

S 3237

Intelligence Authorization Act for Fiscal Year 2007

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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	Jun 21, 2006
Intelligence (Select) Committee	Senate	Reported Original Measure	May 26, 2006

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
109 HR 5020	Related bill	May 1, 2006: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 418.

Intelligence Authorization Act for Fiscal Year 2007 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes appropriations for FY2007 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; (12) Department of Homeland Security; and (13) Drug Enforcement Administration (DEA).

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2007, 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 FY2007 (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 FY2007, as well as for full-time personnel for elements within such Account.

(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) Directs the: (1) President to disclose to the public for each fiscal year after 2007 the appropriations requested for the National Intelligence Program; and (2) Congress to disclose to the public for each fiscal year after 2006 the amount of funds authorized and appropriated for such Program. Requires the DNI to study and report to Congress on the advisability of disclosing amounts authorized and appropriated for each element of the intelligence community (IC).

(Sec. 108) Amends the National Security Act of 1947 to require the DNI, Director of the National Counterterrorism Center, director of a national intelligence center, or head of any other IC element, within 15 days after receiving a request for intelligence information from the intelligence committees or any other committees with appropriate jurisdiction, to make available to such committees the requested information. Requires the same response, within the same time period, with respect to requests from the Chairman, Vice Chairman, or Ranking Member of the intelligence committees. Requires the requested information to be provided unless the President is asserting a privilege pursuant to the Constitution.

Title II: Central Intelligence Agency Retirement and Disability System - (Sec. 201) Authorizes appropriations for FY2007 for the Central Intelligence Agency Retirement and Disability Fund.

Title III: Intelligence and General Intelligence Community Matters - (Sec. 301) Permits appropriations authorized 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) Requires each member of the intelligence committees (currently, only the committees themselves) to receive notification of intelligence activities of the U.S. government. Requires the DNI, if such individual notification is not given, to notify the individual members of such determination, along with the reasons therefor. Revises the form and content of intelligence reports and notices concerning covert actions taken, with the same requirement of the DNI if individual notification is not provided.

(Sec. 305) Authorizes the DNI to delegate to senior IC officials specified by the DNI the authority to authorize travel of intelligence collection personnel on common carriers when consistent with IC mission requirements.

(Sec. 307) Requires the intelligence committees to be fully and currently informed of any intelligence or intelligence-related activity, including a covert activity.

(Sec. 308) Increases the maximum terms of imprisonment for the disclosure of agent information after access to either agent identifying information or classified information.

(Sec. 309) 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. 310) Authorizes 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. 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. Allows a non-agency head, before sharing such information, to consult with the DNI or Attorney General (AG) when determining whether a record constitutes terrorism or proliferation information. Outlines information request recordkeeping and access requirements for IC elements. Requires annual reports from the DNI and AG to specified congressional committees on the administration of this section. Directs the Privacy and Civil Liberties Oversight Board to review the administration of this section, and to report review results to specified congressional committees. Requires the DNI and AG to prescribe guidelines governing the implementation and exercise of authorities provided under this section.

(Sec. 311) Extends to IC elements current federal authority to delete from federal gift listing requirements (the listing of gifts received as part of federal employment) information concerning the receipt and disposition of foreign gifts and decorations, if the IC element head certifies to the Secretary of State that publication of such information could adversely affect U.S. intelligence sources or methods.

(Sec. 312) 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.

(Sec. 313) Requires a report from the DNI to the intelligence committees on measures taken by the DNI and each IC element to comply with provisions of the Detainee Treatment Act of 2005.

(Sec. 314) Directs the President to ensure that the government continues to comply with the authorization, notification, and reporting requirements of title V of the National Security Act of 1947 (concerning accountability for intelligence activities). Requires a report from the DNI to the intelligence committees on any clandestine prison or detention facilities currently or formerly operated by the government, regardless of location, where detainees in the global war on terrorism are or were being held.

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 authorize the DNI, using National Intelligence Program funds, to: (1) direct the development, deployment, and utilization of systems related to the collection, processing, analysis, and dissemination of intelligence information; and (2) transfer funds to address critical gaps in intelligence information sharing or access 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 access to intelligence information collected through human sources for appropriately cleared analysts or other intelligence officers throughout the IC.

(Sec. 404) Allows the DNI to authorize the use of interagency financing for the following entities established by the DNI: (1) national intelligence centers; and (2) boards, commissions, councils, committees, and similar groups. 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 semiannual Inspector General reports to the DNI summarizing Office activities. Requires an immediate report from the Inspector General to the DNI whenever the Inspector General becomes aware of serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the IC or in relationships between IC elements. 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) Establishes within the Office of the DNI a National Space Intelligence Center, to be directed by the National Intelligence Officer for Science and Technology. Outlines Center duties, including coordinating and providing policy direction for the management of space-related assets and fields relating to space intelligence. Requires a report from the Center Director to the intelligence committees on Center organizational structure.

(Sec. 411) Exempts from search, review, publication, and disclosure requirements of the Freedom of Information Act operational files in the Office of the DNI that were provided by IC elements. Provides exemption exceptions.

(Sec. 412) 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. 413) 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. 414) Makes provisions of the Federal Advisory Committee Act inapplicable to advisory bodies of the Office of the DNI.

(Sec. 415) Replaces the CIA Director with the DNI on the membership of the Transportation Security Oversight Board.

(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.

Subtitle B: Central Intelligence Agency - (Sec. 421) Establishes the position of Deputy Director of the Central Intelligence Agency, who shall be 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 nor exercise any supervision or control over 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) Provides an additional exception to CIA foreign language proficiency requirements for persons serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of such Service. Requires the CIA Director to submit to Congress a list of individuals whose positions were so excepted.

(Sec. 424) Amends the Central Intelligence Agency Act of 1949 to authorize CIA protective detail personnel to make arrests without a warrant: (1) for any offense against the United States committed in their presence; 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.

(Sec. 425) Requires a report from the DNI to Congress on the advisability of providing federal retirement benefits to U.S. citizens for their service as employees of Air America or an associated company while such company was owned or controlled by the U.S. government and operated or managed by the CIA.

Subtitle C: Defense Intelligence Components - (Sec. 431) Amends the National Security Agency Act of 1959 to authorize 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. 432) Authorizes the NSA Director to designate NSA personnel to perform protective functions for the Director and any NSA personnel designated by the Director. Authorizes such protective personnel to make arrests without a warrant: (1) for any offense against the United States committed in their presence; or (2) when having reasonable cause to believe that the person to be arrested has committed or is committing a felony.

(Sec. 433) 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 their 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 the DNI 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. 434) 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.

(Sec. 435) Requires the NGIA, as directed by the DNI, to analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

(Sec. 436) Directs the Secretary of Defense, during the period beginning on the date of enactment of this Act and ending on December 31, 2007, to delegate to the NGIA Director personnel security authority identical to the authority held by the NSA Director over NSA personnel.

Subtitle D: Other Elements - (Sec. 441) 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. 442) 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. 443) Includes appropriate elements of the Coast Guard and DEA within the definition of "intelligence community."

Title V: Other Matters - (Sec. 501) Makes technical and/or clarifying amendments to the National Security Act of 1947, provisions relating to the Intelligence Reform and Terrorism Prevention Act of 2004, the Central Intelligence Agency Act of 1949, provisions relating to the Multiyear National Intelligence Program, provisions relating to pay levels of certain intelligence officials, and provisions relating to the redesignation of the National Geospatial-Intelligence Agency.

Actions Timeline

- **Jun 21, 2006:** Committee on Armed Services. Ordered to be reported without amendment favorably.
- **Jun 21, 2006:** Committee on Armed Services. Reported by Senator Warner without amendment. With written report No. 109-265.
- **Jun 21, 2006:** Committee on Armed Services. Reported by Senator Warner without amendment. With written report No. 109-265.
- **Jun 21, 2006:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 476.
- **Jun 14, 2006:** Referred to the Committee on Armed Services for an additional 5 days pursuant to S.Res. 445, 108th Congress.
- **May 25, 2006:** Introduced in Senate
- **May 25, 2006:** Select Committee on Intelligence. Original measure reported to Senate by Senator Roberts. With written report No. 109-259. Additional views filed.
- **May 25, 2006:** Select Committee on Intelligence. Original measure reported to Senate by Senator Roberts. With written report No. 109-259. Additional views filed.
- **May 25, 2006:** Read twice and 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.