact that these individuals who have, who are doing great things for their country, we're thankful for it, takes sometimes a piece of intellectual property that really belongs to the people of the United States, and some of it is very sensitive, very compartmentalized. It's information that is shared with very few. So it is an incredible responsibility. And for us not to have a policy on how we make sure that those people don't use that information for personal gain on the outside of that community, especially the intelligence community, I think is wrong. And I think this is a good measure that puts some really basic protections, not only for them, but for the intelligence community and the people of America.

And I want to commend the gentlelady for her work and effort on this. And I wholeheartedly support this effort.

□ 1530

Ms. ESHOO. I want to thank the gentleman for his support. This is a bipartisan amendment.

I just want to add, Madam Chair, this is in no way a ban across the entire Federal Government and Federal workers. There are some that teach at universities at night; there are others that make really very low salaries—GS–1s in the $17,000 range—that do have some outside employment.

This goes directly to the skill set that the American people train these CIA officers and others in the intelligence community to do their work relative to national security. That shouldn't be sold off in bits and parts by moonlighting.

So I think that we've done that respectfully, and I think that we've done it thoughtfully. And I'd like to thank the chairman again for this, Mr. ROGERS, and Members that have supported it. I think it's a good amendment.

I yield back the balance of my time.

The Acting CHAIR. Who seeks time in opposition?

With no one seeking time in opposition, the question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–419.

Mr. CONAWAY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:

Page 87, strike line 21 and all that follows through page 88, line 9, and insert the following:

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

(1) it is imperative that intelligence community-wide auditability be achieved as soon as possible;

(2) the Business Transformation Office of the Office of the Director of National Intelligence has made substantial progress and must be of sufficient standing within the Office of the Director of National Intelligence to move the plan for core financial system requirements to reach intelligence community-wide auditability forward;

(3) as of the date of the enactment of this Act, the National Reconnaissance Office is the only element of the intelligence community to have received a clean audit; and

(4) the National Reconnaissance Office should be commended for the long hours and hard work invested by the Office to achieve a clean audit.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Madam Chair.

This amendment is a pretty simple, straightforward one. It's about good governance. It's about protecting the assets of the American taxpayer as utilized by the intelligence community.

This bill came out of committee 8 months ago. We've now learned some things in the last 8 months that we didn't know then, and this amendment would simply substitute a new paragraph A for the old paragraph A. This paragraph would simply say it's an important initiative for the intelligence community to work to get audited financial statements across all of the entities. This takes a lot of work, a lot of effort to make that happen.

I'd like to call the Chair's attention to the National Reconnaissance organization, who is the only entity within the intelligence community that has, in fact, achieved an unqualified audit opinion on their financial statements. Under Dr. Scott Large's leadership, that hard work was done. And then more directly, Karen Landry, the Chief Financial Officer for the NRO, and Sandra Van Booven, the Director of Financial Management, led an incredible team to do an awful lot of hard work to make that happen. I don't discount

how hard that is. From my professional experience, I know it's hard. But they're to be commended as the agency that has achieved clean audited financial statements.

As important as that is, it's an ongoing effort, and I hope that General Bruce Carlson, who is now the leader at NRO, will continue to lead the efforts needed to make that happen.

This is a top-down function. It has to have the initiative of the leadership. The Office of Director of Intelligence has to make this a priority. And this amendment would seek to recognize that priority and continue to draw attention to it from our body so that the executive branch body, in fact, knows that we believe that it's important to get this done. So it's a pretty straightforward amendment, Madam Chair.

I recognize the hard work of some of the folks over at NRO is kind of a pat on the back for having done it correctly, shown us how it can be done, an incredible amount of hard work done by the team led by Ms. Landry and Ms. Van Booven.

So, with that, I encourage my colleagues on the floor today to support this good governance amendment that would further the hard efforts being done across the community to achieve unqualified audit opinions on their financial statements and all of the internal controls and systems that go behind that.

One final comment. There are some tough decisions ahead for Director Blair and others to make this happen, and I encourage them to make those decisions sooner than later. And I encourage my colleagues to support the amendment.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ARCURI

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–419.

Mr. ARCURI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ARCURI:

Insert after section 354 the following new section:

SEC. 355. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (a)(2)(A); and

(II) the assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 180 days after the date of the enactment of this Act.

(B) A second report shall be submitted not later than one year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically following the submission of the reports referred to in subparagraphs (A) and (B) as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by the Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from New York.

Mr. ARCURI. I yield myself such time as I may consume.

The threat of cyberattack on our computer and Internet infrastructure as well as the threat of cyberwarfare cannot be overstated. The need for congressional action to assure adequate funding is in place to guarantee that our country is prepared for any contingency that may arrive in this relatively new area of warfare is critical. I believe, as a nation, our investment in cybersecurity will be the Manhattan Project of our generation.

H.R. 2701 authorizes the funding to make this investment a reality. Cyberthreats and attacks are real, and they threaten our financial and defense networks every day. Nearly every aspect of everyday life in our global society is dependent on the security of our cybernetworks. We rely on these systems to carry virtually all of our business transactions, control our electric grid, emergency communication systems, and even traffic lights.

The most troubling cyberthreat may be the very real prospect of state-sponsored cyberattacks against sensitive national security information. We must take steps to protect our cyberinfrastructure, but to do that in such a way that we do not infringe on individuals' rights to privacy.

We have a number of organizations in government that work on cybersecurity, and we in Congress need to ensure that these organizations are sharing this information with each other in an effective, reliable, and safe manner. This must be one of our top priorities.

Over the next few years, the administration and the intelligence community will begin new and unprecedented cybersecurity programs to combat these threats with cutting-edge technologies. These new programs will present new legal and privacy challenges.

To ensure that Congress can properly oversee these programs, my amendment requires the President to submit detailed notifications to Congress on current and newly created cybersecurity programs so that Congress may perform the oversight that the Constitution requires.

My amendment sets a preliminary framework for the administration and congressional oversight to ensure that the government's national security programs are consistent with legal authorities and preserve individuals' reasonable expectations of privacy. It requires the President to notify Congress of new and existing cybersecurity programs and provide Congress with the program's legal justification, a general description of its operation, and describe how it impacts privacy and sensitive data and to detail any plan for any independent audit or review of the program. This amendment is a reasonable and responsible continuation of this effort.

Earlier this month, the House approved a Cybersecurity Enhancement Act to expand programs to strengthen our Nation's cybersecurity and to require a cybersecurity workforce assessment to give us a clearer picture of our cybercapabilities in both the Federal Government and private sector to combat future attacks.

Given the increasing number and sophistication of cyberattacks that are being aimed at our networks and the degree to which we must expand our cybercapabilities, we must also ensure that we maintain our oversight abilities. My amendment is similar to the oversight provisions included in the Senate legislation, and I ask that all Members support these important safeguards.

I reserve the balance of my time.

Mr. THORNBERRY. I seek to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. I yield myself such time as I may consume.

Madam Chair, I don't think anyone in this House can deny the importance of cybersecurity. Certainly the Intelligence Committee is devoting a great deal of time and effort to understanding the threat to our potential responses and how we go about it. I am perhaps, however, a lonely voice expressing caution about the number of reports that accumulate on top of one another year after year after year and weigh down our intelligence community.

I mentioned earlier that there are 41 new reports of one kind or another that are in the underlying bill. The manager's amendment, which we've debated, has at least 17 more reports on top of that. And I believe, if you look at all of the 20, 21 provisions of the manager's amendment, there are at least two reports on cybersecurity plus a task force.

Now, the issue is important, but surely the goodness—we have some responsibility in Congress to pay attention to the cost in terms of dollars, the cost in terms of manpower to do all of these reports that get added on top of the intelligence community but often never go away, that just stack on top of each other year after year.

So I appreciate the gentleman's interest in cybersecurity. I share that, by the way. I think the gentleman's right on the importance of it. But I would just encourage him and all Members, before you come demanding another report of one sort or another, maybe it would be good to inquire as to what it would take to actually complete that report, how much money that costs the taxpayers. If we do, I think we are going to be a little more hesitant to stack report upon report upon report.

With that, I would yield back the balance of my time.

Mr. ARCURI. Madam Chair, I thank the gentleman for his comments, and I think he's right. I think, clearly, the fact that a report is requested simply for the sake of requesting a report is redundant and is taxing on our intelligence community. But I think when we look at what happened during 9/11 and the fact that some of the intelligence branches of government were not sharing information, I think we need to learn something from that.

In my district, I have an Air Force research lab that really focuses a great deal on cybersecurity, and I want to make sure the information that they're developing and the technologies that they're developing are being shared with other branches of the military and the intelligence community. And I think it's very important that we allow congressional oversight and that we ensure that in our role as Congressmen, that we are making sure that they are doing that, that they are sharing the information the way they should.

So I certainly appreciate your point, but I think this is one of the places where it's critically important that we ensure that the information sharing is being done.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. BURTON OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–419.

Mr. BURTON of Indiana. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. BURTON of Indiana:

Page 135, after line 12, insert the following new section:

SEC. 505. SENSE OF CONGRESS HONORING THE CONTRIBUTIONS OF THE CENTRAL INTELLIGENCE AGENCY.

It is the sense of Congress to—

(1) honor the Central Intelligence Agency for its contributions to the security of the United States and its allies;

(2) recognize the Central Intelligence Agency's unique role in combating terrorism;

(3) praise the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;

(4) thank the Central Intelligence Agency for its crucial support of United States military operations in Afghanistan and Iraq;

(5) commend the men and women who gave their lives defending the United States in the service of the Central Intelligence Agency, especially noting those individuals who remain unnamed; and

(6) urge the Central Intelligence Agency to continue its dedicated work in the field of intelligence-gathering in order to protect the people of the United States.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. First of all, Madam Chair, I want to thank the

Rules Committee for making this amendment in order. It is a very straightforward amendment, and it's one that I think is very, very important because the CIA has been under such intense criticism over the last several months—maybe the last few years—that it's time to let them know and the people of this country know that we really appreciate what they're doing to secure the safety of this country.

What the bill does is:

It honors the Central Intelligence Agency for its contributions to the security of the United States and our allies;

It recognizes the Central Intelligence Agency's unique role in combating terrorism;

It praises the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al Qaeda;

It thanks the Central Intelligence Agency for its crucial support of U.S. military operations in Afghanistan and Iraq;

It commends the men and women who gave their lives defending the U.S.—named and unnamed; and, finally,

It urges the Central Intelligence Agency to continue its dedicated work in the field of intelligence gathering in order to protect the people of the United States.

I believe that all of us would agree with everything that is in this amendment. But I'd like to add just a couple of things that I've been watching during this debate that really concerns me.

□ 1545

There is language in here that is going to, I think, have an adverse impact on the Central Intelligence Agency's agents who are out in the field and doing their job and are trying to protect us against the terrorists. You know, some of the things that they say may be abrasive or objectionable to some of the people they are interrogating. The way this language reads, it could be interpreted to mean that they are guilty of not following the intent of the law in dealing with the terrorists.

Also, there are prison sentences for people who are involved in terrorist or torturous activities such as ''waterboarding.'' I would like to point out to my colleagues, many of whom don't know this, waterboarding has been a technique that has been used in the training of U.S. Navy SEALs and our Special Forces people over the years.

Now, let me say that one more time. Waterboarding and other techniques have been used in the training of our Navy SEALs so they would know how to deal with an enemy if they were captured, and it's been used by Special Forces military personnel in their training. So it has never been considered torture by our own military personnel.

Now, we have three Navy SEALs right now that are being court-martialed, and they are being court-martialed because they captured an al Qaeda terrorist in Fallujah in Iraq. And this al Qaeda terrorist took four American contractors, tortured them, dragged them through the streets, burned their bodies and hung them from a bridge.

He also cut off the head of a leading person that was over there gathering news and information for the news media. This guy is really an out-and-out horrible terrorist. Now, when he was captured he was turned over to the Iraqi military for 2 days, and he came back and he said that he had been hit in the stomach and they split his lip, and because of that these three Navy SEALs are being prosecuted. They are being prosecuted in a court martial.

What kind of a message does that send to our Navy SEALs, to the people in the field who are capturing and fighting these al Qaeda and Taliban terrorists? What kind of a message does that send? We are trying to send the same kind of message to the CIA operatives who are out there trying to get information that will protect this country and protect the American people around the world against these people who want to destroy us and want to destroy our way of life.

It really bothers me, and I do appreciate the House approving this amendment that I have introduced. Obviously it's something that I think is very important. But, in addition to that, I don't believe we ought to be sending a message to the CIA or the Navy SEALs or our Special Forces men and women in the field that we are not going to back them up when they go out and get a terrorist or extract information from them that is vital in securing the safety of the people of this country.

One of the al Qaeda terrorists they are going to bring to New York. The main al Qaeda terrorist that was involved in the 9/11 attack, after he was waterboarded about 80 times, and he wouldn't give up information, he finally did. He said that there was an attempt going to be made to fly a plane into a building in Los Angeles. Had he not choked up and given that information, we might have lost another 2,000 or 3,000 people like we did on 9/11.

It just seems silly to me and crazy to me that we are not going to allow our intelligence-gathering operatives to do their job. We ought to be supporting them completely day and night in anything they do to protect this Nation.

[From the National Review Online, Feb. 25, 2010]

WHILE YOU ARE DISTRACTED BY THE SUMMIT, OBAMA DEMOCRATS ARE TARGETING THE CIA

(By Andy McCarthy)

The Obama Democrats have outdone themselves.

While the country and the Congress have their eyes on today's dog-and-pony show on socialized medicine, House Democrats last night stashed a new provision in the intelligence bill which is to be voted on today. It is an attack on the CIA: the enactment of a criminal statute that would ban ''cruel, inhuman and degrading treatment.''

The provision is impossibly vague—who knows what ''degrading'' means? Proponents will say that they have itemized conduct that would trigger the statute (I'll get to that in a second), but it is not true. The proposal says the conduct reached by the statute ''includes *but is not limited to*'' the itemized conduct. (My italics.) That means any interrogation tactic that a prosecutor subjectively believes is ''degrading'' (e.g., subjecting a Muslim detainee to interrogation by a female CIA officer) could be the basis for indicting a CIA interrogator.

The act goes on to make it a crime to use tactics that have been shown to be effective in obtaining life saving information and that are far removed from torture.

''Waterboarding'' is specified. In one sense, I'm glad they've done this because it proves a point I've been making all along. Waterboarding, as it was practiced by the CIA, is not torture and was never illegal under U.S. law. The reason the Democrats are reduced to doing this is: what they've been saying is not true—waterboarding was not a crime and it was fully supported by congressional leaders of both parties, who were told about it while it was being done. On that score, it is interesting to note that while Democrats secretly tucked this provision into an important bill, hoping no one would notice until it was too late, they failed to include in the bill a proposed Republican amendment that would have required full and complete disclosure of records describing the briefings members of Congress received about the Bush CIA's enhanced interrogation program. Those briefings, of course, would establish that Speaker Pelosi and others knew all about the program and lodged no objections. Naturally, members of Congress are not targeted by this criminal statute—only the CIA.

More to the point, this shows how politicized law-enforcement has become under the Obama Democrats. They could have criminalized waterboarding at any time since Jan. 20, 2009. But they waited until now. Why? Because if they had tried to do it before now, it would have been a tacit admission that waterboarding was not illegal when the Bush CIA was using it. That would have harmed the politicized witch-hunt against John Yoo and Jay Bybee, a key component of which was the assumption that waterboarding and the other tactics they authorizied were illegal. Only now, when that witch-hunt has collapsed, have the Democrats moved to criminalize these tactics. It is transparently partisan.

In any event, waterboarding is not defined in the bill. As Marc Thiessen has repeatedly demonstrated, there is a world of difference between the tactic as administered by the CIA and the types of water-torture methods that have been used throughout history. The waterboarding method used by the CIA involved neither severe pain nor prolonged mental harm. But it was highly unpleasant and led especially hard cases like Khalid Sheikh Mohammed (i.e., well-trained, committed, America-hating terrorists) to give us information that saved American lives. The method was used sparingly—on only three individuals, and not in the last seven years. The American people broadly support the availability of this non-torture tactic in a dire emergency. Yet Democrats not only want to make it unavailable; they want to subject to 15 years' imprisonment any interrogator who uses it.

What's more, the proposed bill is directed at ''any officer or employee of the intelligence community'' conducting a ''covered interrogation.'' The definition of ''covered

interrogation'' is sweeping—including any interrogation done outside the U.S., in the course of a person's official duties on behalf of the government. Thus, if the CIA used waterboarding in training its officers or military officers outside the U.S., this would theoretically be indictable conduct under the statute.

Waterboarding is not all. The Democrats' bill would prohibit—with a penalty of 15 years' imprisonment—the following tactics, among others:

—''Exploiting the phobias of the individual''

—Stress positions and the threatened use of force to maintain stress positions

—''Depriving the individual of necessary food, water, sleep, or medical care''

—Forced nudity

—Using military working dogs (i.e., *any* use of them—not having them attack or menace the individual; just the mere presence of the dog if it might unnerve the detainee and, of course, ''exploit his phobias'')

—Coercing the individual to blaspheme or violate his religious beliefs (I wonder if Democrats understand the breadth of seemingly innocuous matters that jihadists take to be violations of their religious beliefs)

—Exposure to ''excessive'' cold, heat or ''cramped confinement'' (*excessive* and *cramped* are not defined)

—''Prolonged isolation''

—''Placing hoods or sacks over the head of the individual''

Naturally, all of these tactics are interspersed with such acts as forcing the performance of sexual acts, beatings, electric shock, burns, inducing hypothermia or heat injury—as if all these acts were functionally equivalent.

In true Alinskyite fashion, Democrats begin this attack on the CIA by saluting ''the courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces'' who ''deserve the full support of the United States Congress.'' Then, Democrats self-servingly tell us that Congress ''shows true support'' by providing ''clear legislation relating to standards for interrogation techniques.'' I'm sure the intelligence community will be duly grateful.

Democrats also offer ''findings'' that the tactics they aim to prohibit cause terrorism by fueling recruitment (we are never supposed to discuss the Islamist ideology that actually causes terrorist recruitment, only the terrible things America does to provide pretexts for those spurred by that ideology). These ''findings'' repeat the canards that these tactics don't work; that they place our captured forces in greater danger (the truth is our forces captured by terrorists will be abused and probably killed no matter what we do, while our enemies captured in a conventional war will be bound to adhere to their Geneva Convention commitments—and will have the incentive to do so because they will want us to do the same); and that ''their use runs counter to our identity and values as a nation.''

Unmentioned by the Obama Democrats is that officers of the executive branch have a solemn moral duty to honor their commitment to protect the American people from attack by America's enemies. If there are non-torture tactics that can get a Khalid Sheikh Mohammed to give us information that saves American lives, how is the use of them inconsistent with our values?

Here is the fact: Democrats are saying they would prefer to see tens of thousands of Americans die than to see a KSM subjected to sleep-deprivation or to have his ''phobias exploited.'' I doubt that this reflects the values of most Americans.

Mr. REYES. Madam Chair, I rise to claim time in opposition to the Burton amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I want to tell the gentleman I appreciate him wanting to honor the personnel of the Central Intelligence Agency. As I have said many times on the floor, I have had the privilege of visiting with members of the CIA and members of their families, members of the CIA throughout the world under probably the most difficult of circumstances. I understand the hardships that they face.

Most recently, I was with family members and survivors of the Khost bombing, which illustrates the danger they put themselves in willingly to protect our country. I would also remind the gentleman that we should not mix and compare apples to oranges. There is a big difference between a training exercise that simulates waterboarding and waterboarding an individual for 183 times. That's a huge difference.

The other thing I would point out is that when the last administration decided to take us down that road, that enhanced interrogation techniques would be authorized and approved. There has been a great amount of disagreement in terms of the legal authorization of these techniques, considered torture by most anybody's standards. I would also remind us that the CIA did not have any expertise in waterboarding. They had to actually go out and contract DOD personnel to be able to acquire that technique. It puts them in a tough situation.

I will tell you what I hear from the men and women of the Central Intelligence Agency. They understand the difference between politics and bad policy. They understand the difference between doing the kinds of things that they are expected to do to keep our country safe and responding to the kind of political spin that, unfortunately, we hear about their work.

But, the one thing that comes across when I hear from them is they appreciate the support that they receive from the Congress. They appreciate the fact that regardless of what side of the aisle we sit on, we respect the work that they do.

We, despite all of the arguments that are proffered here in this great Chamber, in the final analysis they know that they have a job to do. They know that they have a duty to perform. They know that they are committed professionals and that they expect and deserve the support of every member of this Chamber. That's why I appreciate the gentleman's sponsoring this amendment.

That's why I think we ought to accept it. I accept it. I think we ought to leave it at that and leave the politics and leave the rhetoric and remind ourselves that the message we need to send them is that we support their work. The message we should send them is that we honor them for their service to this great country.

The message that we deliver to the families of those victims of the Khost bombing is that we will support them. We will have our differences politically, we will articulate those differences, but we will never stop supporting the great work that the men and women of the Central Intelligence Agency do for all of us.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–419.

Mr. HOLT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HOLT:

At the end of subtitle A of title V, add the following new section:

SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF FOREIGN CONNECTION TO ANTHRAX ATTACKS EXISTS.

(a) REVIEW.—The Inspector General of the Intelligence Community shall conduct a review of available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax.

(b) REPORT.—

(1) IN GENERAL.—The Inspector General shall submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate a report containing the findings of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control of 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, as you may know, the Federal Bureau of Investigation announced last week that it is formally closing its investigation into the 2001 anthrax attacks, a major bioterrorist attack on America. Those attacks are believed to have originated from a postbox in New Jersey, disrupting the lives and livelihoods of many of my constituents and yours.

We already know that the FBI too quickly jumped to conclusions about the nature and the profile of the culprit or culprits and quickly zeroed in on one individual who later received a

multimillion dollar settlement and apology for mistaken accusations.

Subsequently, the investigators focused on another individual, who then killed himself. Although the FBI never produced any physical evidence tying that individual specifically to the attacks, they closed the case.

Indeed, this investigation was botched at multiple points, which is why reexamining it is so important. Given that the samples of the strain of anthrax that was used in the attacks may have been supplied to foreign laboratories, we think it's prudent to have the Inspector General of the intelligence community examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored, or simply not passed along to the FBI.

Mr. BARTLETT and I are offering an amendment that would require the Inspector General to examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored or simply not passed along. The report would be unclassified with a classified annex and would go to Intelligence, Foreign Affairs, Judiciary and Homeland Security Committees.

To date, there has been no independent comprehensive review of this investigation, and a number of important questions remain unanswered. This amendment would address one of those questions.

I reserve the balance of my time. May I ask how much time is remaining?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding. I want to thank him very much for his initiative in this effort. Dr. Ivins was my constituent, the laboratory at which he worked is in my district, indeed, just a few miles from my home, so I was very much involved in this case. His colleagues say that he would not have done it, and the FBI said early on that he could not have done it because the spores were weaponized, and he had no ability to do that. More recently, they have been saying something a bit different than that.

I have here some quotes that I think will be relevant here. Jeffrey Adamovicz, the former chief of bacteriology—''former'' is important here, because they would not let the current scientist at Fort Detrick talk to me. He just left. The former chief of bacteriology for the U.S. Army Medical Research Institute for Infectious Diseases in Frederick, Maryland, where Ivins worked, wrote to The Frederick News-Post expressing serious misgivings about the FBI findings that Ivins sent the deadly letters that killed 5 and sickened 17 in 2001.

''The evidence is still very circumstantial and unconvincing as a whole,'' he wrote. ''I'm curious as to why they closed the case while the National Academy of Science review is still ongoing. Is it because the review is going unfavorable for the FBI?

''Ivins' death came about a month after the Justice Department agreed to pay an out-of-court settlement valued at $5.85 million to scientist Steven Hatfill, who had long been the key suspect in the case. Hatfill had sued the Justice Department, which had labeled him 'a person of interest.' He alleged that the Federal Government went on a smear campaign and leaked information that was damaging to his reputation.''

Apparently they agreed they had. They paid him $5.85 million. They subsequently agreed, conceded that he was not involved in the case.

Gary Andrews, another former chief of the bacteriology lab in Frederick, said it wouldn't have been unusual for Ivins to work odd hours because he was working with animals, and it was more convenient to do it then. He says that ''Bruce didn't have the skill to make spore preps of that concentration. He never ever could make a spore prep like the ones found in the letters.''

The Acting CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield the gentleman an additional 30 seconds.

□ 1600

Mr. BARTLETT. Thank you very much for your lead in this.

This has been devastating to my constituents and the scientists at Fort Detrick. This needs to be brought to a proper close. They did not believe he would have done it; the FBI said earlier on he couldn't have done it. Thank you very much for leading in this.

Mr. HOLT. Madam Chair, it is beyond question that the FBI jumped to conclusions at least once, perhaps more than once, and many questions remain. This amendment would address one of those questions.

Beyond this amendment, we still need a more complete examination of our government's response to these attacks, the most serious bioterrorist attack against the United States. This will look at whether there is a foreign connection to those attacks that has been overlooked, ignored, or not pursued.

Madam Chair, I yield back the balance of my time, asking support for this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CASTLE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–419.

Mr. CASTLE. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CASTLE:

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3750).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chair, I yield myself such time as I may consume.

This amendment, offered with Mr. LYNCH, requires the President, through the Secretary of the Treasury, to submit to Congress a comprehensive report on terrorism financing that was first mandated by the Intelligence Reform Bill of 2004, but has yet to be submitted.

Following the 9/11 terrorist attacks, our government acted quickly to combat terrorist financing. However, post-9/11 terrorist financing has become more decentralized, and those involved are using less sophisticated means to move money and avoid official banking systems. Terrorist financiers are exploiting new technology to transfer money electronically and employing money laundering schemes to cover up their activities.

In response to the 9/11 Commission recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. Section 6303 of this 2004 law required the President to submit to Congress a comprehensive report evaluating and making recommendations on the current state of U.S. efforts to fight terror financing. This important report was due in September of 2005, but it has never been completed.

Multiple U.S. Government departments and agencies are involved in the effort to combat terrorist financing, including Treasury, Justice Department, Homeland Security, State Department, Defense Department, FBI and the CIA. These various entities are to be commended for their efforts to track and disrupt complex terrorist financing schemes since 2001. Still, with so many government entities involved in combating terrorist financing, it is critical that we heed the lessons of the past and undertake a thorough assessment of our progress.

The amendment I am offering today with Congressman LYNCH reiterates Congress' requirement that the President undertake a thorough evaluation of our efforts to disrupt terrorist financing, including the ability to coordinate our intelligence and keep pace with evolving trends.

The bottom line is that terrorists need money to operate, and we need to

be fully prepared and adaptable to combating their ability to access these funds. There is no room for delay in this endeavor, especially since top U.S. intelligence officials indicate a possible likelihood of another attempted terrorist attack on the United States at some time in the relatively near future.

Thank you for the opportunity to discuss my amendment. I look forward to working with the members of the committee on these important matters.

Madam Chairwoman, I reserve the balance of my time.

Mr. LYNCH. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LYNCH. Madam Chair, I actually rise to support my colleague's amendment.

As the co-chairman of the Task Force on Terrorist Financing and Proliferation, I, too, am well aware that having an effective strategy on targeting the sources of terrorists in financing their operations is a very important part of our strategy.

This straightforward amendment offered by my friend, Mr. CASTLE of Delaware, simply restates the basic requirement that the President, through the Treasury Department, report to Congress on the current status of U.S. efforts to combat terrorism financing. This reporting requirement is not new; in fact, it was mandated in the Intelligence Reform and Terrorist Prevention Act of 2004. A report was due out in 2005, but here today it has yet to be submitted.

I've had an opportunity, as co-chair of the task force, to spend a lot of time with our Treasury employees, very brave and courageous Treasury and State Department employees, in Afghanistan and Pakistan and Jordan and the Maghreb, North Africa; and they're doing wonderful and courageous work. However, that much being said, Congress still retains its oversight responsibility; and without this report we are not able to be certain, I think, that we have an accurate picture of the entire antiterrorist financing protocol and we are not fully informed as to whether or not we are operating as effectively as we could be. Only by understanding where we currently stand—what our strengths are and, indeed, what our weaknesses are—can we ensure that the best possible strategy for cutting out terrorist financing is ultimately accomplished.

Again, I want to thank Congressman CASTLE, the gentleman from Delaware, for his support of this amendment, and I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

Mr. CASTLE. Madam Chairwoman, we hope this report can be done relatively soon. The amendment actually allows for 180 days more from this time in order to submit it. We have been in touch with the administration. We know that they're aware of this, and hopefully it can be completed. I think it may help with the safety of our country and perhaps dealing with the financing of terrorists in this world, so we look forward to it.

I appreciate the support. I also appreciate all the words and support of Mr. LYNCH in getting to this point.

With that, I encourage everyone to support it and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–419.

Mr. WALZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WALZ:

Page 85, after line 20 insert the following:

(d) EDUCATION ON COMBAT-RELATED INJURIES.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

''(i) EDUCATION ON COMBAT-RELATED INJURIES.—

''(1) IN GENERAL.—The head of the entity selected pursuant to subsection (b) shall take such actions as such head considers necessary to educate each authorized adjudicative agency that is an element of the intelligence community on the nature of combat-related injuries as they relate to determinations of eligibility for access to classified information for veterans who were deployed in support of a contingency operation.

''(2) DEFINITIONS.—In this subsection:

''(A) CONTINGENCY OPERATION.—The term 'contingency operation' has the meaning given the term in section 101(a)(13) of title 10, United States Code.

''(B) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(C) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Thank you, Madam Chairwoman. And I thank the chairman of the committee and the ranking member for your work in securing our Nation and bringing this piece of legislation to the floor.

The amendment that I am offering, Madam Chair, serves a twofold purpose. First, it allows us to fulfill our obligation to our returning combat veterans coming back and integrating back into civilian life. And it also recognizes the unique skill set that these veterans have that are absolutely perfectly suited for intelligence and national security work.

What I am asking for in this amendment is to make sure there is a level playing field for these warriors. A large number of our troops are coming back; and either through a lack of understanding or a misunderstanding, the security adjudicators are either revoking or denying security clearances for wounds that were received, either physical or mental—PTSD, and others—during the conflicts that they served in.

What this amendment asks for is it requires the intelligence community to educate security clearance adjudicators on the nature of these wounds. The purpose is to make sure that they have the best knowledge available to make informed decisions and give our returning warriors the opportunity to receive their clearances, to retain their clearances, and then go on to further serve this Nation in these critical capacities.

So I thank the committee for their work. The Intelligence Committee, the Armed Services and the Veterans' Affairs Committee are all in support of this. I think it will go a long ways toward leveling the playing field and allowing this Nation to use the incredible skills and resources that those wounded warriors bring back, but still have the capacity to serve.

With that, Madam Chair, I reserve the balance of my time.

Mr. BURTON of Indiana. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. I agree with what the gentleman said about our wounded warriors and how we ought to be giving them all the support that we possibly can, but the reason I took this time in opposition is because the chairman and I couldn't reach an agreement to discuss one of the provisions in the bill.

I sincerely feel, Madam Chairman, that we are endangering our capability of getting information from terrorists because we are limiting our CIA and our intelligence officials with this legislation and these procedures that they can use to elicit that information. I know there are some differences of opinion, and I know we have in our hearts the best security that we can think of for the American people, but the one thing that really, really bothers me is we're telling CIA officials—and some of our military people in the field, not with this bill—but we are telling a lot of our intelligence officials and people in the field that they have to be very, very careful and walk on eggs when they are trying to get information from a terrorist, al Qaeda or Taliban terrorist, to make sure that we aren't violating or torturing them in any way.

The American people certainly don't want torture, and there is a big difference of opinion on whether or not water boarding, for instance, is torture. But the fact of the matter is if we have another major attack like the one we had on 9/11, the American people are going to come down like a ton of bricks on the people in this House that put restrictions on our intelligence-gathering capability. They're going to say, why didn't you do whatever it took to secure the safety of the people of this country? And because we are putting this language in this bill, we are saying to the CIA and the other intelligence agencies, you've got to be real careful; you've got to make absolutely sure you don't do something that might get you in trouble and might even put you in jail.

And when you say things like that to the people that are out there in the field risking their lives, what you do is you intimidate them, maybe not intentionally, but you intimidate them and you stop the possibility of getting all the information that we need to protect this country.

Now, I know there is a disagreement; I just talked to some people on the other side. Khalid Sheikh Mohammed was water boarded 80-something times, I think, or something like that; and when he first started out, he said, well, you'll find out what's going to happen. And later, after he was water boarded, he said, yes, there was going to be a plane that was going to fly into a building in Los Angeles. Well, that plane, had it flown into a building in Los Angeles, might have killed another 2,000 or 3,000 people.

And so the only reason I came here is to just say, let's don't break the legs of our intelligence officers who are trying to protect this country. It's just too important. We ought to be doing everything we can to back them up to make sure this country is safe. Our intelligence people are telling us right now we're likely to have another attack within the next 6 months or 1 year. So we ought to be giving every intelligence agency and every officer we possibly can all the support they need to stop that.

With that, I thank you very much for yielding and yield back the balance of my time.

Mr. WALZ. I hope I have the gentleman's support on this bill, providing the trained and courageous veterans who are returning home. We are not asking for preferential treatment. What we are asking is that our adjudicators be clearly informed what these combat veterans have gone through, making sure we are able to bring them back, place them in their positions if they choose to continue to serve this Nation. I would ask for the support of this body on this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–419.

Mr. SCHAUER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SCHAUER:

Insert after section 354 the following new section:

SEC. 355. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;

(3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;

(5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Madam Chair, I yield myself such time as I may consume.

As a member of the Aviation Subcommittee of the Transportation and Infrastructure Committee, I believe it is critical for the Director of National Intelligence to submit to Congress a report on the attempted bombing of Northwest Flight 253.

The failed Christmas day attack over Detroit reinforces the notion that the threat of al-Qaeda is real and that our intelligence community, whether under a Democratic or Republican administration, must improve the way it protects the United States against terrorist attacks.

□ 1615

People in Michigan want answers.

My amendment says, not later than 180 days after the date of enactment of the act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines Flight No. 253 on December 25, 2009.

This amendment will require the Director of National Intelligence to report to Congress information about any failures to share or to analyze intelligence within or between elements of the Federal Government related to this failed terrorist attack.

More importantly, the Director of National Intelligence also must submit a description of the measures that the intelligence community has taken or will take to prevent such failures from occurring again. This would include information on how the government intends to improve the interoperability of terrorist screening databases and to improve airline watch listing procedures. These tools are critical in preventing terrorists from getting an opportunity to kill innocent civilians.

It is imperative that Congress be fully informed so that it may conduct rigorous oversight on this important national security concern.

I appreciate President Obama's candor and openness when speaking to the American people about the improvements needed to our intelligence community, and I applaud the President for taking swift action in ordering a thorough review of the incident. President Obama has stated his willingness to work with Congress to solve this problem. This amendment will help ensure that Congress will be fully briefed on the results of that review. I urge the full support of this amendment.

I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I want to say I appreciate the amendment and the gentleman's interest.

This amendment would require the director of the DNI to submit to the Intelligence Committees a report on the attempted bombing of Northwest Airlines Flight No. 253.

This report would provide an assessment on any failures to share information within or between elements of the Federal Government and the measures that the intelligence community has taken or will take to prevent such failures in the future.

This report also covers issues such as analytic tradecraft, watch listing procedures, technical deficiencies, training database management. Many of the elements of this report mirror portions of the review of the DNI, which they are currently doing.

Requiring the DNI to provide this report will allow the Intelligence Committees to conduct rigorous oversight on this important national security concern.

Additionally, this amendment requires the DNI to submit responses to any findings or recommendations made by the Intelligence Committees.

With that, Madam Chair, I fully support this amendment.

Mr. HOEKSTRA. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. Although, I do believe, and I would hope that my colleague from Michigan would agree that, perhaps, when we are talking about the scope of this amendment, it is broader than what is just written here.

One of the things that we are very, very concerned about which, I believe, should be included in this—because, like you, I believe, if the intelligence community had worked properly, perhaps we could have stopped this attack; but this is not just a matter of connecting databases and those types of things. It is also about missing clues that we had that were highlighted before Christmas Day.

What am I talking about?

We have known for quite some time that Awlaki was a concern. We saw kind of a mirror image of what happened on Christmas Day a couple of months earlier at Fort Hood, where 14 Americans were killed and where 14 Americans died in a tragic terrorist attack, linked to Awlaki, linked to al Qaeda on the Arabian Peninsula.

I had an amendment that went along those lines, but it was not accepted by the majority, and I think it may well have fallen within the scope of the amendment of yours, Mr. SCHAUER, which you are offering, which says:

If we had had these insights into al Qaeda on the Arabian Peninsula, if we had had these insights into Awlaki's involvement with Major Hasan, if we had had these insights into the communications, the emails, between Hasan and Awlaki, what did we do between November 5 and Christmas Day to target Awlaki, to target al Qaeda on the Arabian Peninsula and to use this information that these individuals and this group might be targeting the U.S. and whether we missed opportunities in those 2 months to identify the threat and respond to it?

Are those the kind of questions that you might see which could also be addressed in this or are these outside of the scope of what you are looking for?

I yield to my colleague from Michigan.

Mr. SCHAUER. Thank you, Mr. HOEKSTRA, and thank you for your leadership on the Intelligence Committee.

Absolutely, my amendment deals directly with having the Director of National Intelligence describe failures and to share or to analyze intelligence or other information within or between elements of the United States Government. So I think it is clearly my intent that the dots be connected.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague for that clarification because I think that is probably the bigger untold story here of how much and how many insights we might have had into al Qaeda on the Arabian Peninsula and how we failed to act on that intelligence and how we failed, as we've now been saying for a long period of time, to connect those dots, to be able to put in preventative measures and to actually have stopped Awlaki and al Qaeda on the Arabian Peninsula from carrying out this attack on Detroit and on the State of Michigan.

With that, I reserve the balance of my time.

Mr. SCHAUER. Madam Chair, how much time remains?

The Acting CHAIR. The gentleman from Michigan (Mr. SCHAUER) has 1½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 1½ minutes remaining.

Mr. SCHAUER. I yield 1 minute 20 seconds to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Chair, I rise today in support of the Schauer amendment to the Intelligence Authorization Act for Fiscal Year 2010.

Like many Americans, my Christmas Day spent with family was interrupted by the news of the attempted terrorist attack on Northwest Flight No. 253 to Detroit.

As a lifelong Michigan resident whose friends, family, and constituents regularly fly in and out of Detroit Metropolitan Wayne County Airport, the Christmas Day attempt was especially chilling. While it was certainly fortunate that no lives were lost in the Christmas Day attempt, the attack exposed serious and unacceptable shortcomings in our ability to gather intelligence and to connect the dots.

I believe that protecting the American people is Congress' number one priority and responsibility. The Christmas Day incident showed us that security officials need to work more closely with their counterparts overseas and within the United States intelligence community to ensure tougher and more coordinated screening.

I appreciate my friend Congressman SCHAUER's leadership on this important issue, and I am proud to support the Schauer amendment because it will help ensure that we learn as much as possible about the failures that allowed the events of Christmas Day 2009 to transpire.

I urge the adoption of this amendment.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. As a matter of fact, I will support the amendment in its larger context, recognizing that this report by the DNI has to include the time prior to Fort Hood, the Fort Hood attack, and then the time from Fort Hood until Christmas Day. That is the area that we have been trying to get information on from the intelligence community over the last 3 or 4 months, and it has been the area that they have been most reluctant to provide us information on.

As a matter of fact, when I was in Yemen on New Year's Day, less than 2 months ago, I was specifically prohibited from getting information on exactly those kinds of questions as to what did the intelligence community know about Awlaki, about al Qaeda on the Arabian Peninsula. The individuals both in the intel community and with the Ambassador were specifically instructed not to share that information, which tells me that there is some information there, and for some reason, they have not wanted to share that information with us.

So, with the understanding that that type of information will be shared with Congress in this report, also then recognizing that this may end up being a classified report which you may not have access to unless the committee agrees to provide you access to it, I support the amendment. I look forward to the DNI's completing this report and to his submitting it to the committee.

With that, I yield back the balance of my time.

Mr. SCHAUER. I thank Mr. HOEKSTRA for his support, and I urge Members to support this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCHAUER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

Mr. REYES. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Ms. JACKSON LEE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R.

2701) to authorize appropriations for fiscal year 2010 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, had come to no resolution thereon.

MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1109, I call up from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

Amend the title so as to read: ''An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.''.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Conyers moves that the House concur in the Senate amendments to H.R. 3961.

The SPEAKER pro tempore. Pursuant to House Resolution 1109, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on this matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker and Members, this measure before us will extend three provisions of our foreign intelligence surveillance laws for 1 year. The provisions are section 206 of the PATRIOT Act, governing roving wiretaps; section 215, which addresses the collection of business records; and the so-called ''lone wolf surveillance law.''

□ 1630

Without extension, these provisions will expire on Sunday coming.

As we consider this short-term extension, I make these observations:

As one who has found that the USA PATRIOT Act needs a great deal of improvement and that there have been many excesses and sometimes abuses of these broad powers over the years, I have found that too little consideration of the impact of this type of surveillance on our civil liberties has been looked into. And that's why the Judiciary Committee has undergone an extensive process over the past year and reported out a bill that attempts to reform these provisions and enhance congressional oversight. In the other body, the Judiciary Committee has also passed out a bill that improves, in my view, the PATRIOT Act. So we're very close to real reform.

The House bill has new protections for library and bookseller records. It clarifies the reach of roving authority to prevent ''John Doe'' blanket wiretaps. It tightens the standards for national security letters that have been abused in the past. It has extensive new reporting oversight and sunset provisions to greatly strengthen congressional oversight and makes other changes to the related provisions of law.

Please understand, Members, that this extension is not the final word on the PATRIOT Act, and what we will do is use the time between now and the year that will elapse to improve and pass real reform.

Now, while I would prefer to do this now, it is not to me strategically wise nor logistically possible to accomplish this at this time. And with the provisions expiring in a matter of 3 days, the other body has sent us this extension bill, so there is no reasonable possibility that they could pass a broader measure such as a Judiciary-passed bill at this time.

In other words, we have no other choice but to go along with this extension because there isn't sufficient time. Well, tomorrow is the last day of the week. It's physically impossible. So under these circumstances, it seems to me the best course is to merely maintain the status quo and work with the other body and the administration towards some improvements that I have in mind. I can announce we've made progress towards reaching common ground, and I believe an orderly path forward between now and during the next year will lead us to a much better result.

Now, although this extension doesn't reform underlying law, we recognize there's some value in a process that brings us quickly to another sunset date. Experience has taught that there's nothing like an approaching sunset to bring both the executive branch and the other body to the table with the will to see this resolved. So while I'd rather pass the Judiciary Committee bill out and truly make the reforms that I think are necessary, because of the time constraints that we find, I recommend that we take the next year and continue the process.

I urge your careful consideration of this very important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the war on terror is real, and it's all around us. Despite multiple attempted terror attacks and a warning of an imminent attack from our national security experts, apparently the best this Congress can do is a 1-year extension of our most critical national security laws.

On Christmas Day Omar Farouk Abdulmutallab attempted to murder 288 innocent civilians by trying to set off an explosion aboard a Northwest flight bound for Detroit. Thankfully, he failed in his attempt at mass murder, not because of our national security procedures but because of his own ineptness and the quick response from passengers and crew. But we may not be so fortunate the next time.

Last November in my home State of Texas, Major Nidal Hasan killed 13 and wounded 30 others when he opened fire at the Fort Hood Army Base. In September three terrorist plots were successfully thwarted in New York City, Springfield, Illinois, and Dallas, Texas. And now intelligence experts warn us that another terrorist attack may be imminent. Yet after all those near misses, the House majority refuses to pass a long-term extension of three essential PATRIOT Act provisions.

The PATRIOT Act works. It has proven effective time and time again in preventing terrorist attacks and keeping Americans safe. The expiring provisions give national security investigators the authority to conduct roving wiretaps, to seek certain business records, and to gather intelligence on lone terrorists who are not necessarily affiliated with a specific terrorist group.

We cannot afford to play dice with the security of the American people. We must continue these intelligence-gathering measures to win our fight against terrorists. The Obama administration recognized this last year when it called for Congress to authorize the expiring provisions without any