

## Union Calendar No. 38

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

# H. R. 754

**[Report No. 112-72]**

To authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

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

MAY 3, 2011

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 italics]

[For text of introduced bill, see copy of bill as introduced on February 17, 2011]

# **A BILL**

To authorize appropriations for fiscal year 2011 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 2011”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7 *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. Intelligence Community Management Account.*

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

*Sec. 201. Authorization of appropriations.*

**TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

*Sec. 301. Restriction on conduct of intelligence activities.*

*Sec. 302. Increase in employee compensation and benefits authorized by law.*

*Sec. 303. Non-reimbursable detail of other personnel.*

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

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

*Sec. 401. Schedule and requirements for the National Counterintelligence Strat-*  
*egy.*

*Sec. 402. Insider threat detection program.*

*Subtitle B—Other Elements*

*Sec. 411. Defense Intelligence Agency counterintelligence and expenditures.*

*Sec. 412. Accounts and transfer authority for appropriations and other amounts*  
*for the intelligence elements of the Department of Defense.*

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

1           (1) *CONGRESSIONAL INTELLIGENCE COMMIT-*  
2           *TEES.—The term “congressional intelligence commit-*  
3           *tees” means—*

4                   (A) *the Select Committee on Intelligence of*  
5                   *the Senate; and*

6                   (B) *the Permanent Select Committee on In-*  
7                   *telligence of the House of Representatives.*

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

12                   **TITLE I—BUDGET AND**  
13           **PERSONNEL AUTHORIZATIONS**

14   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

15           *Funds are hereby authorized to be appropriated for fis-*  
16           *cal year 2011 for the conduct of the intelligence and intel-*  
17           *ligence-related activities of the following elements of the*  
18           *United States Government:*

19                   (1) *The Office of the Director of National Intel-*  
20                   *ligence.*

21                   (2) *The Central Intelligence Agency.*

22                   (3) *The Department of Defense.*

23                   (4) *The Defense Intelligence Agency.*

24                   (5) *The National Security Agency.*

1           (6) *The Department of the Army, the Depart-*  
2           *ment of the Navy, and the Department of the Air*  
3           *Force.*

4           (7) *The Coast Guard.*

5           (8) *The Department of State.*

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

7           (10) *The Department of Energy.*

8           (11) *The Department of Justice.*

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

10          (13) *The Drug Enforcement Administration.*

11          (14) *The National Reconnaissance Office.*

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

14          (16) *The Department of Homeland Security.*

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

16          (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*  
17 *LEVELS.—The amounts authorized to be appropriated*  
18 *under section 101 and the authorized personnel levels (ex-*  
19 *pressed as full-time equivalent positions) as of September*  
20 *30, 2011, for the conduct of the intelligence activities of the*  
21 *elements listed in paragraphs (1) through (16) of section*  
22 *101, are those specified in the classified Schedule of Author-*  
23 *izations prepared to accompany the bill H.R. 754 of the*  
24 *One Hundred Twelfth Congress.*

1           (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*  
2 *THORIZATIONS.*—*The classified Schedule of Authorizations*  
3 *referred to in subsection (a) shall be made available to the*  
4 *Committee on Appropriations of the Senate, the Committee*  
5 *on Appropriations of the House of Representatives, and to*  
6 *the President. The President shall provide for suitable dis-*  
7 *tribution of the Schedule, or of appropriate portions of the*  
8 *Schedule, within the executive branch.*

9 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
10 **COUNT.**

11           (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
12 *authorized to be appropriated for the Intelligence Commu-*  
13 *nity Management Account of the Director of National Intel-*  
14 *ligence for fiscal year 2011 the sum of \$660,732,000. Within*  
15 *such amount, funds identified in the classified Schedule of*  
16 *Authorizations referred to in section 102(a) for advanced*  
17 *research and development shall remain available until Sep-*  
18 *tember 30, 2012.*

19           (b) *AUTHORIZED PERSONNEL LEVELS.*—*The elements*  
20 *within the Intelligence Community Management Account of*  
21 *the Director of National Intelligence are authorized 787*  
22 *full-time equivalent personnel as of September 30, 2011.*  
23 *Personnel serving in such elements may be permanent em-*  
24 *ployees of the Office of the Director of National Intelligence*

1 *or personnel detailed from other elements of the United*  
2 *States Government.*

3 *(c) CLASSIFIED AUTHORIZATIONS.—*

4 *(1) AUTHORIZATION OF APPROPRIATIONS.—In*  
5 *addition to amounts authorized to be appropriated*  
6 *for the Intelligence Community Management Account*  
7 *by subsection (a), there are authorized to be appro-*  
8 *priated for the Community Management Account for*  
9 *fiscal year 2011 such additional amounts as are spec-*  
10 *ified in the classified Schedule of Authorizations re-*  
11 *ferred to in section 102(a). Such additional amounts*  
12 *made available for advanced research and develop-*  
13 *ment shall remain available until September 30,*  
14 *2012.*

15 *(2) AUTHORIZATION OF PERSONNEL.—In addi-*  
16 *tion to the personnel authorized by subsection (b) for*  
17 *elements of the Intelligence Community Management*  
18 *Account as of September 30, 2011, there are author-*  
19 *ized such full-time equivalent personnel for the Com-*  
20 *munity Management Account as of that date as are*  
21 *specified in the classified Schedule of Authorizations*  
22 *referred to in section 102(a).*

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 2011 the sum of \$292,000,000.*

9 **TITLE III—GENERAL INTEL-**  
10 **LIGENCE COMMUNITY MAT-**  
11 **TERS**

12 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
13 **ACTIVITIES.**

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

18 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**  
19 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 303. NON-REIMBURSABLE DETAIL OF OTHER PER-**  
2 **SONNEL.**

3 (a) *IN GENERAL.*—Section 113A of the National Secu-  
4 rity Act of 1947 (50 U.S.C. 404h–1) is amended to read  
5 as follows:

6 “NON-REIMBURSABLE DETAIL OF OTHER PERSONNEL

7 “SEC. 113A. An officer or employee of the United  
8 States or member of the Armed Forces may be detailed to  
9 the staff of an element of the intelligence community funded  
10 through the National Intelligence Program from another  
11 element of the intelligence community or from another ele-  
12 ment of the United States Government on a non-reimburs-  
13 able basis, as jointly agreed to by the heads of the receiving  
14 and detailing elements, for a period not to exceed two years.  
15 This section does not limit any other source of authority  
16 for reimbursable or non-reimbursable details.”.

17 (b) *TABLE OF CONTENTS AMENDMENT.*—The table of  
18 contents in the first section of such Act is amended by strik-  
19 ing the item relating to section 113A and inserting the fol-  
20 lowing:

“Sec. 113A. Non-reimbursable detail of other personnel.”.

1 **TITLE IV—MATTERS RELATING**  
2 **TO ELEMENTS OF THE INTEL-**  
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director of**  
5 **National Intelligence**

6 **SEC. 401. SCHEDULE AND REQUIREMENTS FOR THE NA-**  
7 **TIONAL COUNTERINTELLIGENCE STRATEGY.**

8 *Section 904(d)(2) of the Counterintelligence Enhance-*  
9 *ment Act of 2002 (50 U.S.C. 402c(d)(2)) is amended—*

10 *(1) by striking “Subject” and inserting the fol-*  
11 *lowing:*

12 *“(A) REQUIREMENT TO PRODUCE.—Sub-*  
13 *ject”;*

14 *(2) by striking “on an annual basis”; and*

15 *(3) by adding at the end the following:*

16 *“(B) REVISION AND REQUIREMENT.—The*  
17 *National Counterintelligence Strategy shall be*  
18 *revised or updated at least once every three years*  
19 *and shall be aligned with the strategy and poli-*  
20 *cies of the Director of National Intelligence.”.*

21 **SEC. 402. INSIDER THREAT DETECTION PROGRAM.**

22 *(a) INITIAL OPERATING CAPABILITY.—Not later than*  
23 *October 1, 2012, the Director of National Intelligence shall*  
24 *establish an initial operating capability for an effective*  
25 *automated insider threat detection program for the infor-*

1 *mation resources in each element of the intelligence commu-*  
2 *nity in order to detect unauthorized access to, or use or*  
3 *transmission of, classified intelligence.*

4 (b) *FULL OPERATING CAPABILITY.*—Not later than  
5 *October 1, 2013, the Director of National Intelligence shall*  
6 *ensure the program described in subsection (a) has reached*  
7 *full operating capability.*

8 (c) *REPORT.*—Not later than *December 1, 2011, the*  
9 *Director of National Intelligence shall submit to the con-*  
10 *gressional intelligence committees a report on the resources*  
11 *required to implement the insider threat detection program*  
12 *referred to in subsection (a) and any other issues related*  
13 *to such implementation the Director considers appropriate*  
14 *to include in the report.*

15 (d) *INFORMATION RESOURCES DEFINED.*—In this sec-  
16 *tion, the term “information resources” means networks, sys-*  
17 *tems, workstations, servers, routers, applications, databases,*  
18 *websites, online collaboration environments, and any other*  
19 *information resources in an element of the intelligence com-*  
20 *munity designated by the Director of National Intelligence.*

## 21 ***Subtitle B—Other Elements***

### 22 ***SEC. 411. DEFENSE INTELLIGENCE AGENCY COUNTER-*** 23 ***INTELLIGENCE AND EXPENDITURES.***

24 *Section 105 of the National Security Act of 1947 (50*  
25 *U.S.C. 403–5) is amended—*

1           (1) *in subsection (b)(5), by inserting “and coun-*  
2           *terintelligence” after “human intelligence”;*

3           (2) *by redesignating subsection (c) as subsection*  
4           *(d); and*

5           (3) *by inserting after subsection (b) the fol-*  
6           *lowing:*

7           “*(c) EXPENDITURE OF FUNDS BY THE DEFENSE IN-*  
8           *TELLIGENCE AGENCY.—(1) Subject to paragraphs (2) and*  
9           *(3), the Director of the Defense Intelligence Agency may ex-*  
10           *pend amounts made available to the Director for human*  
11           *intelligence and counterintelligence activities for objects of*  
12           *a confidential, extraordinary, or emergency nature, without*  
13           *regard to the provisions of law or regulation relating to the*  
14           *expenditure of Government funds.*

15           “*(2) The Director of the Defense Intelligence Agency*  
16           *may not expend more than five percent of the amounts*  
17           *made available to the Director for human intelligence and*  
18           *counterintelligence activities for a fiscal year for objects of*  
19           *a confidential, extraordinary, or emergency nature in ac-*  
20           *cordance with paragraph (1) during such fiscal year un-*  
21           *less—*

22           “*(A) the Director notifies the congressional intel-*  
23           *ligence committees of the intent to expend the*  
24           *amounts; and*

1           “(B) 30 days have elapsed from the date on  
2           which the Director notifies the congressional intel-  
3           ligence committees in accordance with subparagraph  
4           (A).

5           “(3) For each expenditure referred to in paragraph  
6 (1), the Director shall certify that such expenditure was  
7 made for an object of a confidential, extraordinary, or emer-  
8 gency nature.

9           “(4) Not later than December 31 of each year, the Di-  
10 rector of the Defense Intelligence Agency shall submit to the  
11 congressional intelligence committees a report on any ex-  
12 penditures made during the preceding fiscal year in accord-  
13 ance with paragraph (1).”

14 **SEC. 412. ACCOUNTS AND TRANSFER AUTHORITY FOR AP-**  
15 **PROPRIATIONS AND OTHER AMOUNTS FOR**  
16 **THE INTELLIGENCE ELEMENTS OF THE DE-**  
17 **PARTMENT OF DEFENSE.**

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

21 **“§429. Appropriations for defense intelligence ele-**  
22 **ments: accounts for transfer; transfer**

23           “(a) *ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE*  
24 *INTELLIGENCE ELEMENTS.*—The Secretary of the Treasury  
25 shall establish one or more accounts for the receipt of appro-

1 *priations and other amounts transferred pursuant to sub-*  
2 *section (b).*

3       “(b) *TRANSFERS AUTHORIZED.—(1) There may be*  
4 *transferred to an account established pursuant to subsection*  
5 *(a) the following:*

6               “(A) *Appropriations transferred by the Secretary*  
7 *of Defense from appropriations of the Department of*  
8 *Defense available for intelligence, intelligence-related*  
9 *activities, and intelligence-related communications.*

10              “(B) *Appropriations and other amounts trans-*  
11 *ferred by the Director of National Intelligence from*  
12 *appropriations and other amounts available for the*  
13 *defense intelligence elements.*

14              “(C) *Amounts and reimbursements in connection*  
15 *with transactions authorized by law between the de-*  
16 *fense intelligence elements and other entities.*

17       “(2) *The transfer authority of the Secretary of Defense*  
18 *under paragraph (1)(A) is in addition to any other transfer*  
19 *authority available to the Secretary by law.*

20       “(c) *AVAILABILITY OF APPROPRIATIONS AND AMOUNTS*  
21 *TRANSFERRED.—(1) Appropriations transferred pursuant*  
22 *to subsection (b) shall remain available for the same time*  
23 *period, and shall be available for the same purposes, as the*  
24 *appropriations from which transferred.*

1       “(2) *Appropriation balances in an account established*  
2 *pursuant to subsection (a) may be transferred back to the*  
3 *account or accounts from which such balances originated*  
4 *as an appropriation refund.*

5       “(d) *DEFENSE INTELLIGENCE ELEMENTS DEFINED.—*  
6 *In this section, the term ‘defense intelligence elements’*  
7 *means the agencies, offices, and elements of the Department*  
8 *of Defense that are included within the elements of the intel-*  
9 *ligence community specified in or designated under section*  
10 *3(4) of the National Security Act of 1947 (50 U.S.C.*  
11 *401a(4)).”.*

12       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
13 *the beginning of subchapter I of chapter 21 of such title*  
14 *is amended by inserting after the item relating to section*  
15 *428 the following new item:*

*“429. Appropriations for defense intelligence elements: accounts for transfer; trans-*  
*fer.”.*

**Union Calendar No. 38**

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

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