

## S 3611

### Intelligence Authorization Act for Fiscal Year 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

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## Sponsor

**Name:** Sen. Feinstein, Dianne [D-CA]

**Party:** Democratic • **State:** CA • **Chamber:** Senate

## Cosponsors

No cosponsors are listed for this bill.

## Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Select) Committee	Senate	Reported Original Measure	Jul 19, 2010

## Subjects & Policy Tags

### Policy Area:

Armed Forces and National Security

## Related Bills

Bill	Relationship	Last Action
111 HR 2701	Related bill	Oct 7, 2010: Became Public Law No: 111-259.
111 S 1494	Related bill	Feb 25, 2010: Rule H. Res. 1105 passed House.

Intelligence Authorization Act for Fiscal Year 2010 - **Title I: Budget and Personnel Authorizations** - (Sec. 101)

Authorizes appropriations for FY2010 for the conduct of intelligence and intelligence-related activities of the following: (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) Coast Guard; (8) Departments of State, the Treasury, Energy, and Justice; (9) Federal Bureau of Investigation (FBI); (10) Drug Enforcement Administration (DEA); (11) National Reconnaissance Office (NRO); (12) National Geospatial-Intelligence Agency (NGIA); and (13) Department of Homeland Security (DHS).

(Sec. 102) Specifies that the amounts authorized and the authorized personnel levels as of September 30, 2010, for such activities are those specified in the classified Schedule of Authorizations, which shall be made available to the congressional appropriations committees and the President.

(Sec. 103) Allows the DNI to authorize employment of civilian personnel in excess of the number authorized for FY2010 (by not more than 3%) when necessary for the performance of important intelligence functions. Authorizes the DNI to convert to performance by intelligence community (IC) personnel activities currently performed by contractor employees. Requires notification of the congressional intelligence committees in either case. Requires the DNI to establish guidelines to govern the treatment under authorized personnel levels of employment or assignment in: (1) a student program, trainee program, or similar program; (2) a reserve corps or as a reemployed annuitant; or (3) details, joint duty, or long term, full-time training.

(Sec. 104) Authorizes appropriations for the Intelligence Community Management Account of the DNI for FY2010, as well as for full-time personnel for elements within such Account.

(Sec. 105) Prohibits the authorization of appropriations by this Act from being deemed to constitute authority for the conduct of any intelligence activity not otherwise authorized by the Constitution or laws of the United States.

(Sec. 106) Requires the budgetary effects of this Act to be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, as long as such statement has been submitted prior to the vote on passage of this Act.

**Title II: Central Intelligence Agency Retirement and Disability System** - (Sec. 201) Authorizes appropriations for FY2010 for the Central Intelligence Agency Retirement and Disability Fund.

**Title III: General Intelligence Community Matters - Subtitle A: Personnel 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) Amends the National Security Act of 1947 to allow a federal officer or employee or member of the Armed Forces to be detailed to the staff of an element of the IC funded through the National Intelligence Program from another element of the IC or the federal government on a reimbursable or nonreimbursable basis, as jointly agreed upon by the heads of the receiving and detailing element, for a period of up to two years.

(Sec. 303) Authorizes the DNI to fix rates of pay for critical positions in the IC in excess of the applicable limit, up to the rate payable for level II of the Executive Schedule. Requires the head of any IC department or agency to which the DNI

grants such increased compensation authority to notify the intelligence committees and the DNI within 30 days after the exercise of such authority.

(Sec. 304) Authorizes the President to award ranks to members of the Senior National Intelligence Service and other IC senior civilian officers not already covered by a rank award program.

(Sec. 305) Requires the DNI to annually prepare and submit to the intelligence committees a personnel level assessment for each of the IC elements.

(Sec. 306) Authorizes an additional 100 full-time equivalent positions for the Office of the DNI for each fiscal year to be used to fill positions made absent by employee participation in critical language training or the provision of language-capable services on a temporary basis. Requires the DNI to report annually to the intelligence committees on the use of authority provided in this section.

(Sec. 307) Directs the DNI to: (1) issue regulations prohibiting any IC officer or employee from engaging in outside employment if such employment creates a conflict of interest or appearance thereof; and (2) report annually to the intelligence committees on any outside employment of IC officers and employees that was authorized by the head of an IC element.

**Subtitle B: Education Programs** - (Sec. 311) Makes permanent the Pat Roberts Intelligence Scholars program (originally a pilot program under the Intelligence Authorization Act for Fiscal Year 2004). Allows scholarship funds to be used for tuition, books, travel expenses, and a stipend.

(Sec. 312) Amends the National Security Agency Act of 1959 to extend the Louis Stokes Educational Scholarship Program to: (1) graduate students, in addition to undergraduates; and (2) individuals not employed by the federal government. Replaces the term "employee" with "program participant." Repeals the requirement that NSA publicly identify to participating educational institutions scholarship students who are NSA employees or training program participants. Authorizes IC elements other than the NSA to establish undergraduate or graduate training programs for prospective or current employees similar to the NSA programs.

(Sec. 313) Authorizes the DNI to carry out programs to enhance the recruitment and retention of an ethnically and culturally diverse IC workforce with capabilities critical to U.S. national security interests. Authorizes the use of grants under the programs to institutions of higher education for the establishment or continued development of programs of study aimed at meeting current or emerging IC needs. Requires regular reports from institutions receiving such grants. Repeals similar programs under certain prior Acts.

(Sec. 314) Authorizes the DNI to establish a pilot program for intensive language instruction in African languages. Terminates the pilot program after five years. Authorizes appropriations.

**Subtitle C: Acquisition Matters** - (Sec. 321) Requires the DNI to conduct and submit to the intelligence committees an initial vulnerability assessment for any major system and its significant items of supply prior to completion of Milestone B or an equivalent acquisition decision, or prior to one year after the enactment of this Act for an acquisition decision completed prior to the date of enactment. Allows a 180-day extension of the submission of such assessment, if justified by the DNI to such committees. Requires subsequent assessments periodically through the life span of the system when warranted by a change of circumstances or upon request of an intelligence committee. Requires the DNI to: (1) give due consideration to such assessments when developing and determining the annual National Intelligence Program (NIP) budget; and (2) provide the intelligence committees a copy of each assessment, along with a proposed schedule for

subsequent assessments. Provides limits on the obligation of funding for major systems for which such assessments are required, if such assessments are not timely submitted.

(Sec. 322) Prohibits any funds appropriated to an IC element from being obligated for an IC business system transformation having a total cost in excess of \$3 million unless: (1) the transformation is certified as complying with intelligence enterprise architecture and other DNI policy or standards, or is necessary to achieve a critical national security objective or to prevent a significant adverse effect on an essential project; and (2) the certification is approved by a board within the IC business system transformation governance structure. Requires: (1) the DNI to develop and implement an enterprise architecture to cover all IC business systems, and the functions and activities supported by such systems; (2) the DNI to establish and implement, by September 30, 2010, an investment review process for IC business systems; (3) the DNI to include in annual budget materials specified information concerning each IC business system for which budget funding is proposed; (4) the DNI to establish the board to take certain actions to implement this section; and (5) the DNI to report during 2011 through 2015 to the intelligence committees concerning compliance with requirements of this section.

(Sec. 323) Directs the program manager for each IC system to submit quarterly to the DNI a major system cost report including, for each system, its total acquisition cost, cost or schedule variances, and changes from milestones or performance measures. Requires additional reports from such program manager in the case of cost increases equal to or greater than the significant or critical cost growth threshold for such system, requiring the DNI to notify Congress of such cost growth. Prohibits the obligation of funding for such system upon the DNI's failure to submit such notification. Provides for the treatment of cost increases occurring prior to the enactment of this Act.

(Sec. 324) Requires the DNI, upon a determination of a major system cost increase greater than or equal to the critical cost growth threshold for that system, to: (1) determine the root cause or causes of such cost growth; and (2) carry out an assessment of projected costs of completing the system, the costs of an alternative system, and the need to reduce funding for other systems due to such cost growth. Requires the termination of such system unless the DNI submits to Congress a major system report certifying the necessity of such additional costs. Requires specified DNI actions if a major system is not terminated (including a restructure that addresses the root causes of the cost growth), or if a major system is terminated (including alternative plans to meet intelligence requirements not met by such system). Allows the DNI to waive certain requirements with respect to a terminated system upon determining that at least 90% of the amount of the current baseline estimate for the system has been expended and notifying the intelligence committees of such determination.

(Sec. 325) Requires the DNI to provide to the intelligence committees a five-year Future Year Intelligence Plan for each expenditure center and each major system in the NIP. Requires the DNI to provide to such committees a Long-term Budget Projection for each element of the NIP acquiring a major system that includes the budget for the five-year period following the last budget year for which proposed funding is included in a Plan. Requires each Plan and Projection to be submitted to Congress along with the annual intelligence budget, along with a major system affordability report concerning the acquisition of a major system funded under the NIP.

(Sec. 326) Allows the DNI to authorize the head of an IC element to exercise any acquisition authority authorized for the CIA under the Central Intelligence Agency Act of 1949 for an acquisition that is more than 50% funded by the NIP. Provides acquisition authority limits similar to those provided in such Act.

**Subtitle D: Congressional Oversight, Plans, and Reports** - (Sec. 331) Requires all reports from the President, DNI, or head of an IC element to the intelligence committees on intelligence activities and covert actions to be written and to

include the legal basis under which the activity or action is being or was conducted. Requires a covert action finding by the President to be reported in writing, along with the reasons for any limited access to a finding or notice of significant change in a finding. Outlines specific factors to be taken into consideration by the President when determining whether an activity constitutes a significant undertaking, for purposes of required congressional notification concerning activities other than covert actions. Directs the President to maintain a record of each Member of Congress to whom a finding is reported or a notice is provided.

(Sec. 332) Requires the head of each IC element to annually submit to the intelligence committees either: (1) a certification of compliance with all congressional notification requirements and that any information required to be submitted has been properly submitted; or (2) a statement of the reasons the head of the element is unable to submit such certification, a description of any information not properly submitted, and an assurance that such information will be submitted as soon as possible.

(Sec. 333) Directs the DNI to report to the intelligence committees on all IC detention and interrogation policies and procedures. Requires appropriate parts of such report to be submitted to the defense and judiciary committees when the report addresses an IC element within DOD or the Department of Justice (DOJ).

(Sec. 334) Directs the DNI to make publicly available an unclassified summary of: (1) intelligence relating to recidivism of detainees currently or formerly held by DOD at Guantanamo Bay, Cuba; and (2) the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

(Sec. 335) Directs the DNI to report to the intelligence committees on US intelligence collection efforts dedicated to assessing the threat from biological weapons posed by state, non-state, or rogue actors, as well as efforts to protect US biodefense knowledge and infrastructure.

(Sec. 336) Requires the President to notify Congress of each existing US cybersecurity program, and to provide such notification within 30 days after commencement of operations of a new cybersecurity program. Outlines information required under such notification, including the legal basis for the program and an assessment of its privacy impact with respect to civil liberties. Directs the head of a federal department or agency with responsibility for a cybersecurity program for which a notification was submitted to: (1) report to Congress and the President on the results of any audit or review of such program and the legality of such program's implementation; and (2) update such report annually, along with any appropriate information concerning a newly-implemented program. Requires reports to Congress and the President from the heads of any federal department or agency with responsibility for a cybersecurity program for which a notification was submitted. Directs the Inspectors General of DHS and of the IC to report jointly to Congress and the President on the status of the sharing of cyber threat information. Requires the DNI to submit to Congress: (1) a plan for recruiting, retaining, and training a highly-qualified cybersecurity IC workforce to secure its networks; and (2) a report on guidelines and recommended legislation to improve US cybersecurity (with annual report updates). Terminates the authorities of this section on December 31, 2013.

(Sec. 337) Directs the DNI to report annually for five years to the intelligence and defense committees on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each IC element.

(Sec. 338) Requires the DNI to report to the intelligence committees on the plans of each IC element to increase diversity within the IC.

(Sec. 339) Directs the DNI to report to the intelligence and defense committees on the use of personal services contracts across the IC, their impact on the IC workforce, plans for the conversion of contractor employment into US government

employment, and the accountability mechanisms that govern the performance of such contracts.

(Sec. 340) Requires the IC Inspector General to study, and report to the intelligence committees on, IC electronic waste destruction practices.

(Sec. 341) Requires the CIA Director to: (1) conduct a classification review of CIA records relevant to known or potential health effects suffered by veterans of Operation Desert Storm as described in a report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' Illnesses; and (2) report review results to Congress.

(Sec. 342) Requires the FBI Director to submit to Congress a review of constraints under international and foreign laws to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under US laws conducted by FBI agents in foreign nations using NIP funds.

(Sec. 343) Directs the DNI to make publicly available an unclassified version of the report entitled "Procedures Used in Narcotics Airbridge Program in Peru, 1995-2001."

(Sec. 344) Requires the DNI to report to Congress summarizing intelligence related to the threat from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

(Sec. 345) Directs the DNI to report to Congress on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

(Sec. 346) Requires the DNI to report to Congress on the attempt to detonate an explosive device aboard Northwest Airlines flight 253 on December 25, 2009, such report to include failures to share or analyze intelligence or other information, and measures the IC has taken or will take to prevent such failures.

(Sec. 347) Repeals specified intelligence-related report requirements under the National Security Act of 1947 and prior intelligence authorization Acts.

(Sec. 348) Incorporates into this Act each requirement to submit a report to the intelligence committees that is included in the classified annex to this Act.

(Sec. 349) Makes conforming changes to the National Security Act of 1947 necessitated by changes made under this Act.

**Subtitle E: Other Matters** - (Sec. 361) Extends to IC elements current federal authority to delete from federal gift listing requirements 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 US intelligence sources or methods.

(Sec. 362) Allows for the reprogramming or transfer of funds for a different intelligence or intelligence-related activity if, in addition to other requirements, the new use would support an emergency need, improve program effectiveness, or increase efficiency.

(Sec. 363) Increases the maximum terms of imprisonment for the disclosure of identities of undercover intelligence officers and agents.

(Sec. 364) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to: (1) direct the President, on the same date that each annual budget is submitted, to disclose the aggregate amount of appropriations requested for

that fiscal year for the NIP; and (2) direct the DNI, within 30 days after each fiscal year, to disclose the aggregate amount of funds appropriated by Congress for the NIP for that fiscal year. Authorizes the President to waive either disclosure by submitting to the intelligence committees a statement that such disclosure would damage national security, with the reasons therefor.

(Sec. 365) Authorizes the Public Interest Declassification Board to conduct declassification reviews in response to requests from individual committee members. (Current law only allows requests from a committee of jurisdiction.)

(Sec. 366) Revises the permitted delegation of the authority of the FBI and Attorney General to certify certain undercover operations in order to collect foreign intelligence or counterintelligence.

(Sec. 367) Directs the President: (1) every four years, to conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the government, and to submit audit results to Congress; (2) to report annually to Congress on the security clearance process; and (3) to submit a one-time report on security clearance investigations and adjudications, including metrics for adjudication quality. Requires the IC Inspector General to: (1) conduct an audit of the reciprocity of security clearances among IC elements; and (2) report audit results to the intelligence committees.

(Sec. 368) Requires the heads of the CIA, DIA, NGIA, NRO, and NSA to designate a senior intelligence management official responsible for correcting each long-standing, correctable material weakness first reported in the annual financial report of that agency prior to FY2007, the correction of which is not substantially dependent on a business system that will not be implemented prior to the end of FY2010. Directs the identified official to notify the appropriate agency head that the material weakness is corrected, requiring an independent review of such determination. Requires the appropriate agency head, after independent review has confirmed the correction, to notify the intelligence committees of the correction.

(Sec. 369) Directs the DNI to: (1) review the status of the auditability compliance of each IC element; and (2) develop a plan and schedule to achieve a full, unqualified audit of each element no later than the end of FY2013.

**Title IV: Matters Relating to Elements of the Intelligence Community - Subtitle A: Office of the Director of National Intelligence** - (Sec. 401) Requires the DNI to: (1) conduct accountability reviews of IC elements or personnel in relation to failures or deficiencies within the IC; and (2) establish guidelines and procedures for conducting such reviews.

(Sec. 402) Authorizes the DNI to: (1) expend funds, and make funds available to other federal departments and agencies, to develop systems related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and (2) provide NIP funds to non-NIP programs to address critical gaps in intelligence information sharing or access capabilities. Authorizes department or agency heads to use funds made available by the DNI for such purposes.

(Sec. 403) Allows the Office of the DNI to be located within the Washington metropolitan area (thereby allowing such location outside the District of Columbia).

(Sec. 404) Renames the DNI's Chief Information Officer as the Chief Information Officer of the Intelligence Community.

(Sec. 405) Establishes within the Office of the DNI an Office of the Inspector General of the Intelligence Community. Outlines Inspector General powers, duties, and responsibilities, including the appointment of Assistant Inspectors General. Authorizes the DNI to prohibit the Inspector General from initiating, carrying out, or completing any investigation, inspection, audit, or review if the DNI determines that the prohibition is necessary to protect vital US national security

interests (requiring the DNI to notify the intelligence committees upon the exercise of such authority). Establishes the Intelligence Community Inspectors General Forum consisting of all inspectors general with oversight responsibility for an element of the IC. Requires: (1) semiannual reports from the Inspector General to the DNI on Inspector General activities (such reports to be transmitted to the intelligence committees); and (2) the Inspector General to report immediately to the DNI when becoming aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the DNI (such reports also to be transmitted to the intelligence committees). Provides protections for employees making disclosures to the Inspector General in connection with investigations, audits, and reviews in conformance with the Intelligence Community Whistleblower Protection Act of 1998. Directs the DNI to include in the NIP budget a separate account for the Office of the Inspector General. Repeals superseded authority under the Inspector General Act of 1978.

(Sec. 406) Establishes within the Office of the DNI a Chief Financial Officer of the Intelligence Community, with specified IC financial oversight duties.

(Sec. 407) 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. 408) Exempts from search, review, publication, and disclosure requirements of the Freedom of Information Act certain operational files in the Office of the DNI that were provided by IC elements. Provides exemption exceptions. Requires the DNI, at least once every ten years, to review the exempted operational files to determine whether such files, or any portion thereof, may be removed from the exemption. Provides judicial review of an allegation of the improper withholding of records through the use of such exemption.

(Sec. 409) Repeals the requirement that the DNI carry out certain counterintelligence security functions through the Office of the National Counterintelligence Executive.

(Sec. 410) Makes provisions of the Federal Advisory Committee Act inapplicable to advisory committees of the Office of the DNI. Requires an annual report from the DNI and the CIA Director on their creation of advisory committees.

(Sec. 411) Replaces the CIA Director with the DNI on the membership of the Transportation Security Oversight Board.

(Sec. 412) Repeals certain administrative authorities within the Office of the National Counterintelligence Executive.

(Sec. 413) Prohibits the unauthorized use of the official name, initials, or seal of the Office of the Director of National Intelligence. Authorizes the Attorney General to initiate civil proceedings to enjoin such acts or practices.

(Sec. 414) Directs the DNI to develop and submit to the intelligence committees a plan to implement across the IC recommendations contained in a specified Environmental Protection Agency (EPA) report on improving data center energy efficiency.

(Sec. 415) Authorizes the DNI to provide support for any review conducted by a federal department or agency of the International Traffic in Arms Regulations or Export Administration Regulations, including controls on technologies and goods on the United States Munitions List and Commerce Control List.

**Subtitle B: Central Intelligence Agency** - (Sec. 421) Authorizes the CIA Director to provide security personnel for the protection of the DNI and such personnel within the Office of the DNI as the DNI may designate.

(Sec. 422) Amends the Contracts Disputes Act of 1978 to allow an appeal from a decision of a CIA contracting officer to

be filed with either the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals, as specified in the contract.

(Sec. 423) Establishes the position of Deputy Director of the CIA, with specified duties.

(Sec. 424) Allows the CIA Director to delegate to appropriate CIA officials the authority for travel on common carriers by intelligence collection personnel.

(Sec. 425) Amends the Central Intelligence Agency Act of 1949 to: (1) require the appointment of the CIA Inspector General to be made on the basis of demonstrated ability and without regard to political affiliation; and (2) expand the protection against whistleblower reprisals to include any CIA employee who provides information to the CIA Inspector General. Gives the Inspector General final approval of candidates for employment within the Office of the Inspector General, and requires the Inspector General to appoint a Counsel who reports directly to the Inspector General.

(Sec. 426) Directs the DNI to transmit to the President each year the budget amount requested by the CIA Inspector General, and to provide such information to the intelligence and appropriations committees.

(Sec. 427) Requires the CIA Director to make publicly available an unclassified version of any memorandum or finished intelligence product assessing the information gained from high-value detainee reporting dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

**Subtitle C: Defense Intelligence Components** - (Sec. 431) Amends the Inspector General Act of 1978 to require the heads of the NRO, DIA, NSA, and NGIA to appoint independent inspectors general for their agencies (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 Secretary of Defense to prohibit the inspector general of an IC element from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital US national security interests. Requires notification of such determination to the defense and intelligence committees.

(Sec. 432) Requires the NGIA, as directed by the DNI, to develop a system to facilitate the analysis, dissemination, and incorporation into the National System for Geospatial-Intelligence likenesses, videos, and 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. 433) Amends the National Security Agency Act of 1959 to establish the position of Director of Compliance of the National Security Agency to be responsible for the programs of compliance over NSA mission activities.

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

(Sec. 442) Authorizes the use of certain Coast Guard funding for research, development, test, or evaluation related to intelligence systems and capabilities.

(Sec. 443) Makes permanent FBI authority to pay retention and relocation bonuses to employees with unusually high or unique qualifications, or for which the FBI has a special need.

(Sec. 444) Extends through 2011 FBI authority to waive certain federal mandatory retirement provisions if determined in the public interest (thereby allowing employment up to age 65).

(Sec. 445) Requires the FBI Director to report to the intelligence and judiciary committees a long-term vision for the intelligence capabilities of the FBI's National Security Branch, a strategic plan for the Branch, progress made in advancing the capabilities of the Branch, and an assessment of the Branch's effectiveness in performing tasks critical to its function as an intelligence agency. Directs the DNI to submit annually to the intelligence and judiciary committees an assessment of Branch progress in performing its tasks.

**Title V: Reorganization of the Diplomatic Telecommunications Service Program Office** - (Sec. 501) Amends the Intelligence Authorization Act for Fiscal Year 2001 to reorganize the Diplomatic Telecommunications Service Program Office (Office), which is responsible for supporting the telecommunications network of all US government agencies and departments operating from diplomatic and consular facilities abroad. Establishes the Diplomatic Telecommunications Service Governance Board (replacing the current Diplomatic Telecommunications Service Oversight Board) to direct and oversee Office activities. Outlines related Board duties, authorities, and activities, including ensuring that enhancements of, and the provision of service for, telecommunication capabilities that involve US national security interests receive the highest prioritization. Authorizes appropriations. Repeals prior inconsistent provisions.

**Title VI: Foreign Intelligence and Information Commission Act** - Foreign Intelligence and Information Commission Act - (Sec. 603) Establishes in the legislative branch a Foreign Intelligence and Information Commission to undertake certain evaluations, and provide recommendations, relating to the collection, reporting, and analysis of foreign intelligence and information. Requires: (1) an interim Commission report to the intelligence committees; and (2) a final Commission report to the President, DNI, Secretary of State, and the intelligence and foreign relations committees. Terminates the Commission 60 days after its final report. Makes the Federal Advisory Committee Act inapplicable to the Commission. Authorizes appropriations.

**Title VII: Other Matters** - (Sec. 701) Amends the Intelligence Authorization Act for Fiscal Year 2003 to extend the due date of the final report of the National Commission for Review of Research and Development Programs of the United States Intelligence Community from September 1, 2004, to one year after all of the Commission's members are appointed. Requires all new members to be appointed to the Commission. Authorizes appropriations. Repeals existing funding authority under the above Act.

(Sec. 702) Authorizes the DNI to conduct, at the request of one of the intelligence committees, a classification review of materials in possession of that committee that are not less than 25 years old and that were created, or provided to that committee, by an entity in the executive branch.

**Title VIII: Technical Amendments** - (Sec. 801) Makes technical and/or clarifying amendments to the Foreign Intelligence Surveillance Act of 1978, the Central Intelligence Agency Act of 1949, the National Security Act of 1947, the National Defense Authorization Act for Fiscal Year 1991, provisions relating to the Intelligence Reform and Terrorism Prevention Act of 2004, provisions relating to pay levels of certain intelligence officials, and prior-year intelligence authorization Acts.

## Actions Timeline

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- **Aug 9, 2010:** Received in the House.
- **Aug 9, 2010:** Held at the desk.
- **Aug 6, 2010:** Message on Senate action sent to the House.
- **Aug 5, 2010:** Measure laid before Senate by unanimous consent. (consideration: CR S6767-6799)
- **Aug 5, 2010:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(text: CR S6767-6795)
- **Aug 5, 2010:** Passed Senate with amendments by Unanimous Consent. (text: CR S6767-6795)
- **Jul 19, 2010:** Introduced in Senate
- **Jul 19, 2010:** Select Committee on Intelligence. Original measure reported to Senate by Senator Feinstein. With written report No. 111-223. Additional views filed.
- **Jul 19, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 467.