

Calendar No. 56

112TH CONGRESS
1ST SESSION**H. R. 754**

IN THE SENATE OF THE UNITED STATES

MAY 16, 2011

Received

MAY 18, 2011

Read twice and placed on the calendar

AN ACT

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
5 “Intelligence 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.
- Sec. 304. Intelligence officer training program.

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 Strategy.
- Sec. 402. Insider threat detection program.
- Sec. 403. Inspector General report recruitment and retention of racial and ethnic minorities.
- Sec. 404. Report on potential consolidation of elements of the intelligence community.

Subtitle B—Other Elements

Sec. 411. Defense Intelligence Agency counterintelligence and expenditures.

TITLE V—OTHER MATTERS

Sec. 501. Sense of Congress regarding the priority of railway transportation security.

TITLE VI—HONORING THE MEMBERS OF THE INTELLIGENCE COMMUNITY FOR THEIR ROLE IN THE MISSION THAT KILLED OSAMA BIN LADEN ON MAY 1, 2011

Sec. 601. Honoring the members of the intelligence community for their role in the mission that killed Osama bin Laden on May 1, 2011.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-

4 TEES.—The term “congressional intelligence com-

5 mittees” means—

1 (A) the Select Committee on Intelligence of
2 the Senate; and

3 (B) the Permanent Select Committee on
4 Intelligence of the House of Representatives.

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

9 **TITLE I—BUDGET AND**
10 **PERSONNEL AUTHORIZATIONS**

11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2011 for the conduct of the intelligence and
14 intelligence-related activities of the following elements of
15 the United States Government:

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

18 (2) The Central Intelligence Agency.

19 (3) The Department of Defense.

20 (4) The Defense Intelligence Agency.

21 (5) The National Security Agency.

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

25 (7) The Coast Guard.

1 (8) The Department of State.

2 (9) The Department of the Treasury.

3 (10) The Department of Energy.

4 (11) The Department of Justice.

5 (12) The Federal Bureau of Investigation.

6 (13) The Drug Enforcement Administration.

7 (14) The National Reconnaissance Office.

8 (15) The National Geospatial-Intelligence
9 Agency.

10 (16) The Department of Homeland Security.

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

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

21 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
22 THORIZATIONS.—The classified Schedule of Authoriza-
23 tions referred to in subsection (a) shall be made available
24 to the Committee on Appropriations of the Senate, the
25 Committee on Appropriations of the House of Representa-

1 tives, and to the President. The President shall provide
2 for suitable distribution of the Schedule, or of appropriate
3 portions of the Schedule, within the executive branch.

4 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
5 **COUNT.**

6 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
7 authorized to be appropriated for the Intelligence Commu-
8 nity Management Account of the Director of National In-
9 telligence for fiscal year 2011 the sum of \$660,732,000.
10 Within such amount, funds identified in the classified
11 Schedule of Authorizations referred to in section 102(a)
12 for advanced research and development shall remain avail-
13 able until September 30, 2012.

14 (b) **AUTHORIZED PERSONNEL LEVELS.**—The ele-
15 ments within the Intelligence Community Management
16 Account of the Director of National Intelligence are au-
17 thorized 787 full-time equivalent personnel as of Sep-
18 tember 30, 2011. Personnel serving in such elements may
19 be permanent employees of the Office of the Director of
20 National Intelligence or personnel detailed from other ele-
21 ments of the United States Government.

22 (c) **CLASSIFIED AUTHORIZATIONS.**—

23 (1) **AUTHORIZATION OF APPROPRIATIONS.**—In
24 addition to amounts authorized to be appropriated
25 for the Intelligence Community Management Ac-

1 count by subsection (a), there are authorized to be
2 appropriated for the Community Management Ac-
3 count for fiscal year 2011 such additional amounts
4 as are specified in the classified Schedule of Author-
5 izations referred to in section 102(a). Such addi-
6 tional amounts made available for advanced research
7 and development shall remain available until Sep-
8 tember 30, 2012.

9 (2) AUTHORIZATION OF PERSONNEL.—In addi-
10 tion to the personnel authorized by subsection (b)
11 for elements of the Intelligence Community Manage-
12 ment Account as of September 30, 2011, there are
13 authorized such full-time equivalent personnel for
14 the Community Management Account as of that
15 date as are specified in the classified Schedule of
16 Authorizations referred to in section 102(a).

17 **TITLE II—CENTRAL INTEL-**
18 **LIGENCE AGENCY RETIRE-**
19 **MENT AND DISABILITY SYS-**
20 **TEM**

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated for the Cen-
23 tral Intelligence Agency Retirement and Disability Fund
24 for fiscal year 2011 the sum of \$292,000,000.

1 **TITLE III—GENERAL INTEL-**
2 **LIGENCE COMMUNITY MAT-**
3 **TERS**

4 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
5 **ACTIVITIES.**

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

10 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
11 **BENEFITS AUTHORIZED BY LAW.**

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

17 **SEC. 303. NON-REIMBURSABLE DETAIL OF OTHER PER-**
18 **SONNEL.**

19 (a) IN GENERAL.—Section 113A of the National Se-
20 curity Act of 1947 (50 U.S.C. 404h–1) is amended to read
21 as follows:

22 “NON-REIMBURSABLE DETAIL OF OTHER PERSONNEL

23 “SEC. 113A. An officer or employee of the United
24 States or member of the Armed Forces may be detailed
25 to the staff of an element of the intelligence community

1 funded through the National Intelligence Program from
2 another element of the intelligence community or from an-
3 other element of the United States Government on a non-
4 reimbursable basis, as jointly agreed to by the heads of
5 the receiving and detailing elements, for a period not to
6 exceed two years. This section does not limit any other
7 source of authority for reimbursable or non-reimbursable
8 details.”.

9 (b) TABLE OF CONTENTS AMENDMENT.—The table
10 of contents in the first section of such Act is amended
11 by striking the item relating to section 113A and inserting
12 the following:

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

13 **SEC. 304. INTELLIGENCE OFFICER TRAINING PROGRAM.**

14 Section 1024 of the National Security Act of 1947
15 (50 U.S.C. 441p) is amended—

16 (1) in subsection (a)(1), by striking “subsection
17 (b)” and inserting “subsections (b) and (c)”;

18 (2) by redesignating subsections (e) through (f)
19 as subsections (d) through (g), respectively;

20 (3) by inserting after subsection (b), the fol-
21 lowing:

22 “(c) GRANT PROGRAM FOR HISTORICALLY BLACK
23 COLLEGES AND UNIVERSITIES.—(1) The Director may
24 provide grants to historically black colleges and univer-
25 sities to provide programs of study in educational dis-

1 ciplines identified under subsection (a)(2) or described in
2 paragraph (2).

3 “(2) A grant provided under paragraph (1) may be
4 used to provide programs of study in the following edu-
5 cational disciplines:

6 “(A) Intermediate and advanced foreign lan-
7 guages deemed in the immediate interest of the in-
8 telligence community, including Farsi, Pashto, Mid-
9 dle Eastern, African, and South Asian dialects.

10 “(B) Study abroad programs and cultural im-
11 mersion programs.”; and

12 (4) in paragraph (g) (as so redesignated)—

13 (A) by redesignating paragraph (2) as
14 paragraph (3);

15 (B) by inserting after paragraph (1), the
16 following:

17 “(2) HISTORICALLY BLACK COLLEGE AND UNI-
18 VERSITY.—The term ‘historically black college and
19 university’ has the meaning given the term ‘part B
20 institution’ in section 322 of the Higher Education
21 Act of 1965 (20 U.S.C. 1061).”; and

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

23 “(4) STUDY ABROAD PROGRAM.—The term
24 ‘study abroad program’ means a program of study
25 that—

1 “(A) takes places outside the geographical
2 boundaries of the United States;

3 “(B) focuses on areas of the world that are
4 critical to the national security interests of the
5 United States and are generally underrep-
6 resented in study abroad programs at institu-
7 tions of higher education, including Africa,
8 Asia, Central and Eastern Europe, Eurasia,
9 Latin America, and the Middle East; and

10 “(C) is a credit or noncredit program.”.

11 **TITLE IV—MATTERS RELATING**
12 **TO ELEMENTS OF THE INTEL-**
13 **LIGENCE COMMUNITY**
14 **Subtitle A—Office of the Director**
15 **of National Intelligence**

16 **SEC. 401. SCHEDULE AND REQUIREMENTS FOR THE NA-**
17 **TIONAL COUNTERINTELLIGENCE STRATEGY.**

18 Section 904(d)(2) of the Counterintelligence En-
19 hancement Act of 2002 (50 U.S.C. 402c(d)(2)) is amend-
20 ed—

21 (1) by striking “Subject” and inserting the fol-
22 lowing:

23 “(A) REQUIREMENT TO PRODUCE.—Sub-
24 ject”;

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

1 (3) by adding at the end the following:

2 “(B) REVISION AND REQUIREMENT.—The
3 National Counterintelligence Strategy shall be
4 revised or updated at least once every three
5 years and shall be aligned with the strategy and
6 policies of the Director of National Intel-
7 ligence.”.

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

9 (a) INITIAL OPERATING CAPABILITY.—Not later
10 than October 1, 2012, the Director of National Intel-
11 ligence shall establish an initial operating capability for
12 an effective automated insider threat detection program
13 for the information resources in each element of the intel-
14 ligence community in order to detect unauthorized access
15 to, or use or transmission of, classified intelligence.

16 (b) FULL OPERATING CAPABILITY.—Not later than
17 October 1, 2013, the Director of National Intelligence
18 shall ensure the program described in subsection (a) has
19 reached full operating capability.

20 (c) REPORT.—Not later than December 1, 2011, the
21 Director of National Intelligence shall submit to the con-
22 gressional intelligence committees a report on the re-
23 sources required to implement the insider threat detection
24 program referred to in subsection (a) and any other issues

1 related to such implementation the Director considers ap-
2 propriate to include in the report.

3 (d) INFORMATION RESOURCES DEFINED.—In this
4 section, the term “information resources” means net-
5 works, systems, workstations, servers, routers, applica-
6 tions, databases, websites, online collaboration environ-
7 ments, and any other information resources in an element
8 of the intelligence community designated by the Director
9 of National Intelligence.

10 **SEC. 403. INSPECTOR GENERAL REPORT RECRUITMENT**
11 **AND RETENTION OF RACIAL AND ETHNIC MI-**
12 **NORITIES.**

13 (a) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Inspector General of the
15 Intelligence Community shall submit to Congress a report
16 on the degree to which racial and ethnic minorities in the
17 United States are employed in professional positions in the
18 intelligence community and barriers to the recruitment
19 and retention of additional racial and ethnic minorities in
20 such positions.

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

1 **SEC. 404. REPORT ON POTENTIAL CONSOLIDATION OF ELE-**
2 **MENTS OF THE INTELLIGENCE COMMUNITY.**

3 Not later than December 31, 2011, the Director of
4 National Intelligence shall submit to congress a report
5 containing any recommendations the Director considers
6 appropriate for consolidating elements of the intelligence
7 community.

8 **Subtitle B—Other Elements**

9 **SEC. 411. DEFENSE INTELLIGENCE AGENCY COUNTER-**
10 **INTELLIGENCE AND EXPENDITURES.**

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

13 (1) in subsection (b)(5), by inserting “and
14 counterintelligence” after “human intelligence”;

15 (2) by redesignating subsection (c) as sub-
16 section (d); and

17 (3) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) EXPENDITURE OF FUNDS BY THE DEFENSE IN-
20 TELLIGENCE AGENCY.—(1) Subject to paragraphs (2)
21 and (3), the Director of the Defense Intelligence Agency
22 may expend amounts made available to the Director under
23 the National Intelligence Program for human intelligence
24 and counterintelligence activities for objects of a confiden-
25 tial, extraordinary, or emergency nature, without regard

1 to the provisions of law or regulation relating to the ex-
2 penditure of Government funds.

3 “(2) The Director of the Defense Intelligence Agency
4 may not expend more than five percent of the amounts
5 made available to the Director under the National Intel-
6 ligence Program for human intelligence and counterintel-
7 ligence activities for a fiscal year for objects of a confiden-
8 tial, extraordinary, or emergency nature in accordance
9 with paragraph (1) during such fiscal year unless—

10 “(A) the Director notifies the congressional in-
11 telligence committees of the intent to expend the
12 amounts; and

13 “(B) 30 days have elapsed from the date on
14 which the Director notifies the congressional intel-
15 ligence committees in accordance with subparagraph
16 (A).

17 “(3) For each expenditure referred to in paragraph
18 (1), the Director shall certify that such expenditure was
19 made for an object of a confidential, extraordinary, or
20 emergency nature.

21 “(4) Not later than December 31 of each year, the
22 Director of the Defense Intelligence Agency shall submit
23 to the congressional intelligence committees a report on
24 any expenditures made during the preceding fiscal year
25 in accordance with paragraph (1).”

1 **TITLE V—OTHER MATTERS**

2 **SEC. 501. SENSE OF CONGRESS REGARDING THE PRIORITY**
3 **OF RAILWAY TRANSPORTATION SECURITY.**

4 It is the sense of Congress that—

5 (1) railway transportation (including subway
6 transit) should be prioritized in the development of
7 transportation security plans by the intelligence
8 community; and

9 (2) railway transportation security (including
10 subway transit security) should be included in trans-
11 portation security budgets of the intelligence com-
12 munity.

13 **TITLE VI—HONORING THE MEM-**
14 **BERS OF THE INTELLIGENCE**
15 **COMMUNITY FOR THEIR**
16 **ROLE IN THE MISSION THAT**
17 **KILLED OSAMA BIN LADEN**
18 **ON MAY 1, 2011**

19 **SEC. 601. HONORING THE MEMBERS OF THE INTEL-**
20 **LIGENCE COMMUNITY FOR THEIR ROLE IN**
21 **THE MISSION THAT KILLED OSAMA BIN**
22 **LADEN ON MAY 1, 2011.**

23 Congress—

24 (1) commends the men and women of the intel-
25 ligence community for the tremendous commitment,

1 perseverance, professionalism, and sacrifice they dis-
2 played in bringing Osama bin Laden to justice;

3 (2) commends the men and women of the intel-
4 ligence community for committing themselves to de-
5 feating, disrupting, and dismantling al Qaeda; and

6 (3) reaffirms its commitment to using the capa-
7 bilities and skills of the intelligence community to—

8 (A) disrupt, dismantle, and defeat al
9 Qaeda and affiliated organizations around the
10 world that threaten the national security of the
11 United States;

12 (B) eliminate safe havens for terrorists in
13 Afghanistan and Pakistan; and

14 (C) bring terrorists to justice.

Passed the House of Representatives May 13, 2011.

Attest: KAREN L. HAAS,
Clerk.

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112TH CONGRESS
1ST Session
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AN ACT

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.

MAY 18, 2011

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