

Union Calendar No. 56

109TH CONGRESS
1ST SESSION

H. R. 2475

[Report No. 109-101]

To authorize appropriations for fiscal year 2006 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.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2005

Mr. HOEKSTRA introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

JUNE 2, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 19, 2005]

A BILL

To authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 5 *telligence Authorization Act for Fiscal Year 2006”.*

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

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

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

- Sec. 201. Authorization of appropriations.*

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.*
- Sec. 302. Restriction on conduct of intelligence activities.*
- Sec. 303. Authority of the Director of National Intelligence to assign individuals to
United States missions in foreign countries to coordinate and direct in-*
telligence and intelligence-related activities conducted in that country.
- Sec. 304. Clarification of delegation of transfer or reprogramming authority.*
- Sec. 305. Approval of personnel transfer for new national intelligence centers.*
- Sec. 306. Additional duties for the Director of Science and Technology.*
- Sec. 307. Comprehensive inventory of special access programs.*
- Sec. 308. Sense of Congress on budget execution authority procedures.*
- Sec. 309. Sense of Congress with respect to multi-level security clearances.*

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Clarification of role of the Director of Central Intelligence Agency as head
of human intelligence collection.*

8 **TITLE I—INTELLIGENCE**
 9 **ACTIVITIES**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

11 *Funds are hereby authorized to be appropriated for fis-*
 12 *cal year 2006 for the conduct of the intelligence and intel-*
 13 *ligence-related activities of the following elements of the*
 14 *United States Government:*

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

1 (2) *The Central Intelligence Agency.*

2 (3) *The Department of Defense.*

3 (4) *The Defense Intelligence Agency.*

4 (5) *The National Security Agency.*

5 (6) *The Department of the Army, the Depart-*
6 *ment of the Navy, and the Department of the Air*
7 *Force.*

8 (7) *The Department of State.*

9 (8) *The Department of the Treasury.*

10 (9) *The Department of Energy.*

11 (10) *The Department of Justice.*

12 (11) *The Federal Bureau of Investigation.*

13 (12) *The National Reconnaissance Office.*

14 (13) *The National Geospatial-Intelligence Agen-*
15 *cy.*

16 (14) *The Coast Guard.*

17 (15) *The Department of Homeland Security.*

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

19 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
20 *CEILINGS.—The amounts authorized to be appropriated*
21 *under section 101, and the authorized personnel ceilings as*
22 *of September 30, 2006, for the conduct of the intelligence*
23 *and intelligence-related activities of the elements listed in*
24 *such section, are those specified in the classified Schedule*

1 *of Authorizations prepared to accompany the bill H.R. 2475*
2 *of the One Hundred Ninth Congress.*

3 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
4 *THORIZATIONS.—The Schedule of Authorizations shall be*
5 *made available to the Committees on Appropriations of the*
6 *Senate and House of Representatives and to the President.*
7 *The President shall provide for suitable distribution of the*
8 *Schedule, or of appropriate portions of the Schedule, within*
9 *the executive branch.*

10 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

11 (a) *AUTHORITY FOR ADJUSTMENTS.—With the ap-*
12 *proval of the Director of the Office of Management and*
13 *Budget, the Director of National Intelligence may authorize*
14 *employment of civilian personnel in excess of the number*
15 *authorized for fiscal year 2006 under section 102 when the*
16 *Director of National Intelligence determines that such ac-*
17 *tion is necessary to the performance of important intel-*
18 *ligence functions.*

19 (b) *NOTICE TO INTELLIGENCE COMMITTEES.—The Di-*
20 *rector of National Intelligence shall notify promptly the Se-*
21 *lect Committee on Intelligence of the Senate and the Perma-*
22 *nent Select Committee on Intelligence of the House of Rep-*
23 *resentatives whenever the Director exercises the authority*
24 *granted by this section.*

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

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
4 *authorized to be appropriated for the Intelligence Commu-*
5 *nity Management Account of the Director of National Intel-*
6 *ligence for fiscal year 2006 the sum of \$446,144,000. Within*
7 *such amount, funds identified in the classified Schedule of*
8 *Authorizations referred to in section 102(a) for advanced*
9 *research and development shall remain available until Sep-*
10 *tember 30, 2007.*

11 (b) *AUTHORIZED PERSONNEL LEVELS.*—*The elements*
12 *within the Intelligence Community Management Account of*
13 *the Director of National Intelligence are authorized 817*
14 *full-time personnel as of September 30, 2006. Personnel*
15 *-serving in such elements may be permanent employees of*
16 *the Intelligence Community Management Account or per-*
17 *sonnel detailed from other elements of the United States*
18 *Government.*

19 (c) *CLASSIFIED AUTHORIZATIONS.*—

20 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*In*
21 *addition to amounts authorized to be appropriated*
22 *for the Intelligence Community Management Account*
23 *by subsection (a), there are also authorized to be ap-*
24 *propriated for the Intelligence Community Manage-*
25 *ment Account for fiscal year 2006 such additional*
26 *amounts as are specified in the classified Schedule of*

1 *Authorizations referred to in section 102(a). Such ad-*
2 *ditional amounts for advanced research and develop-*
3 *ment shall remain available until September 30,*
4 *2007.*

5 (2) *AUTHORIZATION OF PERSONNEL.—In addi-*
6 *tion to the personnel authorized by subsection (b) for*
7 *elements of the Intelligence Community Management*
8 *Account as of September 30, 2006, there are also au-*
9 *thorized such additional personnel for such elements*
10 *as of that date as are specified in the classified Sched-*
11 *ule of Authorizations.*

12 (d) *REIMBURSEMENT.—Except as provided in section*
13 *113 of the National Security Act of 1947 (50 U.S.C. 404h),*
14 *during fiscal year 2006 any officer or employee of the*
15 *United States or a member of the Armed Forces who is de-*
16 *tailed to the staff of the Intelligence Community Manage-*
17 *ment Account from another element of the United States*
18 *Government shall be detailed on a reimbursable basis, ex-*
19 *cept that any such officer, employee, or member may be de-*
20 *tailed on a nonreimbursable basis for a period of less than*
21 *one year for the performance of temporary functions as re-*
22 *quired by the Director of National Intelligence.*

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated for the Central*
7 *Intelligence Agency Retirement and Disability Fund for fis-*
8 *cal year 2006 the sum of \$244,600,000.*

9 **TITLE III—GENERAL**
10 **PROVISIONS**

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

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

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

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

1 **SEC. 303. AUTHORITY OF THE DIRECTOR OF NATIONAL IN-**
2 **TELLIGENCE TO ASSIGN INDIVIDUALS TO**
3 **UNITED STATES MISSIONS IN FOREIGN**
4 **COUNTRIES TO COORDINATE AND DIRECT IN-**
5 **TELLIGENCE AND INTELLIGENCE-RELATED**
6 **ACTIVITIES CONDUCTED IN THAT COUNTRY.**

7 *Subsection (k) of section 102A of the National Security*
8 *Act of 1947 (50 U.S.C. 403–4a), as added by section*
9 *1011(a) of the National Security Intelligence Reform Act*
10 *of 2004 (title I of Public Law 108–458; 118 Stat. 3643),*
11 *is amended—*

12 *(1) by striking “Under” and inserting “(1)*
13 *Under”; and*

14 *(2) by adding at the end the following new para-*
15 *graph:*

16 *“(2)(A) The Director may assign an individual to be*
17 *a representative of the Director at a United States mission*
18 *in a foreign country. Any such individual shall oversee and*
19 *manage all intelligence and intelligence-related activities*
20 *conducted in that country by personnel of any element of*
21 *the intelligence community.*

22 *“(B)(i) Subparagraph (A) shall not be construed to su-*
23 *persede the authority of the Director of the Central Intel-*
24 *ligence Agency described in clause (ii), such authority being*
25 *subject to general oversight by the Director of National In-*
26 *telligence under paragraph (1).*

1 (1) *in subparagraph (B), by striking “shall*
2 *promptly provide notice” and all that follows through*
3 *“paragraph to—” and inserting “may not transfer*
4 *personnel under subparagraph (A) unless the Director*
5 *has provided notice of any transfer of personnel to be*
6 *made pursuant to this paragraph and received a re-*
7 *sponse from—”;* and

8 (2) *by striking subparagraph (C) and inserting*
9 *the following:*

10 “(C) *The Director shall include in any notice under*
11 *subparagraph (B)—*

12 “(i) *an explanation of the nature of the transfer*
13 *and how it satisfies the requirements of this sub-*
14 *section;*

15 “(ii) *the number of personnel transferred; and*

16 “(iii) *the individual skills and capabilities of the*
17 *personnel involved.”.*

18 **SEC. 306. ADDITIONAL DUTIES FOR THE DIRECTOR OF**
19 **SCIENCE AND TECHNOLOGY.**

20 (a) *COORDINATION AND PRIORITIZATION OF RE-*
21 *SEARCH CONDUCTED BY ELEMENTS OF THE INTELLIGENCE*
22 *COMMUNITY.—Subsection (d) of section 103E of the Na-*
23 *tional Security Act of 1947 (50 U.S.C. 403–3e), as added*
24 *by section 1011(a) of the National Security Intelligence Re-*

1 *form Act of 2004 (title I of Public Law 108–458; 118 Stat.*
2 *3643), is amended—*

3 *(1) by inserting “and prioritize” after “coordi-*
4 *nate” in paragraph (3)(A); and*

5 *(2) by adding at the end the following new para-*
6 *graph:*

7 *“(4) In carrying out paragraph (3)(A), the Committee*
8 *shall identify basic, advanced, and applied research pro-*
9 *grams to be carried out by elements of the intelligence com-*
10 *munity.”.*

11 *(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Section*
12 *103E of such Act (50 U.S.C. 403–3e), as so added, is*
13 *amended—*

14 *(1) in subsection (c)—*

15 *(A) by striking “and” at the end of para-*
16 *graph (4);*

17 *(B) by redesignating paragraph (5) as*
18 *paragraph (6); and*

19 *(C) by inserting after paragraph (4) the fol-*
20 *lowing new paragraph:*

21 *“(5) assist the Director in establishing goals for*
22 *the elements of the intelligence community to meet the*
23 *technology needs of the community; and”;* and

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

1 “(e) *GOALS FOR TECHNOLOGY NEEDS OF THE INTEL-*
2 *LIGENCE COMMUNITY.*—*In carrying out subsection (c)(5),*
3 *the Director of Science and Technology shall—*

4 “(1) *perform systematic identification and as-*
5 *essment of the most significant intelligence challenges*
6 *that require technical solutions; and*

7 “(2) *examine options to enhance the responsive-*
8 *ness of research and design programs to meet the re-*
9 *quirements of the intelligence community for timely*
10 *support.”.*

11 “(c) *REPORT.*—*Not later than June 30, 2006, the Direc-*
12 *tor of National Intelligence shall submit to Congress a re-*
13 *port containing a strategy for the development and use of*
14 *technology in the intelligence community through 2021.*
15 *Such report may be submitted in classified form and shall*
16 *include—*

17 “(1) *an assessment of the highest priority intel-*
18 *ligence gaps across the intelligence community that*
19 *may be resolved by the use of technology;*

20 “(2) *goals for advanced research and development*
21 *and a strategy to achieve such goals;*

22 “(3) *an explanation of how each advanced re-*
23 *search and development project funded under the Na-*
24 *tional Intelligence Program addresses an identified*
25 *intelligence gap;*

1 (4) a list of all current and projected research
2 and development projects by research type (basic, ad-
3 vanced, or applied) with estimated funding levels, es-
4 timated initiation dates, and estimated completion
5 dates; and

6 (5) a plan to incorporate technology from re-
7 search and development projects into National Intel-
8 ligence Program acquisition programs.

9 **SEC. 307. COMPREHENSIVE INVENTORY OF SPECIAL AC-**
10 **CESS PROGRAMS.**

11 Not later than January 15, 2006, the Director of Na-
12 tional Intelligence shall submit to the congressional intel-
13 ligence committees (as defined in section 3(7) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 401a(7))) a classi-
15 fied report providing a comprehensive inventory of all spe-
16 cial access programs under the National Intelligence Pro-
17 gram (as defined in section 3(6) of the National Security
18 Act of 1947 (50 U.S.C. 401a(6))).

19 **SEC. 308. SENSE OF CONGRESS ON BUDGET EXECUTION AU-**
20 **THORITY PROCEDURES.**

21 It is the sense of Congress that the Director of National
22 Intelligence should expeditiously establish the necessary
23 budgetary processes and procedures with the heads of the
24 departments containing agencies or organizations within

1 *the intelligence community, and the heads of such agencies*
2 *and organizations, in order to—*

3 (1) *implement the budget execution authorities*
4 *provided under, and submit the reports to Congress*
5 *required by, subsection (c) of section 102A of the Na-*
6 *tional Security Act of 1947 (50 U.S.C. 403–1), as*
7 *amended by section 1011(a) of the National Security*
8 *Intelligence Reform Act of 2004 (title I of Public Law*
9 *108–458; 118 Stat. 3643); and*

10 (2) *carry out the duties and authorities of the*
11 *Director of National Intelligence with respect to the*
12 *transfer and reprogramming of funds under the Na-*
13 *tional Intelligence Program under subsection (d) of*
14 *such section, as so amended.*

15 **SEC. 309. SENSE OF CONGRESS WITH RESPECT TO MULTI-**
16 **LEVEL SECURITY CLEARANCES.**

17 *It is the sense of Congress that the Director of National*
18 *Intelligence should promptly establish and oversee the im-*
19 *plementation of a multi-level security clearance system*
20 *across the intelligence community to leverage the cultural*
21 *and linguistic skills of subject matter experts and individ-*
22 *uals proficient in foreign languages critical to national se-*
23 *curity.*

1 **TITLE IV—CENTRAL**
2 **INTELLIGENCE AGENCY**

3 **SEC. 401. CLARIFICATION OF ROLE OF THE DIRECTOR OF**
4 **CENTRAL INTELLIGENCE AGENCY AS HEAD**
5 **OF HUMAN INTELLIGENCE COLLECTION.**

6 (a) *IN GENERAL.*—Subsection (d)(3) of section 104A
7 of the National Security Act of 1947 (50 U.S.C. 403–4a),
8 as added by section 1011(a) of the National Security Intel-
9 ligence Reform Act of 2004 (title I of Public Law 108–458;
10 118 Stat. 3643), is amended by striking “provide overall
11 direction” and all that follows through “elements of the in-
12 telligence community” and inserting “subject to subsection
13 (h), provide overall direction for and coordination of the
14 collection of human intelligence outside the United States
15 by any department, agency, or element of the United States
16 Government”.

17 (b) *CLARIFICATION OF ROLES OF DNI AND DCIA*
18 *WITH RESPECT TO HUMAN INTELLIGENCE COLLECTION.*—
19 Such section is further amended by adding at the end the
20 following new subsection:

21 “(h) *CLARIFICATION OF ROLES OF DNI AND DCIA*
22 *WITH RESPECT TO HUMAN INTELLIGENCE COLLECTION.*—
23 (1) *In carrying out subsection (d)(3), the Director of the*
24 *Central Intelligence Agency shall develop a process for the*
25 *coordination of the collection of human intelligence outside*

1 *of the United States. Such process shall be subject to the*
2 *approval of the Director of National Intelligence.*

3 “(2) *The Director of National Intelligence shall deter-*
4 *mine which human intelligence collection activities shall be*
5 *subject to the process developed under paragraph (1).”.*

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[Report No. 109-101]

A BILL

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