

S 1803

Intelligence Authorization Act for Fiscal Year 2006

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

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Sponsor

Name: Sen. Roberts, Pat [R-KS]

Party: Republican • **State:** KS • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported By	Oct 27, 2005
Homeland Security and Governmental Affairs Committee	Senate	Discharged From	Nov 17, 2005
Intelligence (Select) Committee	Senate	Reported Original Measure	Sep 30, 2005

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
109 HR 2475	Related bill	Jun 22, 2005: Received in the Senate and Read twice and referred to the Select Committee on Intelligence.

Intelligence Authorization Act for Fiscal Year 2006 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes appropriations for FY2006 for the conduct of intelligence and intelligence-related activities of the: (1) Office of the Director of National Intelligence (DNI); (2) Central Intelligence Agency (CIA); (3) Department of Defense (DOD); (4) Defense Intelligence Agency (DIA); (5) National Security Agency (NSA); (6) Departments of the Army, Navy, and Air Force; (7) Departments of State, the Treasury, Energy, and Justice; (8) Federal Bureau of Investigation (FBI); (9) National Reconnaissance Office (NRO); (10) National Geospatial-Intelligence Agency (NGIA); (11) Coast Guard; and (12) Department of Homeland Security.

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2006, for such activities are those specified in the classified Schedule of Authorizations, which shall be made available to the Senate and House Appropriations Committees and the President.

(Sec. 104) Allows the DNI, with the approval of the Director of the Office of Management and Budget (OMB), to authorize employment of civilian personnel in excess of the number authorized for FY2006 (by not more than two percent) when necessary to the performance of important intelligence functions. Requires notification of the congressional intelligence committees.

(Sec. 105) Authorizes appropriations for the Intelligence Community Management Account of the DNI for FY2006 as well as for full-time personnel for elements within such Account. Earmarks a specified amount of such funds for the National Drug Intelligence Center.

(Sec. 106) Incorporates into this Act each requirement to submit a report to the intelligence committees that is included in the joint explanatory statement to accompany the conference report on this bill, or in the classified annex to this Act.

(Sec. 107) Amends the National Security Act of 1947 to require elements of the intelligence community (IC) to respond within 15 days to a request of the intelligence committees for any intelligence documents or information authorized to be requested by such committees. Provides an exception if the President certifies that a document or other information is not being provided because the President is asserting a privilege pursuant to the Constitution.

Title II: Central Intelligence Agency Retirement and Disability System - (Sec. 201) Authorizes appropriations for FY2006 for the Central Intelligence Agency Retirement and Disability Fund.

Title III: Intelligence and General Intelligence Community Matters - (Sec. 301) Permits authorizations appropriated by this Act for salary, pay, retirement, and other benefits for federal employees to be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

(Sec. 302) Specifies that 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 laws of the United States.

(Sec. 304) Authorizes the DNI to delegate the authority to authorize travel of intelligence collection personnel on common carriers when consistent with IC mission requirements to the head of any other IC element. (Currently, the DNI may delegate such authority only to the Principal Deputy DNI or CIA Director.)

(Sec. 306) Authorizes the head of an IC element to retain amounts paid or reimbursed to the United States, including amounts paid by a federal employee from personal funds, for repayment of a debt owed to that IC element. Provides for

the crediting of amounts retained.

(Sec. 307) Establishes a pilot program for the sharing of information (as an exception to the Privacy Act) between IC elements when the information is relevant to a lawful and authorized foreign intelligence or counterintelligence activity. Permits the head of an IC element to request in writing from another government agency with similar responsibilities records relevant to a lawful and authorized activity of the IC element to protect against international terrorism or the proliferation of weapons of mass destruction. Authorizes the heads of non-IC agencies to share records with an IC element if the record constitutes terrorism information or information concerning the proliferation of weapons of mass destruction, if the receiving IC element is lawfully authorized to collect or analyze the information in order to protect against international terrorism or the proliferation of weapons of mass destruction. Allows a non-IC agency head to consult with the DNI or Attorney General when determining whether a record constitutes terrorism information before so sharing. Requires annual reports from the DNI and Attorney General, through 2008, on the implementation of the pilot program, and a final report no later than six months before the date of pilot program termination (December 31, 2007).

(Sec. 308) Provides to the heads of IC elements the same exemption currently granted to the DNI and CIA Director with respect to the public reporting of information concerning the receipt and disposition of foreign gifts and decorations when such element head determines and certifies in writing to the Secretary of State that the publication of such information could adversely affect U.S. intelligence sources or methods.

(Sec. 309) Allows funds currently available to the Office of the DNI or the CIA for travel and transportation expenses to be so available when any part of the travel or transportation begins in a fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

Title IV: Matters Relating to Elements of the Intelligence Community - Subtitle A: Office of the Director of National Intelligence - (Sec. 401) Amends the National Security Act of 1947 to provide the DNI statutory authority to use National Intelligence Program funds to address deficiencies or needs in intelligence information access or sharing capabilities.

(Sec. 402) Allows the DNI to delegate to any Deputy Director of National Intelligence or the Chief Information Officer of the Intelligence Community the authority to protect intelligence sources and methods from unauthorized disclosure.

(Sec. 403) Authorizes the DNI to ensure the dissemination of intelligence information collected through human sources to appropriately cleared analysts or other intelligence officers throughout the IC.

(Sec. 404) Allows the DNI to authorize the use of interagency funding for: (1) national intelligence centers established by the DNI; and (2) boards, commissions, councils, committees, and similar groups established by the DNI. Allows any federal department or agency, or any IC element, to fund or participate in the funding of such activities.

(Sec. 406) Directs the DNI's Science and Technology Committee to identify basic, advanced, and applied research programs to be carried out by IC elements. Provides additional duties of and goals for the DNI's Director of Science and Technology with regard to IC technology needs. Requires the DNI to report to Congress a strategy for the development and use of technology in the IC through 2021.

(Sec. 407) Renames the DNI's Chief Information Officer as the Chief Information Officer of the Intelligence Community. Requires such Officer to be appointed by the DNI (currently appointed by the President, by and with the advice and consent of the Senate).

(Sec. 408) Codifies under the National Security Act of 1947 the authority of the DNI to establish an Office of the Inspector General of the Intelligence Community. Outlines required duties. Requires annual Inspector General reports to the DNI summarizing Office activities. Repeals superseded authority under the Inspector General Act of 1978.

(Sec. 409) Designates as the head of the National Counter Proliferation Center the Director of the National Counter Proliferation Center, who shall be appointed by the DNI. Locates such Center within the Office of the DNI.

(Sec. 410) Exempts from search, review, publication, or disclosure under provisions of the Freedom of Information Act operational files in the Office of the DNI that were provided by IC elements. Provides exemption exceptions.

(Sec. 411) Amends the Intelligence Authorization Act for Fiscal Year 1984 to revise eligibility requirements for incentive awards for personnel assigned to the Office of the DNI in order to incorporate changes made under the Intelligence Reform Act.

(Sec. 412) Amends the Counterintelligence Enhancement Act of 2002 to repeal certain authorities relating to the Office of the National Counterintelligence Executive when the head of such Office was under the direction and control of the President (now under the direction and control of the DNI).

(Sec. 413) Makes provisions of the Federal Advisory Committee Act inapplicable to advisory bodies of the Office of the DNI.

(Sec. 414) Replaces the CIA Director with the DNI on the membership of the Transportation Security Oversight Board.

(Sec. 415) States that the DNI shall not be required to submit an audited financial statement with respect to FY2005-FY2007. Expresses the sense of the Senate that the DNI should make every effort to comply with federal financial statement requirements at the earliest possible date.

(Sec. 416) Authorizes the DNI to prescribe regulations to exempt any system of records within the Office of the DNI from certain Privacy Act requirements.

(Sec. 417) Exempts, during FY2005-FY2006, permanent positions within the National Counterterrorism Center from application of limitations to personnel within the Office of the DNI under the Intelligence Reform Act.

Subtitle B: Central Intelligence Agency - (Sec. 421) Establishes the position of Deputy Director of the Central Intelligence Agency, appointed by the President. Outlines Deputy Director duties. Requires the DNI to recommend to the President a nominee to fill any vacancy in such position. States that the commissioned officer currently performing the duties of the Deputy Director shall neither, after the enactment of this Act, be subject to the supervision or control of the Secretary of Defense or DOD nor exercise any supervision or control of DOD personnel.

(Sec. 422) Specifies as one of the duties of the CIA Director to protect CIA intelligence sources and methods from unauthorized disclosure, consistent with any direction issued by the President or DNI.

(Sec. 423) Authorizes the CIA Director to waive CIA officer or employee foreign language proficiency requirements when such Director determines that such requirement is not necessary for the successful performance of required duties. Provides exceptions.

(Sec. 425) Amends the Central Intelligence Agency Act of 1949 to authorized CIA protective detail personnel to make arrests without a warrant: (1) for any offense against the United States; or (2) when having reasonable cause to believe

that the person to be arrested has committed or is committing a felony (but not lesser offenses). Authorizes the CIA Director to make such personnel available to the DNI.

Subtitle C: Defense Intelligence Components - (Sec. 431) Amends the Intelligence Authorization Act for Fiscal Year 1995 to require defense intelligence personnel, when making an intelligence assessment contact within the United States, to give notice of their governmental affiliation to potential sources who are U.S. persons, unless the DIA Director or designee determines that: (1) foreign intelligence, counterintelligence, security, or other operational concerns require that such notice not be given; and (2) such assessment contact is undertaken to determine whether such U.S. person possesses foreign intelligence information and is credible or suitable as a source. Requires the DNI to examine the legal and regulatory requirements applicable to assessment contacts and determine whether they should be modified to ensure appropriate protections to U.S. persons.

(Sec. 432) Authorizes the NSA to recoup educational costs expended for the benefit of employees who are terminated for failure to maintain an appropriate level of academic standing.

(Sec. 433) Authorizes the NSA Director to designate Agency personnel to perform protective functions for the Director and for any Agency personnel designated by the Director. Authorizes such protective personnel to make arrests without a warrant: (1) for any offense against the United States; or (2) when having reasonable cause to believe that the person to be arrested has committed or is committing a felony.

(Sec. 434) Authorizes the DIA Director to exempt certain operational files of the DIA from search, review, publication, or disclosure requirements of the Freedom of Information Act. Provides exceptions. Allows judicial review of an allegation of the improper withholding of records. Requires the DIA Director and the DNI, at least every ten years, to review the exemptions in effect to determine whether any exemptions may be removed from any category of exempted files, requiring such review to consider the historical value or other public interest in the subject matter of such files.

(Sec. 435) Amends the Inspector General Act of 1978 to require the head of the NRO, DIA, NSA, and NGIA to appoint an independent inspector general for each such agency (thus giving such inspectors general the same information-gathering power and independence as is currently held by inspectors general of other federal agencies). Allows the DNI or the Secretary of Defense to prohibit the inspector general of an IC element from initiating, carrying out, or completing any audit or investigation if such Director or Secretary determines that the prohibition is necessary to protect vital U.S. national security interests. Requires notification of such determination to the defense and intelligence committees.

(Sec. 436) Requires the Directors of the NSA, NGIA, and NRO to be appointed by the President, by and with the advice and consent of the Senate. Authorizes the President to designate any of the positions of Director of the NSA, NGIA, or NRO as positions of importance and responsibility.

(Sec. 437) Authorizes the DNI or Secretary of Defense, or NGIA Director upon the delegation of either such official, to utilize with respect to NGIA personnel any security clearance authority currently available to the DNI, Secretary of Defense, or NSA Director. Terminates such authority on December 31, 2007.

(Sec. 438) Expresses the sense of Congress: (1) to strongly support development and integration of the phased array radar technology and ship in the COBRA JUDY replacement program (foreign threat monitoring and determinations for ballistic missile attack defense systems); and (2) that the Secretary and DNI should continue, in future-years defense budgets, to provide funding for such program in order to support U.S. national defense requirements.

Subtitle D: Other Elements - (Sec. 441) Designates as one of the assistant attorney generals authorized for the

Department of Justice (DOJ) under current law an Assistant Attorney General for National Security, to serve as the head of the National Security Division of DOJ and act as the primary DOJ liaison to the DNI. Requires the DNI to concur in the appointment of an individual to such position. Authorizes such Assistant Attorney General to act for the U.S. Attorney General under provisions of the Foreign Intelligence Surveillance Act of 1978.

Establishes within DOJ a National Security Division consisting of DOJ elements engaged primarily in support of intelligence and intelligence-related activities of the U.S. Government. Provides funding for the Assistant Attorney General and the Division. Outlines procedures for the confirmation of the Assistant Attorney General.

(Sec. 442) Authorizes the FBI Director to pay a cash award of up to five percent of basic pay to any FBI employee who uses or maintains foreign language skills in support of FBI analyses, investigations, or operations to protect against international terrorism or clandestine intelligence activities.

(Sec. 443) Amends the State Department Basic Authorities Act of 1956 to authorize the Secretary of State to enter into contracts for the provision of services in support of the mission of the Bureau of Intelligence and Research of the State Department if the Secretary determines that: (1) the services to be procured are urgent or unique; and (2) it would not be practicable to obtain such services by other means.

(Sec. 444) Includes appropriate elements of the Coast Guard within the definition of "intelligence community."

Title V: Other Amendments - Makes technical amendments to various Acts and federal provisions.

Actions Timeline

- **Nov 16, 2005:** Senate Committee on Homeland Security and Governmental Affairs discharged pursuant to the order of November 1, 2005.
- **Nov 16, 2005:** Senate Committee on Homeland Security and Governmental Affairs discharged pursuant to the order of November 1, 2005.
- **Nov 16, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 293.
- **Nov 1, 2005:** Referred to the Committee on Homeland Security and Governmental Affairs pursuant to section 3(b) of S.Res. 400, 94th Congress, as amended by S.Res. 445, 108th Congress, for a period not to exceed 10 days of session. (Links to left are automatically generated and lead to unrelated resolutions in the 109th Congress. Here is information about the [94th](http://thomas.loc.gov/cgi-bin/bdquery/z?d094:SE00400:@@L) Congress resolution and the text of the [108th](http://thomas.loc.gov/cgi-bin/query/z?c108:sres445) Congress resolution.)
- **Oct 27, 2005:** Committee on Armed Services. Ordered to be reported with amendments favorably.
- **Oct 27, 2005:** Committee on Armed Services. Reported by Senator Warner with amendments. With written report No. 109-173.
- **Oct 27, 2005:** Committee on Armed Services. Reported by Senator Warner with amendments. With written report No. 109-173.
- **Oct 27, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 275.
- **Sep 29, 2005:** Introduced in Senate
- **Sep 29, 2005:** Committee on Intelligence ordered to be reported an original measure.
- **Sep 29, 2005:** Committee on Intelligence. Original measure reported to Senate by Senator Roberts. With written report No. 109-142. Additional views filed.
- **Sep 29, 2005:** Committee on Intelligence. Original measure reported to Senate by Senator Roberts. With written report No. 109-142. Additional views filed.
- **Sep 29, 2005:** Referred to the Committee on Armed Services pursuant to Section 3(b) of S.Res. 400, 94th Congress, as amended by S.Res. 445, 108th Congress, for a period not to exceed 10 days of session. (Links to left are automatically generated and lead to unrelated resolutions in the 109th Congress. Here is information about the [94th](http://thomas.loc.gov/cgi-bin/bdquery/z?d094:SE00400:@@L) Congress resolution and the text of the [108th](http://thomas.loc.gov/cgi-bin/query/z?c108:sres445) Congress resolution.)