

96TH CONGRESS  
2D SESSION

# S. 2284

To authorize the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, JANUARY 3), 1980

Mr. HUDDLESTON (for himself, Mr. MATHIAS, Mr. BAYH, and Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To authorize the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, 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       That this Act may be cited as the "National Intelligence Act  
4       of 1980".

★(Star Print)

1 TITLE I—AUTHORIZATION FOR INTELLIGENCE  
2 ACTIVITIES

3 PART A—FINDINGS; PURPOSES; DEFINITIONS

4 STATEMENT OF FINDINGS

5 SEC. 101. The Congress hereby makes the following  
6 findings:

7 (1) Intelligence activities should provide timely,  
8 accurate, and relevant information and analysis neces-  
9 sary for the conduct of the foreign relations and the  
10 protection of the national security of the United States.

11 (2) The collection and production of intelligence  
12 should be conducted in a manner that avoids waste and  
13 unnecessary duplication of effort within the intelligence  
14 community.

15 (3) Supervision and control are necessary to  
16 ensure that intelligence activities are in support of the  
17 foreign relations of the United States and do not  
18 abridge rights protected by the Constitution and laws  
19 of the United States.

20 STATEMENT OF PURPOSES

21 SEC. 102. It is the purpose of this Act—

22 (1) to authorize the intelligence activities neces-  
23 sary for the conduct of the foreign relations and the  
24 protection of the national security of the United States;

1           (2) to replace the provisions of the National Secu-  
2           rity Act of 1947 governing intelligence activities;

3           (3) to ensure that the intelligence activities of the  
4           United States are conducted in a manner consistent  
5           with United States defense and foreign policy interests  
6           and are properly and effectively directed, regulated, co-  
7           ordinated, and administered;

8           (4) to ensure that the Government of the United  
9           States is provided, in the most efficient manner, with  
10          accurate, relevant, and timely information and analysis  
11          so that sound and informed decisions may be made re-  
12          garding the security and vital interests of the United  
13          States and so that the United States may be protected  
14          against foreign intelligence activities, international ter-  
15          rorist activities, and other forms of hostile action by  
16          foreign powers, organizations, or their agents, or by in-  
17          ternational terrorists, directed against the United  
18          States; and

19          (5) to ensure that the entities of the intelligence  
20          community are accountable to the President, the Con-  
21          gress, and the people of the United States and that the  
22          intelligence activities of the United States are conduct-  
23          ed in a manner consistent with the Constitution and  
24          laws of the United States.



1           (4) The term "counterterrorism intelligence"  
2 means information pertaining to the capabilities, inten-  
3 tions, or activities of any foreign power, organization  
4 or person related to international terrorist activity.

5           (5) The term "counterterrorism intelligence activi-  
6 ty" means—

7           (A) the collection, retention, processing,  
8 analysis, or dissemination of counterterrorism in-  
9 telligence; and

10           (B) any other activity undertaken by an  
11 entity of the intelligence community to counter or  
12 protect against international terrorist activity.

13           (6) The term "cover" means any means by which  
14 the true identity or relationship with an entity of the  
15 intelligence community of any activity, officer, employ-  
16 ee, or agent of such entity, or of a related corporation  
17 or organization, is disguised or concealed.

18           (7) The terms "departments and agencies" and  
19 "department or agency" means any department,  
20 agency, bureau, independent establishment, or wholly  
21 owned corporation of the Government of the United  
22 States.

23           (8) The term "foreign intelligence" means infor-  
24 mation pertaining to the capabilities, intentions or ac-  
25 tivities of any foreign state, government, organization,

1 association, or individual, or information on the foreign  
2 aspects of narcotics production and trafficking, but does  
3 not include counterintelligence, counterterrorism intelli-  
4 gence, or tactical intelligence.

5 (9) The term "foreign intelligence activity" means  
6 the collection, retention, processing, analysis, or dis-  
7 semination of foreign intelligence.

8 (10) The term "intelligence" means foreign intelli-  
9 gence, counterintelligence, counterterrorism intelli-  
10 gence, and information relating to or resulting from  
11 any intelligence activity.

12 (11) The term "intelligence activity" means—

- 13 (A) any foreign intelligence activity;  
14 (B) any counterintelligence activity;  
15 (C) any counterterrorism intelligence activity;  
16 (D) any special activity.

17 (12) The terms "intelligence community" and  
18 "entity of the intelligence community" mean—

- 19 (A) the Office of the Director of National In-  
20 telligence;  
21 (B) the Central Intelligence Agency;  
22 (C) the Defense Intelligence Agency;  
23 (D) the National Security Agency;

1 (E) the offices within the Department of De-  
2 fense for the collection of specialized national in-  
3 telligence through reconnaissance programs;

4 (F) the intelligence components of the mili-  
5 tary services;

6 (G) the intelligence components of the Feder-  
7 al Bureau of Investigation;

8 (H) the Bureau of Intelligence and Research  
9 of the Department of State;

10 (I) the foreign intelligence components of the  
11 Department of the Treasury;

12 (J) the foreign intelligence components of the  
13 Department of Energy.

14 (K) the successor to any of the agencies, of-  
15 fices, components, or bureaus named in clauses  
16 (A) through (J); and

17 (L) such other components of the depart-  
18 ments and agencies, to the extent determined by  
19 the President, as may be engaged in intelligence  
20 activities.

21 (13) The term "international terrorist activity"  
22 means any activity which—

23 (A) involves—

24 (i) killing, causing serious bodily harm  
25 to, or kidnapping one or more individuals;

1 (ii) violent destruction of property;

2 (iii) an attempt or credible threat to  
3 commit any act described in clause (i) or (ii);  
4 and

5 (B) appears intended to endanger a protectee  
6 of the Secret Service or the Department of State,  
7 or to further political, social, or economic goals  
8 by—

9 (i) intimidating or coercing a civilian  
10 population or any segment thereof;

11 (ii) influencing the policy of a govern-  
12 ment or international organization by intimi-  
13 dation or coercion; or

14 (iii) obtaining widespread publicity for a  
15 group or its cause; and

16 (C) occurs totally outside the United States,  
17 or transcends national boundaries in terms of—

18 (i) the means by which its objective is  
19 accomplished;

20 (ii) the civilian population, government,  
21 or international organization it appears in-  
22 tended to coerce or intimidate, or

23 (iii) the locale in which its perpetrators  
24 operate or seek asylum.



1           (14) The term "national intelligence" means for-  
2           eign intelligence which is collected, retained, proc-  
3           essed, or disseminated by the entities of the intelli-  
4           gence community for use in the formulation and direc-  
5           tion of national policy.

6           (15) The term "national intelligence activity"  
7           means (A) any special activity, (B) any foreign intelli-  
8           gence activity the primary purpose of which is to col-  
9           lect or produce national intelligence, and (C) any for-  
10          eign intelligence activity designated by the President  
11          as a national intelligence activity.

12          (16) The term "national intelligence budget"  
13          means the budget prepared by the Director of National  
14          Intelligence pursuant to section 308 of this Act and in-  
15          cludes all funds for—

16                 (A) the programs of the Central Intelligence  
17                 Agency and of the Office of the Director of Na-  
18                 tional Intelligence;

19                 (B) the Consolidated Cryptologic Program,  
20                 the programs of the offices within the Department  
21                 of Defense for the collection of specialized nation-  
22                 al intelligence through reconnaissance programs,  
23                 and the General Defense Intelligence Program,  
24                 except such elements of these programs as the

1 Director of National Intelligence and the Secre-  
2 tary of Defense agree should be excluded; and

3 (C) any other program or programs of any  
4 department or agency designated by the President  
5 or jointly by the Director of National Intelligence  
6 and the head of such department or agency.

7 (17) the term "proprietary" means a sole propri-  
8 etorship, partnership, corporation, other commercial  
9 entity organized in the United States, or other entity  
10 organized abroad that is owned or controlled by an  
11 entity of the intelligence community but whose rela-  
12 tionship to that entity is not officially acknowledged.

13 (18) The term "special activity" means an activi-  
14 ty conducted abroad which is (A) designed to further  
15 official United States programs and policies abroad,  
16 and (b) planned and executed so that the role of the  
17 United States Government is not apparent or acknowl-  
18 edged publicly. Such term does not include any coun-  
19 terintelligence or counterterrorism intelligence activity  
20 or the collection, retention, processing, dissemination  
21 and analysis of intelligence or related support func-  
22 tions, nor any diplomatic activity of the United States.

23 (19) The term "tactical intelligence" means infor-  
24 mation pertaining to the capabilities, intentions, or ac-  
25 tivities of any foreign state, government organization,

1 association, or individual required by the Armed Forces  
2 of the United States to maintain their readiness for  
3 combat operations and to support the planning and  
4 conduct of combat operations by the United States.

5 (20) The term "United States", when used in a  
6 geographical sense, means all areas under the territori-  
7 al sovereignty of the United States and the Trust Ter-  
8 ritory of the Pacific Islands.

9 (21) The term "United States person" means—

10 (A) a citizen of the United States;

11 (B) an alien lawfully admitted for permanent  
12 residence (as defined in section 101(a)(20) of the  
13 Immigration and Nationality Act), except that  
14 such alien may be presumed to have lost status as  
15 a United States person for purposes of this Act  
16 after one year of continuous residence outside the  
17 United States until information is obtained which  
18 indicates an intent on the part of such alien to  
19 return to the United States as a permanent resi-  
20 dent alien;

21 (C) any unincorporated association organized  
22 in the United States or a substantial number of  
23 whose members are citizens of the United States  
24 or aliens lawfully admitted for permanent resi-  
25 dence and which is not openly acknowledged by a

1 foreign government or governments to be directed  
2 and controlled by such foreign government or  
3 governments, except that an unincorporated asso-  
4 ciation outside the United States may be pre-  
5 sumed not to be a United States person until in-  
6 formation is obtained which indicates the con-  
7 trary; or

8 (D) any corporation which is incorporated in  
9 the United States and which is not openly ac-  
10 knowledged by a foreign government or govern-  
11 ments to be directed and controlled by such gov-  
12 ernment or governments, except that a corpora-  
13 tion or corporate subsidiary incorporated abroad  
14 or controlled by a foreign power abroad is not a  
15 United States person.

16 PART B—GENERAL INTELLIGENCE AUTHORITIES

17 AUTHORIZATION FOR INTELLIGENCE ACTIVITIES

18 SEC. 111. (a) The entities of the intelligence community  
19 are authorized to conduct intelligence activities, under the  
20 direction and review of the National Security Council, but  
21 only in accordance with the provisions of this Act.

22 (b) Nothing in this title shall be construed to prohibit  
23 any department or agency from collecting, retaining, process-  
24 ing, analyzing, or disseminating information if such depart-  
25 ment or agency is otherwise authorized to do so.

1 (c) Except as expressly provided, nothing in this Act  
2 shall be construed to prohibit or affect any activities of any  
3 department or agency that are not intelligence activities.

4 (d) Except as expressly provided, nothing in this Act is  
5 intended to affect or alter existing responsibilities under law,  
6 including those established under section 2680a of title 22,  
7 United States Code.

8 (e) Nothing in this Act shall be construed to authorize  
9 any entity of the intelligence community to conduct any ac-  
10 tivity for the purpose of depriving any person of any rights,  
11 privileges, or immunities secured or protected by the Consti-  
12 tution or laws of the United States.

13 NATIONAL SECURITY COUNCIL

14 SEC. 112. (a) The National Security Council shall pro-  
15 vide the highest level review of, guidance for, and direction  
16 to the conduct of all intelligence activities. The responsibil-  
17 ities of the National Security Council, or such committees of  
18 the National Security Council as may be established by the  
19 President, shall be to—

20 (1) establish requirements and priorities for na-  
21 tional intelligence;

22 (2) review the responsiveness of program and  
23 budget proposals to intelligence requirements and pri-  
24 orities;

1           (3) review the quality of national intelligence  
2 products and develop appropriate policy guidance;

3           (4) develop policy, standards, and doctrine for the  
4 conduct of counterintelligence and counterterrorism in-  
5 telligence activities;

6           (5) advise and assist the President in the formula-  
7 tion of policy with respect to communications security,  
8 including the relationship between the communications  
9 security and intelligence activities of the United States;

10          (6) perform its responsibilities under Part C of  
11 this title and under section 213 of this Act.

12       (b) The President may—

13           (1) establish such committees of the National Se-  
14 curity Council as may be necessary to discharge its re-  
15 sponsibilities under this Act;

16           (2) determine the membership of such committees,  
17 consistent with this Act, including designation of a  
18 chairman and requirements for attendance of members;

19           (3) prescribe such other standards, procedures,  
20 and specific duties as may be necessary and appropri-  
21 ate for the National Security Council and such commit-  
22 tees thereof to discharge their responsibilities under  
23 this Act.

1 PART C—AUTHORIZATION AND PROCEDURES FOR SPE-  
2 CIAL ACTIVITIES AND OTHER SENSITIVE INTELLI-  
3 GENCE ACTIVITIES

4 PURPOSE

5 SEC. 121. The purpose of this part is to ensure that  
6 special activities are undertaken only in support of important  
7 national security interests of the United States when overt or  
8 less sensitive alternatives would not be likely to achieve the  
9 intended objective; when such activities are consistent with  
10 the aims, values, and policies of the United States; and when  
11 the anticipated benefits of such activities justify the foresee-  
12 able risks and likely consequences.

13 CONDUCT OF SPECIAL ACTIVITIES

14 SEC. 122. (a) Special activities may be conducted only  
15 by the Central Intelligence Agency. The Department of De-  
16 fense may also conduct special activities in accordance with  
17 section 123(e). Any department or agency may conduct spe-  
18 cial activities when the President determines that the intend-  
19 ed United States objective is more likely to be achieved.

20 (b) Support for any special activity may be provided by  
21 any department or agency if the President determines for ac-  
22 tivities involving substantial resources, risks, or conse-  
23 quences, or if the National Security Council or a committee  
24 thereof determines for other activities, that such support is  
25 necessary.

1           AUTHORIZATION FOR SPECIAL ACTIVITIES

2           SEC. 123. Special activities shall be authorized only as  
3 follows:

4           (a) Special activities shall be authorized by the Presi-  
5 dent.

6           (1) Authorization for any special activity that in-  
7 volves substantial resources, risks, or consequences  
8 shall require a finding by the President that each such  
9 special activity is important to the national security of  
10 the United States and consistent with the purposes of  
11 this part.

12           (2) Authorization for any other special activities  
13 may be by category and shall require a finding by the  
14 President that such category of special activities is im-  
15 portant to the national security of the United States  
16 and consistent with the purposes of this part. The Na-  
17 tional Security Council or a committee thereof desig-  
18 nated by the President for that purpose shall be re-  
19 sponsible for the supervision of each such activity and  
20 shall ensure that it is consistent with the Presidential  
21 finding.

22           (b) Authorization by the President for special activities  
23 shall be preceded by a review by the National Security Coun-  
24 cil or a committee thereof designated by the President for  
25 that purpose. Such review shall include an assessment and a



1 recommendation as to whether the activity or category of  
2 activities is consistent with the purposes of this part. Such  
3 recommendation shall include the views of any member who  
4 disagrees with the majority of the Council or committee  
5 thereof.

6 (c) No decision or recommendation to the President re-  
7 lating to a special activity may be made by the National Se-  
8 curity Council or a committee thereof unless the following  
9 officers, or if unavailable their representatives, were present:  
10 The Secretary of Defense, the Secretary of State, the Attor-  
11 ney General, and the Director of National Intelligence.

12 (d) Any special activity which lasts more than a year or  
13 which is substantially changed in form or purpose must be  
14 reaffirmed by the President under subsection (a) and re-  
15 viewed by the National Security Council or a committee  
16 thereof under subsection (b).

17 (e) The President may delegate Presidential authorities  
18 and responsibilities under this section to the Secretary of De-  
19 fense with respect to special activities conducted by the  
20 Armed Forces of the United States in time of war declared  
21 by Congress or during any period covered by a report from  
22 the President to the Congress under the War Powers Resolu-  
23 tion (87 Stat. 555), to the extent necessary to carry out the  
24 activity that is the subject of the report.



1 PART D—LIMITATIONS ON INTELLIGENCE AUTHORITIES

2 PROHIBITION ON ASSASSINATION

3 SEC. 131. No person employed by or acting on behalf of  
4 the United States Government shall engage or conspire to  
5 engage in assassination.

6 INTEGRITY OF PRIVATE INSTITUTIONS OF THE UNITED  
7 STATES

8 SEC. 132. (a) The President shall establish public guide-  
9 lines for the intelligence activities of the entities of the intelli-  
10 gence community to protect the integrity and independence  
11 of private institutions of the United States in accordance with  
12 constitutional principles.

13 (b) No entity of the intelligence community may use, for  
14 the purpose of establishing or maintaining cover for any offi-  
15 cer of that entity to engage in foreign intelligence activities  
16 or special activities, any affiliation, real or ostensible, with  
17 any United States religious organization, United States  
18 media organization, United States educational institution, the  
19 Peace Corps, or any United States Government program de-  
20 signed to promote education, the arts, humanities, or cultural  
21 affairs through international exchanges.

22 (c) Nothing in this section shall be construed to prohibit  
23 voluntary contacts or the voluntary exchange of information  
24 between any person and any entity of the intelligence com-  
25 munity.

1 (d) The President may waive any or all of the provisions  
2 of this section during any period in which the United States  
3 is engaged in war declared by Act of Congress, or during any  
4 period covered by a report from the President to the Con-  
5 gress under the War Powers Resolution (87 Stat. 555), to  
6 the extent necessary to carry out the activity that is the sub-  
7 ject of the report. The President shall notify the House Per-  
8 manent Select Committee on Intelligence and the Senate  
9 Select Committee on Intelligence in a timely manner of such  
10 a waiver and inform those committees of the facts and cir-  
11 cumstances requiring such a waiver.

12 RESTRICTIONS ON COVERT DOMESTIC PUBLICATIONS

13 SEC. 133. No entity of the intelligence community may  
14 pay for or otherwise knowingly cause or support distribution  
15 of any book, magazine, article, periodical, film, or video or  
16 audio tape, for the purpose of influencing public opinion  
17 within the United States, unless the involvement of the  
18 United States Government is acknowledged.

19 RESTRICTIONS ON CONTRACTING

20 SEC. 134. Entity sponsorship of a contract or arrange-  
21 ment for the provision of goods or services with any United  
22 States organization may be concealed from such organization  
23 if—

1           (a) the contract or arrangement is a routine serv-  
2           ice contract, procurement contract, or transaction car-  
3           ried out under the Economy Act (38 Stat. 1084); or

4           (b) the organization is not an educational institu-  
5           tion and it is determined, pursuant to procedures ap-  
6           proved by the Attorney General, that such conceal-  
7           ment is necessary for intelligence activities authorized  
8           by this Act.

9                           ACTIVITIES UNDERTAKEN INDIRECTLY

10          SEC. 135. No entity of the intelligence community and  
11          no employee of an entity of the intelligence community may  
12          request or otherwise knowingly encourage, directly or indi-  
13          rectly, an individual, organization, or foreign government to  
14          engage in any activity on behalf of the United States Govern-  
15          ment in which such entity of the intelligence community is  
16          prohibited by this Act from engaging: *Provided, however,*  
17          That this restriction shall not prohibit any entity of the intel-  
18          ligence community from requesting a department or agency  
19          of the United States Government to engage in an activity  
20          that is within the authorized functions of the department or  
21          agency to which the request is made.

1           PART E—OVERSIGHT AND ACCOUNTABILITY  
2           INTELLIGENCE OVERSIGHT BOARD; REPORTING ON  
3           VIOLATIONS; DISCIPLINARY PROCEDURES

4           SEC. 141. (a) The President shall appoint a board to be  
5 known as the Intelligence Oversight Board (hereinafter re-  
6 ferred to as the "Board") whose members shall be selected  
7 from outside the Government.

8           (b) The Board is authorized to employ staff to assist in  
9 carrying out its functions.

10          (c) As prescribed by the President, the Board shall—

11           (1) function to provide the President independent  
12 oversight of the intelligence community, in order to  
13 report to the President on questions of legality and  
14 propriety;

15           (2) be given access to all information relevant to  
16 its functions which is in the possession, custody or con-  
17 trol of any entity of the intelligence community; and

18           (3) conduct such inquiries into the activities of any  
19 entity of the intelligence community as the Board  
20 deems necessary to perform its functions.

21          (d) Each entity of the intelligence community shall have  
22 a general counsel or a person designated to fulfill the respon-  
23 sibilities of a general counsel who shall serve as legal adviser  
24 to the head of that entity and shall have the responsibility  
25 to—

1           (1) review activities of that entity to determine  
2           whether such activities are in conformity with the Con-  
3           stitution and laws of the United States, Executive  
4           orders, Presidential directives and memoranda, and the  
5           rules, regulations, and policies of that entity;

6           (2) review all rules and regulations of that entity,  
7           including but not limited to any rule or regulation pro-  
8           posed to implement the provisions of this Act, to  
9           ensure that such rules and regulations are in conform-  
10          ity with the Constitution and laws of the United  
11          States, Executive orders, and Presidential directives  
12          and memoranda;

13          (3) report to the Board any intelligence matters as  
14          specified by the President; and

15          (4) perform such additional duties as the head of  
16          that entity may prescribe, consistent with the provi-  
17          sions of this Act.

18          (e) Each entity of the intelligence community shall have  
19          an inspector general or a person designated to fulfill the re-  
20          sponsibilities of an inspector general who shall have the re-  
21          sponsibility to—

22                (1) investigate all activities of that entity to deter-  
23                mine in what respects authorized functions may more  
24                effectively be performed and to determine the facts and  
25                circumstances of any alleged wrongdoing;

1           (2) advise the head of that entity and, with re-  
2           spect to matters of legality, the general counsel of that  
3           entity of findings regarding activities of that entity;

4           (3) report to the Board any intelligence matters as  
5           specified by the President; and

6           (4) perform such other investigations as the head  
7           of that entity deems necessary, consistent with the pro-  
8           visions of this Act.

9           (f) The Attorney General or a designee shall—

10           (1) report, in a timely manner, to the Board any  
11           intelligence activity that involves a question as to  
12           whether there has been a significant violation of law  
13           and which has not been previously reported to the At-  
14           torney General by the Board;

15           (2) report to the President in a timely manner any  
16           intelligence activities that involve serious questions of  
17           law;

18           (3) report to the President, the Board, and the  
19           heads of the appropriate entities of the intelligence  
20           community, in a timely manner, decisions made or ac-  
21           tions taken in response to reports from such entities  
22           concerning intelligence activities; and

23           (4) keep the Board and general counsels of enti-  
24           ties of the intelligence community informed regarding



1 legal opinions of the Department of Justice affecting  
2 the operations of the intelligence community.

3 (g) The head of each entity of the intelligence communi-  
4 ty shall—

5 (1) ensure that the inspector general and the gen-  
6 eral counsel of that entity have access to any informa-  
7 tion necessary to perform their functions under this  
8 Act;

9 (2) provide to the Attorney General, in accord-  
10 ance with applicable law, any information required by  
11 the Attorney General to fulfill the Attorney General's  
12 responsibilities under this Act;

13 (3) report to the Attorney General, pursuant to  
14 section 535 of title 28, United States Code, immediate-  
15 ly upon discovery, evidence of possible violation of  
16 Federal criminal law by any person employed by, as-  
17 signed to, or acting for, such entity; and

18 (4) report to the Attorney General evidence of  
19 possible violations by any other person of those Feder-  
20 al criminal laws specified in guidelines adopted by the  
21 Attorney General.

22 (h) All officers and employees of each entity of the intel-  
23 ligence community shall cooperate fully with the Board, the  
24 inspector general and general counsel of that entity, and the  
25 Attorney General in the conduct of their authorized func-

1 tions, and in the reporting of any possible violation of law to  
2 the head of the entity and the inspector general or general  
3 counsel of that entity or the Board. The head of each entity  
4 of the intelligence community shall ensure such full coopera-  
5 tion. No officer or employee who so reports in good faith or  
6 so cooperates shall be subject to adverse personnel action  
7 solely on account of such reporting or cooperation.

8 (i)(1) The head of each entity of the intelligence commu-  
9 nity shall be empowered to take disciplinary action against  
10 any person employed by that entity for any action or omis-  
11 sion that violates the provisions of this Act or any guidelines,  
12 procedures, or regulations established pursuant to this Act,  
13 including any regulation, procedure, or obligation to provide  
14 for personnel, document, communications, or physical secu-  
15 rity or to protect intelligence sources and methods from un-  
16 authorized disclosure. Notwithstanding any other provision of  
17 law, such action may include—

18 (A) suspension from employment without pay for  
19 a period not to exceed one hundred and eighty days;

20 (B) reduction in salary or grade, or both;

21 (C) dismissal from employment; or

22 (D) a combination of (A) and (B).

23 (2) Before such disciplinary action is taken under this  
24 subsection against persons employed by or assigned to an

1 entity of the intelligence community, such persons shall have  
2 the opportunity to present evidence on their behalf.

3 (3) Nothing contained in this subsection shall be con-  
4 strued to affect or limit the authority of the head of an entity  
5 of the intelligence community to terminate the employment of  
6 or take disciplinary action against any person employed by or  
7 assigned to that entity under any provision of law other than  
8 this subsection.

9 CONGRESSIONAL OVERSIGHT

10 SEC. 142. (a) Consistent with all applicable authorities  
11 and duties, including those conferred by the Constitution  
12 upon the executive and legislative branches, the head of each  
13 entity of the intelligence community shall—

14 (1) keep the House Permanent Select Committee  
15 on Intelligence and the Senate Select Committee on  
16 Intelligence fully and currently informed of all intelli-  
17 gence activities which are the responsibility of, are en-  
18 gaged in by, or are carried out for or on behalf of, that  
19 entity of the intelligence community, including any sig-  
20 nificant anticipated intelligence activity; but the forego-  
21 ing provision shall not require approval of such com-  
22 mittees as a condition precedent to the initiation of any  
23 such anticipated intelligence activity;

24 (2) furnish any information or material concerning  
25 intelligence activities in the possession, custody, or

1 control of the head of the relevant entity of the intelli-  
2 gence community or in the possession, custody, or con-  
3 trol of any person paid by such entity whenever re-  
4 quested by the House Permanent Select Committee on  
5 Intelligence or the Senate Select Committee on Intelli-  
6 gence; and

7 (3) report in a timely fashion to the House Per-  
8 manent Select Committee on Intelligence and the  
9 Senate Select Committee on Intelligence information  
10 relating to intelligence activities that are illegal or im-  
11 proper and corrective actions that are taken or  
12 planned.

13 (b) The head of each entity of the intelligence communi-  
14 ty shall maintain a complete record of all legal authorities,  
15 published regulations, and published instructions pertaining  
16 to the intelligence activities of that entity.

17 (c) The head of each entity of the intelligence communi-  
18 ty shall establish procedures to ensure that a record is main-  
19 tained and preserved of each authorization or approval re-  
20 quired by law, regulation or procedures under section 212  
21 with respect to any intelligence activity.

22 (d) The Permanent Select Committee on Intelligence of  
23 the House of Representatives and the Select Committee on  
24 Intelligence of the Senate shall be furnished copies of all  
25 record schedules, which the entities of the intelligence com-

1 munity are required by law to furnish to the Archivist of the  
2 United States, including any modifications, amendments or  
3 supplements, at such time as these schedules, modifications,  
4 amendments, or supplements are submitted to the Archivist  
5 for approval.

6 (e) The President may establish such procedures as the  
7 President determines may be necessary to carry out the pro-  
8 visions of this section.

9 CONGRESSIONAL COMMITTEE REPORTS; DISCLOSURE

10 PROVISIONS

11 SEC. 143. (a) The House Permanent Select Committee  
12 on Intelligence and the Senate Select Committee on Intelli-  
13 gence shall report, at least annually, to their respective  
14 Houses on the nature and extent of the intelligence activities  
15 of the United States. Each committee shall promptly call to  
16 the attention of its respective House, or to any appropriate  
17 committee or committees of its respective House, any matter  
18 relating to intelligence activities which requires or should  
19 have the attention of such House or such committee or com-  
20 mittees. In making such reports, the House Permanent  
21 Select Committee on Intelligence and the Senate Select  
22 Committee on Intelligence shall do so in a manner consistent  
23 with the protection of the national security interests of the  
24 United States.

1           (b) No information or material provided to the House  
2 Permanent Select Committee on Intelligence or the Senate  
3 Select Committee on Intelligence relating to the intelligence  
4 activities of any department or agency that has been classi-  
5 fied under established security procedures or that was sub-  
6 mitted by the executive branch with the request that such  
7 information or material be kept confidential shall be made  
8 public by the House Permanent Select Committee on Intelli-  
9 gence or the Senate Select Committee on Intelligence or any  
10 member thereof, except in accordance with the provisions of  
11 H. Res. 658 of the Ninety-fifth Congress in the case of the  
12 House Permanent Select Committee on Intelligence and its  
13 members, or in accordance with the provisions of S. Res. 400  
14 of the Ninety-fourth Congress in the case of the Senate  
15 Select Committee on Intelligence and its members.

16           (c)(1) The House Permanent Select Committee on Intel-  
17 ligence shall, under such regulations as that committee shall  
18 prescribe, make any information described in subsection (a) or  
19 (b) available to any other committee or any other Member of  
20 the House. Whenever the House Permanent Select Commit-  
21 tee on Intelligence makes such information available, that  
22 committee shall keep a written record showing which com-  
23 mittee or which Members of the House received such infor-  
24 mation. No Member of the House who, and no committee  
25 which, receives such information under this paragraph shall

1 disclose such information except in accordance with the pro-  
2 visions of H. Res. 658 of the Ninety-fifth Congress.

3       (2) The Senate Select Committee on Intelligence may,  
4 under such regulations as that committee shall prescribe to  
5 protect the confidentiality of such information, make any in-  
6 formation described in subsection (a) or (b) available to any  
7 other committee or any other Member of the Senate. When-  
8 ever the Senate Select Committee on Intelligence makes  
9 such information available, the committee shall keep a writ-  
10 ten record showing which committee or which Members of  
11 the Senate received such information. No Member of the  
12 Senate who, and no committee which, receives any informa-  
13 tion under this paragraph, shall disclose such information  
14 except in accordance with the provisions of S. Res. 400 of  
15 the Ninety-fourth Congress.

16       (d) No employee of the House Permanent Select Com-  
17 mittee on Intelligence or the Senate Select Committee on  
18 Intelligence, or of any committee to which information is pro-  
19 vided pursuant to subsection (c), or any person engaged by  
20 contract or otherwise to perform services for or at the re-  
21 quest of such committee shall be given access to any classi-  
22 fied information by such committee unless such employee or  
23 person has (1) agreed in writing and under oath to be bound  
24 by the rules of the House or the Senate, as the case may be,  
25 and of such committees as to the security of such information

1 during and after the period of his employment or contractual  
2 agreement with such committees; and (2) received an appro-  
3 priate security clearance as determined by such committee in  
4 consultation with the Director of National Intelligence. The  
5 type of security clearance to be required in the case of any  
6 such employee or person shall, within the determination of  
7 such committees in consultation with the Director of National  
8 Intelligence be commensurate with the sensitivity of the clas-  
9 sified information to which such employee or person will be  
10 given access by such committees.

11 (e) The provisions of subsections (a), (b), and (c) are en-  
12 acted by the Congress—

13 (1) as an exercise of the rulemaking power of the  
14 House of Representatives and the Senate, respectively,  
15 and as such they shall be considered as part of the  
16 rules of each House, respectively, and shall supersede  
17 other rules only to the extent that they are inconsistent  
18 therewith; and

19 (2) with full recognition of the constitutional right  
20 of either House to change such rules (as far as relating  
21 to such House) at any time, in the same manner, and  
22 to the same extent as in the case of any other rule of  
23 such House.



1 REQUIREMENTS RELATING TO APPROPRIATIONS FOR NA-  
2 TIONAL INTELLIGENCE, COUNTERINTELLIGENCE, AND  
3 COUNTERTERRORISM INTELLIGENCE ACTIVITIES

4 SEC. 144. No funds may be appropriated for any fiscal  
5 year beginning after September 30, 1980, for the purpose of  
6 carrying out any national intelligence activity, counterintelli-  
7 gence activity, or counterterrorism intelligence activity by  
8 any entity of the intelligence community unless funds for  
9 such activity have been previously authorized by legislation  
10 enacted during the same fiscal year or during one of the two  
11 immediately preceding fiscal years, except that this limitation  
12 shall not apply to funds appropriated by any continuing reso-  
13 lution or required by pay raises.

14 AUDITS AND REVIEWS BY THE COMPTROLLER GENERAL

15 SEC. 145. (a) All funds appropriated to the Office of the  
16 Director, all funds appropriated to entities of the intelligence  
17 community, and all intelligence activities conducted by enti-  
18 ties of the intelligence community, and information and mate-  
19 rials relating thereto, shall be subject to financial and pro-  
20 gram management audit and review by the Comptroller Gen-  
21 eral of the United States, upon the request of the House  
22 Permanent Select Committee on Intelligence or the Senate  
23 Select Committee on Intelligence.

24 (b) Any other committee of the Congress may request  
25 financial and program management audits and reviews by the

1 Comptroller General of the United States of any intelligence  
2 activity over which such committee has legislative jurisdic-  
3 tion, but only through and with the approval of the House  
4 Permanent Select Committee on Intelligence or the Senate  
5 Select Committee on Intelligence. The results of any such  
6 audit or review shall be submitted to (1) the House Perma-  
7 nent Select Committee on Intelligence, in the case of any  
8 audit or review requested by a committee of the House of  
9 Representatives, and shall be made available by such select  
10 committee, in accordance with and subject to the provisions  
11 of section 143 of this Act, to the committee of the House of  
12 Representatives which requested such audit or review, and  
13 (2) the Senate Select Committee on Intelligence in the case  
14 of any audit or review requested by a committee of the  
15 Senate, and shall be made available by such select commit-  
16 tee, in accordance with and subject to the provisions of sec-  
17 tion 143 of this Act, to the committee of the Senate which  
18 requested such audit or review.

19 (c) Any audit or review of any intelligence activity au-  
20 thorized in subsection (a) or (b) above shall be conducted in  
21 accordance with such security standards as may be pre-  
22 scribed by the Director.

23 (d) Notwithstanding the foregoing provisions of this sub-  
24 section, the Director may exempt from any such audit and  
25 review any funds expended for a particular intelligence activ-

1 ity, and the activity for which such funds are expended, if the  
2 Director (1) determines such exemption to be essential to  
3 protect the security of the United States, and (2) notifies the  
4 House Permanent Select Committee on Intelligence and the  
5 Senate Select Committee on Intelligence of such exemption.

6 TITLE II—STANDARDS FOR INTELLIGENCE

7 ACTIVITIES

8 PART A—PURPOSES AND DEFINITIONS

9 STATEMENT OF PURPOSES

10 SEC. 201. It is the purpose of this title—

11 (a) to provide statutory authorization for activities  
12 of entities of the intelligence community that concern  
13 United States persons and that are necessary for the  
14 conduct of the foreign relations or the protection of the  
15 national security of the United States;

16 (b) to establish statutory standards for such activi-  
17 ties and effective means to ensure that such activities  
18 are conducted in accordance with those standards; and

19 (c) to delineate responsibilities of government offi-  
20 cials for ensuring that such activities are conducted in  
21 accordance with the Constitution and laws of the  
22 United States.



1           (5) The term "extraordinary technique" means  
2 foreign electronic surveillance and foreign physical  
3 search and any other technique directed against a  
4 United States person for which a warrant would be re-  
5 quired if undertaken for law enforcement purposes in  
6 the United States, but does not include electronic sur-  
7 veillance or physical search under the Foreign Intelli-  
8 gence Search and Surveillance Act (92 Stat. 1783), as  
9 amended.

10           (6) The term "foreign electronic surveillance"  
11 means the acquisition by an electronic, mechanical, or  
12 other surveillance device of the contents of any wire,  
13 oral, or radio communication of a particular, known  
14 United States person who is outside the United States,  
15 if the contents are acquired by intentionally targeting  
16 that United States person, or the use of an electronic,  
17 mechanical, or other surveillance device to monitor the  
18 activities of a particular, known United States person  
19 who is outside the United States, in circumstances in  
20 which a court order would be required under the For-  
21 eign Intelligence Search and Surveillance Act (92 Stat.  
22 1783), as amended, if undertaken within the United  
23 States, but does not include electronic surveillance as  
24 defined in that Act.

1           (7) The term "foreign physical search" means any  
2 search directed against a United States person who is  
3 outside the United States or the property of a United  
4 States person that is located outside the United States  
5 and any opening of mail outside the United States and  
6 outside United States postal channels of a known  
7 United States person under circumstances in which a  
8 court order under the Foreign Intelligence Search and  
9 Surveillance Act, (92 Stat. 1783), as amended, would  
10 be required in the United States.

11           (8) The term "foreign power" means—

12                   (A) a foreign government or any component  
13 thereof, whether or not recognized by the United  
14 States;

15                   (B) a faction of a foreign nation or nations  
16 not substantially composed of United States per-  
17 sons;

18                   (C) an entity that is known to be directed  
19 and controlled by a foreign government or govern-  
20 ments;

21                   (D) a group engaged in international terrorist  
22 activity or activities in preparation therefor;

23                   (E) a foreign-based political organization, not  
24 substantially composed of United States persons.

1           (9) The term "mail cover" means systematic and  
2 deliberate inspection and recording of information ap-  
3 pearing on the exterior of envelopes in the mails.

4           (10) The term "minimization procedures", with  
5 respect to extraordinary techniques, means specific  
6 procedures which shall be adopted by the Attorney  
7 General in consultation with the head of an entity of  
8 the intelligence community and the Director of Nation-  
9 al Intelligence—

10           (A) that are reasonably designed in light of  
11 the purpose of a particular technique to minimize  
12 the acquisition and retention and to prohibit the  
13 dissemination of nonpublicly available information  
14 concerning unconsenting United States persons,  
15 consistent with the need of the United States to  
16 obtain, produce, and disseminate intelligence; and

17           (B) under which foreign intelligence that is  
18 not publicly available may be disseminated in a  
19 manner that identifies a United States person,  
20 without such person's consent, only if such per-  
21 son's identity is necessary to understand that for-  
22 eign intelligence or to assess its importance, pro-  
23 vided that information that is evidence of a crime  
24 may be disseminated for law enforcement pur-  
25 poses.

1           (11) "Physical surveillance" means an uncon-  
2           sented, systematic and deliberate observation of a person  
3           by any means on a continuing basis, or unconsented ac-  
4           quisition of a nonpublic communication by a person not  
5           a party thereto or visibly present thereat, through any  
6           means not involving electronic surveillance.

7   PART B—AUTHORITY AND STANDARDS FOR ACTIVITIES  
8           THAT CONCERN UNITED STATES PERSONS  
9           AUTHORITY FOR ACTIVITIES THAT CONCERN UNITED  
10           STATES PERSONS

11       SEC. 211. (a) An entity of the intelligence community  
12       may engage in the following activities only in accordance  
13       with this title and only to fulfill a lawful function of that  
14       entity:

15           (1) collection, retention, or dissemination of intelli-  
16           gence concerning United States persons;

17           (2) any other intelligence activities directed  
18           against United States persons;

19           (3) collection, retention, or dissemination of infor-  
20           mation concerning United States persons who are tar-  
21           gets of clandestine intelligence gathering activities of a  
22           foreign government;

23           (4) collection, retention, or dissemination of infor-  
24           mation concerning United States persons to determine



1 the suitability or credibility of potential sources of in-  
2 telligence or operational assistance;

3 (5) collection, retention, or dissemination of infor-  
4 mation concerning United States persons to provide  
5 personnel, document, communications or physical secu-  
6 rity for intelligence activities.

7 (b) Information concerning any United States person  
8 may be collected, retained and disseminated, and intelligence  
9 activities may be directed against any United States person,  
10 by an entity of the intelligence community using any tech-  
11 nique with the consent of that person.

12 (c) Publicly available information concerning any United  
13 States person may be collected by an entity of the intelli-  
14 gence community when such information is relevant to a  
15 lawful function of that entity, and may be retained and dis-  
16 seminated for lawful governmental purposes.

17 (d) Information concerning any United States person  
18 may be retained and disseminated by an entity of the intelli-  
19 gence community if the information does not identify that  
20 person.

21 (e) Information concerning a United States person col-  
22 lected by a means or in a manner prohibited by this Act shall  
23 be destroyed as soon as feasible after recognition and may  
24 not be disseminated unless the head of the collecting agency  
25 or a designee determines that the information—

1           (1) should be retained for purposes of oversight,  
2           accountability or redress;

3           (2) evidences danger to the physical safety of any  
4           person, provided that dissemination is limited to that  
5           deemed necessary to protect against such danger and  
6           the Attorney General or a designee is notified in a  
7           timely manner; or

8           (3) is required by law to be retained or dissemi-  
9           nated for any administrative, civil, or criminal proceed-  
10          ing of which the collecting agency has prior notice:  
11          *Provided*, That dissemination is limited to that neces-  
12          sary for such proceeding.

13          (f) Nothing in this Act shall affect the use by an entity of  
14          the intelligence community of security guards, access con-  
15          trols, requirements for identification credentials, or inspection  
16          of material carried by persons entering or leaving its installa-  
17          tions as measures to protect the security of its personnel,  
18          installations, activities, equipment, or classified information.

19          (g) Nothing in this Act shall be construed to prohibit  
20          voluntary provision of information to an entity of the intelli-  
21          gence community by any person not employed by or assigned  
22          to that entity.

23          (h) Nothing in this part shall prohibit, limit, or otherwise  
24          affect activities of any department or agency other than ac-  
25          tivities described in subsection (a).

1

PROCEDURES

2

SEC. 212. (a) Except as authorized by subsections 211

3

(b) through (d) of this title, activities described in subsection

4

211(a) may not be conducted by an entity of the intelligence

5

community unless permitted by procedures established by the

6

head of that entity and approved by the Attorney General.

7

Those procedures shall—

8

(1) protect constitutional rights and privacy;

9

(2) designate officials authorized to initiate or ap-

10

prove particular activities, provide for periodic review

11

of activities at timely intervals by designated officials,

12

and ensure that records are maintained of all approvals

13

required by such procedures and this title for particular

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activities;

15

(3) be reasonably designed in light of the purpose

16

of a particular technique to minimize the acquisition

17

and retention and to prohibit the dissemination of infor-

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mation concerning United States persons, consistent

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with the need of the United States to obtain, produce,

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and disseminate information for lawful governmental

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purposes;

22

(4) prohibit dissemination of foreign intelligence in

23

a manner that identifies a United States person unless

24

such person's identity is necessary to understand that

25

intelligence or assess its importance: *Provided, That*

1 information that is evidence of a crime may be dissemi-  
2 nated for law enforcement purposes;

3 (5) prescribe reasonable requirements for the  
4 scope, intensity, and duration of particular types of ac-  
5 tivities taking into account the nature and quality of in-  
6 formation on which the activity is based and the impor-  
7 tance of the intended United States objective;

8 (6) ensure that activities to collect information  
9 that are directed against any United States person are  
10 conducted with minimal intrusion consistent with the  
11 need to acquire information of the nature, reliability  
12 and timeliness that is required;

13 (7) implement the determinations by the President  
14 regarding covert techniques under section 202(b)(2);  
15 and

16 (8) govern the conduct of employees under cover  
17 engaged in activities within the United States or di-  
18 rected against United States persons abroad.

19 (b) The head of the entity shall make such procedures  
20 and any changes thereto available to the House Permanent  
21 Select Committee on Intelligence and the Senate Select  
22 Committee on Intelligence a reasonable time prior to their  
23 effective date, unless the Attorney General determines imme-  
24 diate action is required and notifies the committees immedi-

1 ately of such procedures and the reason for their becoming  
2 effective immediately.

3           COLLECTION OF FOREIGN INTELLIGENCE

4           SEC. 213. (a) Collection of foreign intelligence by means  
5 of covert techniques shall not be directed against United  
6 States persons, except in the course of collection of counter-  
7 intelligence or counterterrorism intelligence, or in extraordi-  
8 nary cases when authorized in accordance with this section.

9           (b)(1) Except as provided in subsection (c), approval for  
10 any collection of foreign intelligence by means of covert tech-  
11 niques directed against a United States person shall be based  
12 on a finding by the President that extraordinary circum-  
13 stances require such collection to acquire foreign intelligence  
14 that is essential to the national security of the United States  
15 and that cannot reasonably be acquired by other means.

16           (2) Approval for any such collection shall be preceded  
17 by a review by the National Security Council or a committee  
18 thereof designated by the President for that purpose. No rec-  
19 ommendation to the President relating to any such collection  
20 may be made unless the following officers, or if unavailable  
21 their representatives, were present: the Secretary of State,  
22 the Secretary of Defense, the Attorney General, and the Di-  
23 rector of National Intelligence.

24           (3) Any collection under this subsection which lasts  
25 more than a year or which is substantially changed in pur-

1 pose must be reaffirmed by the President under paragraph (1)  
2 and reviewed by the National Security Council or a commit-  
3 tee thereof under paragraph (2).

4 (c)(1) Approval for collection of foreign intelligence in-  
5 volving covert techniques directed against a United States  
6 person may be based on a finding by an official designated by  
7 the President that the target is a senior official of a foreign  
8 power, an unincorporated association substantially composed  
9 of United States citizens or permanent resident aliens direct-  
10 ed and controlled by a foreign government or governments,  
11 or any other entity directed and controlled by a foreign power  
12 and that unusual circumstances require such collection to ac-  
13 quire foreign intelligence that is important to the national  
14 security of the United States and that cannot reasonably be  
15 acquired by other means.

16 (2) The Attorney General shall be advised of any collec-  
17 tion conducted under this subsection, and the National Secu-  
18 rity Council or the committee thereof designated by the  
19 President under subsection (b) shall review periodically any  
20 collection conducted under this subsection.

21 (d) Foreign intelligence may be collected within the  
22 United States by clandestine means directed against uncon-  
23 senting United States persons who are within the United  
24 States only by the Federal Bureau of Investigation, with  
25 notice to the Attorney General or a designee by components

1 of the military services when directed against persons subject  
2 to the Uniform Code of Military Justice (10 U.S.C. 803, Art.  
3 2, (1) through (10)); by the National Security Agency when  
4 directed at foreign electromagnetic communications, as de-  
5 fined in section 602(b)(5); or, when collection is authorized  
6 under subsection (c) and approved by the Attorney General,  
7 by the Central Intelligence Agency through established  
8 sources and pretext interviews.

9 COUNTERINTELLIGENCE AND COUNTERTERRORISM

10 INTELLIGENCE ACTIVITIES

11 SEC. 214. (a) Counterintelligence and counterterrorism  
12 intelligence activities may be directed against United States  
13 persons without the consent of the United States person con-  
14 cerned only on the basis of facts or circumstances which rea-  
15 sonably indicate that the person is or may be engaged in  
16 clandestine intelligence activities on behalf of a foreign power  
17 or international terrorist activity.

18 (b) Counterintelligence and counterterrorism intelligence  
19 may be collected by placing employees in an organization in  
20 the United States or substantially composed of United States  
21 persons, only if—

22 (1) a designated senior official of the entity makes  
23 a written finding that such participation is necessary to  
24 achieve significant intelligence objectives and meets the

1 requirements of the procedures established under sec-  
2 tion 212; and

3 (2) independent means are created in the proce-  
4 dures established under section 212 for audit and in-  
5 spection of such participation.

6 (c) Counterintelligence and counterterrorism intelligence  
7 may be collected through the use against a United States  
8 person of mail covers, physical surveillance for purposes  
9 other than identification, recruitment of persons to engage in  
10 directed collection, or access to the records of a financial in-  
11 stitution, as defined in section 1101 of the Right to Financial  
12 Privacy Act of 1978, only if an official designated pursuant  
13 to the procedures established under section 212 makes a  
14 written finding that the use of such technique or techniques is  
15 necessary to achieve authorized intelligence objectives and  
16 meets the requirements of the procedures established pursu-  
17 ant to section 212.

18 (d) The Attorney General or a designee shall be notified  
19 of findings under subsections (b) and (c) with respect to coun-  
20 terintelligence or counterterrorism intelligence activities  
21 which the entity, based on guidelines established by the At-  
22 torney General, concludes may involve significant collection  
23 of information concerning political or religious activity.



1 COLLECTION OF INFORMATION CONCERNING TARGETS OF  
2 CLANDESTINE INTELLIGENCE GATHERING ACTIVITY  
3 OF FOREIGN GOVERNMENTS  
4 SEC. 215. Information concerning United States per-  
5 sons may be collected without the consent of the United  
6 States person concerned if an official designated pursuant to  
7 the procedures established under section 212 makes a written  
8 finding with notice to the Attorney General or a designee  
9 that the person is the target of clandestine intelligence gath-  
10 ering activity of a foreign government and such collection is  
11 necessary for counterintelligence purposes and meets the re-  
12 quirements of the procedures established pursuant to section  
13 212. Covert techniques and mail covers may not be directed  
14 against unconsenting United States persons for collection  
15 under this section.

16 COLLECTION OF INFORMATION CONCERNING POTENTIAL  
17 SOURCES OF INTELLIGENCE OR OPERATIONAL AS-  
18 SISTANCE

19 SEC. 216. Information concerning persons who are under  
20 consideration as potential sources of intelligence or oper-  
21 ational assistance may be collected, without the consent of a  
22 United States person against whom such collection is direct-  
23 ed, only in accordance with procedures established under sec-  
24 tion 212 which shall limit the scope, intensity and duration of  
25 such collection to that necessary to determine in a timely

1 manner the suitability or credibility of the potential source.  
2 Such collection shall be limited to interviews, physical sur-  
3 veillance for purposes of identification, checks of Federal,  
4 State, or local government records, and other techniques ap-  
5 proved by the head of the collecting agency or a designee  
6 with notice to the Attorney General or a designee, except  
7 that covert techniques and mail covers may not be directed  
8 against unconsenting United States persons for such  
9 collection.

10 COLLECTION OF INFORMATION FOR SECURITY PURPOSES

11 SEC. 217. (a) Information may be collected to provide  
12 personnel, document, communication, or physical security for  
13 intelligence activities, without the consent of a United States  
14 person against whom such collection is directed, only in ac-  
15 cordance with procedures established under section 212  
16 which shall govern the categories of persons who may be  
17 subjects of such collection by particular agencies, and which  
18 shall limit the scope, intensity, duration, and targets of such  
19 collection to that required—

20 (1) to determine the suitability or trustworthiness  
21 of employees, contractors and contractor employees  
22 who will perform work in connection with an agency  
23 contract, applicants for contractor status, persons em-  
24 ployed by proprietaries, or applicants for employment  
25 or for access to classified information or facilities, con-

1 sultants, or persons detailed or assigned to an entity,  
2 when requesting the consent of the person against  
3 whom the collection is directed would jeopardize the  
4 security of an intelligence activity;

5 (2) to protect against breaches of security regula-  
6 tions or contractual obligations applicable to persons  
7 described in paragraph (1), except that such collection  
8 shall be limited to that necessary to refer the matter to  
9 the Department of Justice;

10 (3) to protect against a direct or imminent threat  
11 that may be posed by the activities of that person to  
12 the physical safety of personnel, installations, property,  
13 documents, or other materials related to intelligence  
14 activities, except that such collection within the United  
15 States shall be limited to that necessary to refer the  
16 matter to an appropriate law enforcement agency; and

17 (4) to determine whether proposed intelligence ac-  
18 tivity sites meet appropriate physical security require-  
19 ments.

20 (b) Covert techniques and mail covers may not be di-  
21 rected against unconsenting United States persons for collec-  
22 tion under this section. Information may be collected under  
23 this section by clandestine means directed against unconsent-  
24 ing United States persons only if an official designated pursu-  
25 ant to the procedures established under section 212 makes a

1 written finding that the use of such means is necessary for  
2 authorized security purposes and meets the requirements of  
3 the procedures established pursuant to section 212.

4 REVIEW OF ACTIVITIES

5 SEC. 218. Activities directed against particular United  
6 States persons that are authorized pursuant to sections 213  
7 through 217 of this part for longer than one year shall be  
8 reviewed at least annually by the head of the entity or a  
9 designee. Except for collection of information under section  
10 217 concerning employees of an entity, a report of such  
11 review shall be submitted to the Attorney General or a desig-  
12 nee or, for activities by components of the military services  
13 directed against persons subject to the Uniform Code of Mili-  
14 tary Justice (10 U.S.C. 803, Art. 2 (1) through (10)), to the  
15 appropriate service Secretary or a designee.

16 PART C—STANDARDS FOR EXTRAORDINARY TECHNIQUES

17 USE OF EXTRAORDINARY TECHNIQUES OUTSIDE THE

18 UNITED STATES

19 SEC. 221. (a) Extraordinary techniques may not be di-  
20 rected against a United States person outside the United  
21 States for the purposes of collecting intelligence, except pur-  
22 suant to court order.

23 (b) Applications for an order from the court established  
24 pursuant to the Foreign Intelligence Search and Surveillance  
25 Act (92 Stat. 1783), as amended, are authorized and, not-

1 withstanding any other law, a judge to whom an application  
2 is made pursuant to this section may grant an order approv-  
3 ing the use of an extraordinary technique directed against a  
4 United States person outside the United States to collect  
5 intelligence.

6 (c) An order approving the use of an extraordinary tech-  
7 nique pursuant to this section to collect foreign intelligence  
8 shall be granted if the court finds that—

9 (1) the Attorney General has certified in writing  
10 that the proposed use of an extraordinary technique  
11 against the United States person has been approved in  
12 accordance with section 213 of this title to collect for-  
13 eign intelligence;

14 (2) the information sought is foreign intelligence;

15 (3) there is probable cause to believe that the  
16 United States person against whom the extraordinary  
17 technique is to be directed is in possession of, or, in  
18 addition with respect to foreign electronic surveillance,  
19 is about to receive, the information sought;

20 (4) less intrusive means cannot reasonably be ex-  
21 pected to acquire intelligence of the nature, reliability  
22 and timeliness that is required; and

23 (5) the proposed minimization procedures meet the  
24 definition of minimization procedures under section  
25 202(b)(10) of this title.

1 (d) An order approving the use of an extraordinary tech-  
2 nique pursuant to this section to collect counterintelligence or  
3 counterterrorism intelligence shall be granted if the court  
4 finds that—

5 (1) significant counterintelligence or counterterror-  
6 ism intelligence is likely to be obtained from the pro-  
7 posed use of an extraordinary technique against the  
8 United States person;

9 (2) there is probable cause to believe that the  
10 United States person against whom the extraordinary  
11 technique is to be directed engages or is about to  
12 engage in clandestine intelligence activities on behalf of  
13 a foreign power, international terrorist activity, or ac-  
14 tivities in furtherance thereof;

15 (3) less intrusive means cannot reasonably be ex-  
16 pected to acquire intelligence of the nature, reliability  
17 and timeliness that is required; and

18 (4) the proposed minimization procedures meet the  
19 definition of such procedures under section 202(b)(10)  
20 of this title.

21 (e) The order of the court approving such use of an ex-  
22 traordinary technique shall be in writing and shall—

23 (1) specify the identity, if known, or a description  
24 of the United States person against whom the extraor-  
25 dinary technique is to be directed;

1           (2) specify the nature and location of the property,  
2           communications or activity to be the subject of the use  
3           of the extraordinary technique and state whether phys-  
4           ical entry may be involved;

5           (3) specify a reasonable period, not to exceed  
6           ninety days, during which the use of an extraordinary  
7           technique is authorized: *Provided*, That no order shall  
8           authorize more than one unconsented entry into real  
9           property except for entries to install, repair, or remove  
10          surveillance devices; and

11          (4) direct that minimization procedures be fol-  
12          lowed.

13          (f) Extensions of an order issued under this section may  
14          be granted on the same basis as an original order upon an  
15          application for an extension and new findings made in the  
16          same manner as required for an initial order.

17          (g) The procedural, administrative, and security provi-  
18          sions established under the Foreign Intelligence Search and  
19          Surveillance Act (92 Stat. 1783), as amended, shall be ob-  
20          served by the court considering applications for use of ex-  
21          traordinary techniques under this section. The provisions of  
22          that Act with respect to use of information, wartime author-  
23          ity, and congressional oversight shall apply to the use of ex-  
24          traordinary techniques under this section.

1           (h) The court of review established pursuant to section  
2 103(b) of the Foreign Intelligence Search and Surveillance  
3 Act (92 Stat. 1783), shall have jurisdiction to hear appeals  
4 from decisions with respect to applications for use of extraor-  
5 dinary techniques under this section. Decisions of the court of  
6 review shall be subject to review by the Supreme Court of  
7 the United States as provided in that Act.

8           (i) Use of extraordinary techniques by military compo-  
9 nents directed against United States persons outside the  
10 United States who are subject to the Uniform Code of Mili-  
11 tary Justice (10 U.S.C. 802, Art. 2, (1) through (10)), may  
12 be authorized pursuant to an order issued in conformance  
13 with subsections (c) through (f) of this section by a military  
14 judge appointed under the Uniform Code of Military Justice  
15 and designated by the Secretary of Defense. The Attorney  
16 General shall be informed in a timely manner of all applica-  
17 tions and orders under this subsection. The procedural, ad-  
18 ministrative, and security provisions established under the  
19 Foreign Intelligence Search and Surveillance Act (92 Stat.  
20 1783), as amended, shall be observed by a military judge  
21 considering applications for use of extraordinary techniques  
22 under this section, except that security measures may be es-  
23 tablished by the Secretary of Defense.



## 1 COOPERATIVE ARRANGEMENTS

2 SEC. 222. (a) Notwithstanding the provisions of this  
3 title, no agency, Federal officer or employee may be required  
4 in connection with any proceeding under section 221 to dis-  
5 close to a court information concerning any cooperative or  
6 liaison relationship that any agency of the United States  
7 Government may have with any foreign government or com-  
8 ponent thereof: *Provided*, That the Director of National  
9 Intelligence has determined that such disclosure would  
10 jeopardize such relationship.

11 (b) In any case in which a determination of facts related  
12 to a finding of probable cause under section 221 (c)(3) or  
13 (d)(2) would require disclosure of information protected by  
14 this section, the Attorney General may submit a certification  
15 of facts to the court based on a determination by the Attor-  
16 ney General that the information reliably supports such certi-  
17 fication of facts and is protected from disclosure by this sec-  
18 tion. The court may require disclosure of any information re-  
19 lating to a finding of probable cause under section 221 (c)(3)  
20 or (d)(2) which does not disclose information protected by this  
21 section. In any case in which the Attorney General has sub-  
22 mitted such a certification of facts, the court shall base its  
23 finding of probable cause under section 221 (c)(3) or (d)(2) on  
24 such certification of facts and on any other information relat-  
25 ing to the finding which is not protected by this section. The

1 court shall not refuse to make a finding of probable cause  
2 under section 221 (c)(3) or (d)(2) because information protect-  
3 ed by this section has been withheld.

4                                   EMERGENCY PROCEDURES

5           SEC. 223. Activities that require approval under section  
6 213 or a court order under section 221 of this title may be  
7 conducted without such approval or court order for a period  
8 not longer than seventy-two hours: *Provided*, That—

9           (a) the head of the entity of the intelligence com-  
10 munity, or the senior agency official, or the senior mili-  
11 tary officer authorized to act in such cases, in the  
12 country in which the activity is to be conducted, ap-  
13 proves the activity and determines that—

14                   (1) an emergency situation exists such that  
15 the activity is required before such approval or  
16 court order could be obtained with due diligence;  
17 and

18                   (2) the factual basis for such approval or  
19 court order exists;

20           (b) an application for such approval or court order  
21 shall be made within seventy-two hours of the initi-  
22 ation of the activity;

23           (c) the activity shall be terminated when the infor-  
24 mation sought is obtained; when the application for  
25 such approval or court order is denied; or upon the ex-

1       piration of the seventy-two hour period without such  
2       approval or issuance of a court order, whichever occurs  
3       first; and

4               (d) information concerning a United States person  
5       obtained through the activity before an application for  
6       such approval or court order is granted or denied shall  
7       be treated in accordance with minimization procedures  
8       and shall be treated in accordance with section 211(e)  
9       of this title if the application is denied.

10       PART D—REMEDIES AND SANCTIONS; OTHER

11                               PROVISIONS

12                               CRIMINAL SANCTIONS

13       SEC. 231. (a) Any employee of the United States who  
14       intentionally—

15               (1) engages in foreign electronic surveillance or  
16       foreign physical search under color of law except as  
17       authorized by statute; or

18               (2) discloses or uses information obtained under  
19       color of law by foreign electronic surveillance or for-  
20       eign physical search knowing or having reason to know  
21       the information was obtained through foreign electronic  
22       surveillance or foreign physical search engaged in by  
23       any employee of the United States and not authorized  
24       by statute, shall be guilty of an offense under this Act.

1 (b) It is a defense to a prosecution under subsection (a)  
2 that the defendant was an employee of the United States  
3 engaged in the course of official duties and the foreign elec-  
4 tronic surveillance or foreign physical search was authorized  
5 by and conducted pursuant to a court order or search warrant  
6 issued by a court of competent jurisdiction. It is also a de-  
7 fense to prosecution that, at the time of the activity, the de-  
8 fendant was a law enforcement officer engaged in the course  
9 of official duties and there was no statute or established judi-  
10 cial procedure governing authorizations for the type of sur-  
11 veillance or search involved.

12 (c) An offense described in subsection (a) is punishable  
13 by a fine of not more than \$10,000, or imprisonment for not  
14 more than five years, or both.

15 (d) There is Federal jurisdiction over an offense under  
16 this section if the person committing the offense was an offi-  
17 cer or employee of the United States at the time the offense  
18 was committed.

19 **CIVIL LIABILITY AND JURISDICTION**

20 **SEC. 232.** (a) Any aggrieved person, other than a for-  
21 eign power, as defined in section 101(a) of the Foreign Intel-  
22 ligence Surveillance Act of 1978, or an agent of a foreign  
23 power, as defined in section 101(b)(1)(A) of the Foreign Intel-  
24 ligence Surveillance Act of 1978 but regardless of whether  
25 the agency occurs within or outside of the United States,

1 who has been subjected to a foreign electronic surveillance or  
2 whose property has been the subject of a foreign physical  
3 search, or about whom information obtained by foreign elec-  
4 tronic surveillance of such person or foreign physical search  
5 of such property has been disclosed or used, in violation of  
6 section 231 shall have a cause of action against any person  
7 who committed such violation and shall be entitled to  
8 recover—

9 (1) actual damages, but not less than liquidated  
10 damages of \$1,000 or \$100 per day for each day of  
11 violation, whichever is greater;

12 (2) punitive damages; and

13 (3) reasonable attorney's fees and other investiga-  
14 tion and litigation costs reasonably incurred.

15 (b) The district courts of the United States shall have  
16 original jurisdiction over all civil actions for money damages  
17 under this section.

18 (c) Except as provided in this section, nothing in this  
19 title, or in any guidelines or procedures established pursuant  
20 to this title, creates a civil cause of action for equitable relief  
21 against the United States or a civil cause of action against  
22 any officer, agent, or employee or former officer, agent, or  
23 employee of the United States Government not otherwise  
24 available under the Constitution or laws of the United States.

1 (d) Except as provided in this section and section  
2 221(g), nothing in this Act or in any guidelines or procedures  
3 established pursuant to this Act creates any substantive or  
4 procedural right and no court has jurisdiction over a claim in  
5 any proceeding, including a motion to quash a subpoena, sup-  
6 press evidence, or dismiss an indictment based solely on an  
7 alleged failure to follow a provision of this Act or of guide-  
8 lines or procedures established pursuant to this Act.

9 PROTECTION OF PRIVILEGED COMMUNICATIONS

10 SEC. 233. No otherwise privileged communications or  
11 information shall lose its privileged character as a conse-  
12 quence of this Act.

13 ADMINISTRATIVE RULEMAKING

14 SEC. 234. The Director of National Intelligence and the  
15 head of each entity of the intelligence community shall, in  
16 appropriate consultation with the Attorney General, promul-  
17 gate regulations necessary to carry out the provisions of this  
18 Act. Any promulgation of a standard, rule, regulation, or  
19 procedure to implement this title shall be exempt from the  
20 provisions of section 553 of title 5, United States Code.

21 TITLE III—THE INTELLIGENCE COMMUNITY

22 PURPOSES

23 SEC. 301. It is the purpose of this title—

24 (a) to provide for the appointment of a Director of  
25 National Intelligence, to delineate the responsibilities

1 of such Director, and to confer on such Director the  
2 authority necessary to fulfill those responsibilities;

3 (b) to ensure that the national intelligence activi-  
4 ties of the entities of the intelligence community are  
5 properly and effectively directed, regulated, coordinat-  
6 ed, and administered, and

7 (c) to ensure that the Director of National Intelli-  
8 gence is accountable to the President, the Congress,  
9 and the people of the United States, and that the na-  
10 tional intelligence activities of the entities of the intelli-  
11 gence community are conducted in a manner consistent  
12 with the Constitution and laws of the United States.

13 **PRESIDENTIAL DESIGNATION OF NATIONAL INTELLIGENCE**  
14 **ACTIVITIES**

15 **SEC. 302.** The President shall determine from time to  
16 time which foreign intelligence activities, if any, in addition  
17 to those specifically defined as national intelligence activities  
18 by this Act, shall constitute national intelligence activities for  
19 the purposes of this title.

20 **DIRECTOR AND DEPUTY DIRECTOR OF NATIONAL**  
21 **INTELLIGENCE**

22 **SEC. 303.** (a) There is established in the executive  
23 branch of the Government an independent establishment to  
24 be known as the "Office of the Director of National Intelli-  
25 gence" (hereinafter in this title referred to as the "Office of

1 the Director"). There shall be at the head of the Office of the  
2 Director a Director of National Intelligence (hereinafter in  
3 this part referred to as the "Director"). There shall be a  
4 Deputy Director of National Intelligence (hereinafter in this  
5 part referred to as the "Deputy Director") to assist the Di-  
6 rector in carrying out the Director's functions under this Act.

7 (b) The Director and the Deputy Director shall be ap-  
8 pointed by the President, by and with the advice and consent  
9 of the Senate. The Director and the Deputy Director shall  
10 each serve at the pleasure of the President. No person may  
11 serve as Director for more than ten years or as Deputy Di-  
12 rector for more than ten years.

13 (c) At no time shall the two offices of Director and  
14 Deputy Director be occupied simultaneously by commis-  
15 sioned officers of the Armed Forces whether in an active or  
16 retired status.

17 (d)(1) If a commissioned officer of the Armed Forces is  
18 appointed as Director or Deputy Director, then—

19 (A) in the performance of the duties of Director or  
20 Deputy Director, as the case may be, the officer shall  
21 be subject to no supervision, control, restriction, or  
22 prohibition of the Department of Defense, the military  
23 departments, or the Armed Forces of the United States  
24 or any component thereof; and



65

1 (B) that officer shall not possess or exercise any  
2 supervision, control, powers, or functions (other than  
3 those authorized to that officer as Director or Deputy  
4 Director) with respect to the Department of Defense,  
5 the military departments, or the Armed Forces of the  
6 United States or any component thereof, or with re-  
7 spect to any of the personnel (military or civilian) of  
8 any of the foregoing.

9 (2) Except as provided in this section, the appointment  
10 to the office of Director or Deputy Director of a commis-  
11 sioned officer of the Armed Forces, and acceptance of and  
12 service in such an office by that officer, shall in no way affect  
13 any status, office, rank, or grade that officer may occupy or  
14 hold in the Armed Forces, or any emolument, perquisite,  
15 right, privilege, or benefit incident to or arising out of any  
16 such status, office, rank, or grade. A commissioned officer  
17 shall, while serving in the office of Director or Deputy Direc-  
18 tor, continue to hold rank and grade not lower than that in  
19 which that officer was serving at the time of that officer's  
20 appointment as Director or Deputy Director.

21 (3) The grade of any such commissioned officer shall,  
22 during any period such officer occupies the office of Director  
23 or Deputy Director, be in addition to the numbers and per-  
24 centages authorized for the military department of which  
25 such officer is a member.

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1           (e) The Director and Deputy Director whether civilian  
2 or military shall be compensated while serving as Director or  
3 Deputy Director only from funds appropriated to the Office of  
4 the Director.

5           (f) If a commissioned officer of the Armed Forces is  
6 serving as Director or Deputy Director, that officer shall be  
7 entitled, while so serving, to the difference, if any, between  
8 the regular military compensation (as defined in section  
9 101(25) of title 37, United States Code) to which that officer  
10 is entitled and the compensation provided for that office  
11 under subchapter II of chapter 53 of title 5, United States  
12 Code.

13           (g) The Deputy Director shall act in the place of the  
14 Director during the absence or disability of the Director or  
15 during any temporary vacancy in the office of the Director.  
16 The Director shall provide by regulation which Assistant Di-  
17 rector of National Intelligence shall, whenever there is no  
18 Deputy Director, act in the place of the Director during the  
19 absence or disability of the Director or during any temporary  
20 vacancy in the office of the Director and which Assistant  
21 Director of National Intelligence shall act in the place of the  
22 Deputy Director during the absence or disability of the  
23 Deputy Director or during any temporary vacancy in the  
24 office of the Deputy Director, or while the Deputy Director is  
25 acting as Director.

1 DUTIES AND AUTHORITIES OF THE DIRECTOR

2 SEC. 304. (a) The Director shall serve, under the direc-  
3 tion of the National Security Council, as the principal foreign  
4 intelligence officer of the United States.

5 (b) The Director shall be responsible for—

6 (1) the coordination of national intelligence activi-  
7 ties of the entities of the intelligence community;

8 (2) the coordination of counterintelligence activi-  
9 ties of the entities of the intelligence community that  
10 are conducted abroad; and

11 (3) the coordination of counterterrorism intelli-  
12 gence activities conducted abroad by the entities of the  
13 intelligence community and the coordination of those  
14 activities with similar activities abroad by other depart-  
15 ments and agencies.

16 (c) The Director shall be responsible for evaluating the  
17 quality of the national intelligence that is collected, produced  
18 and disseminated by entities of the intelligence community  
19 and shall, on a continuing basis, review all current and pro-  
20 posed national intelligence activities in order to ensure that  
21 those activities are properly, efficiently, and effectively di-  
22 rected, regulated, coordinated and administered.

23 (d) The Director shall coordinate and direct the collec-  
24 tion of national intelligence by the entities of the intelligence  
25 community by—

1           (1) developing such specific collection objectives  
2           and targets for the entities of the intelligence commu-  
3           nity as are necessary to meet the intelligence require-  
4           ments and priorities established by the National Secu-  
5           rity Council;

6           (2) establishing procedures, in coordination with  
7           the heads of departments and agencies not within the  
8           intelligence community, to increase, insofar as is possi-  
9           ble, the national intelligence contribution made by  
10          those departments and agencies without adversely af-  
11          fecting the performance of their other authorized  
12          duties; and

13          (3) coordinating all clandestine collection of intelli-  
14          gence outside the United States including all clandes-  
15          tine collection of intelligence outside the United States  
16          utilizing human sources.

17          (e) The Director shall be responsible for the production  
18          of national intelligence, including national intelligence esti-  
19          mates and other intelligence community-coordinated analy-  
20          ses, and shall—

21                 (1) ensure that in the production of national intel-  
22                 ligence estimates or other intelligence community-  
23                 coordinated analysis any diverse points of view are  
24                 presented fully and considered carefully, and that dif-

1       ferences of judgment within the intelligence community  
2       are expressed clearly for policymakers; and

3               (2) have authority to levy analytic tasks on de-  
4       partmental intelligence production organizations, in  
5       consultation with those organizations.

6       (f) The Director shall be responsible for the dissemina-  
7       tion, under appropriate security procedures, of national intel-  
8       ligence, and shall—

9               (1) ensure that departments and agencies and ap-  
10       propriate operational commanders of the Armed Forces  
11       of the United States are furnished such national intelli-  
12       gence as is relevant to their respective duties and  
13       responsibilities;

14              (2) establish dissemination procedures to increase  
15       the usefulness for departments and agencies (including  
16       departments and agencies not within the intelligence  
17       community) of information collected, processed, and  
18       analyzed through national intelligence activities; and

19              (3) ensure access of each entity of the intelligence  
20       community to national intelligence relevant to that en-  
21       tity's authorized activities which has been collected or  
22       produced by any other entity of the intelligence  
23       community.

24       (g) The Director shall ensure the appropriate implemen-  
25       tation of special activities and sensitive foreign intelligence,

1 counterintelligence, and counterterrorism intelligence activi-  
2 ties outside the United States designated under section 124  
3 of this Act.

4 (h) The Director shall—

5 (1) formulate policies with respect to intelligence  
6 arrangements with foreign governments, in consulta-  
7 tion with the Secretary of State; and

8 (2) coordinate intelligence relationships between  
9 the various entities of the intelligence community and  
10 the foreign intelligence or internal security services of  
11 foreign governments.

12 (i) The Director shall promote the development and  
13 maintenance of services of common concern by designated  
14 foreign intelligence organizations on behalf of the intelligence  
15 community.

16 (j) The Director shall be responsible for the protection  
17 from unauthorized disclosure of intelligence sources and  
18 methods and shall establish for departments and agencies  
19 minimum security standards for the management and han-  
20 dling of information and material relating to intelligence  
21 sources and methods.

22 (k) No provision of law shall be construed to require the  
23 Director or any other officer or employee of the United  
24 States to disclose the organization, function, name, official  
25 title, salary, or affiliation with the Office of the Director of

1 National Intelligence of any person employed by the Office,  
2 or the numbers of persons employed by the Office.

3 (l) The Director may appoint and separate such civilian  
4 personnel or contract for such personal services as the Direc-  
5 tor deems advisable to perform the functions of the Office of  
6 the Director, without regard to the provisions of any other  
7 law, including, but not limited to, provisions which place  
8 limitations on types of persons to be employed, and fix the  
9 compensation of such personnel without regard to chapter 51  
10 and subchapter III and IV of chapter 53 of title V, United  
11 States Code, relating to classification and General Schedule  
12 pay rates, but at such rates not in excess of the maximum  
13 rate authorized under other provisions of law.

14 (m) Notwithstanding any other provision of law, the Di-  
15 rector may terminate the employment of any officer or em-  
16 ployee of the Office of the Director or, with the concurrence  
17 of the head of the department or agency concerned, the secu-  
18 rity clearance of any contractor of any entity of the intelli-  
19 gence community whenever the Director considers such ter-  
20 mination necessary or advisable in the interests of the United  
21 States.

22 (n) Any officer or employee of the Office of the Director  
23 including those separated under subsection (l) or whose em-  
24 ployment has been terminated under subsection (m) may seek  
25 or accept employment in any other department or agency of

1 the Government; if declared eligible for such employment by  
2 the Office of Personnel Management; and that Office shall  
3 consider such officer or employee for positions in the compet-  
4 itive civil service in the same manner as if transferring be-  
5 tween two positions in the competitive service, but only if  
6 such officer or employee has served with the Office of the  
7 Director or any other entity of the intelligence community for  
8 a total of at least one year continuously immediately preced-  
9 ing separation or termination.

10 (o) In order to carry out the Director's duties under this  
11 title, the Director is authorized to conduct program and per-  
12 formance audits and evaluations of the national intelligence  
13 activities of the entities of the intelligence community and to  
14 obtain from any department or agency such information as  
15 the Director deems necessary to perform such duties; and  
16 each department and agency shall furnish, upon request and  
17 in accordance with applicable law, such information to the  
18 Director.

19 (p) In order to carry out the Director's duties under this  
20 title, the Director is authorized to review all research and  
21 development activities which support the intelligence activi-  
22 ties of the Government and may review all the intelligence  
23 activities of the Government.



1 ASSISTANT DIRECTOR; GENERAL COUNSEL; COMMITTEES  
2 AND BOARDS

3 SEC. 305. (a) The President is authorized to appoint up  
4 to five Assistant Directors of National Intelligence to assist  
5 the Director in carrying out the responsibilities of the Direc-  
6 tor under this Act. At no time shall more than two of the  
7 positions of Assistant Director of National Intelligence be oc-  
8 cupied by commissioned officers of the Armed Forces, wheth-  
9 er in active or retired status. If a commissioned officer of the  
10 Armed Forces serves as an Assistant Director of National  
11 Intelligence, the provisions of section 303 (d) through (f) shall  
12 apply to such officer.

13 (b) The Director, with respect to the Office of the Direc-  
14 tor, the Attorney General with respect to the Attorney Gen-  
15 eral's duties and responsibilities under this Act, and the head  
16 of each entity of the intelligence community with respect to  
17 that entity, is authorized to establish such committees or  
18 boards, composed of officers and employees of the United  
19 States, as may be necessary to carry out effectively the pro-  
20 visions of this Act.

21 (c) The President is authorized to appoint, by and with  
22 the advice and consent of the Senate, a General Counsel who  
23 shall discharge the responsibilities of general counsel under  
24 this Act for the Office of the Director of National Intelligence  
25 and for the Central Intelligence Agency.

1 (d)(1) The Director, with respect to the Office of the  
2 Director, the Attorney General with respect to the Attorney  
3 General's duties and responsibilities under this Act, and the  
4 head of each entity of the intelligence community with re-  
5 spect to that entity, are authorized to establish such advisory  
6 committees as may be necessary to provide expert advice  
7 regarding the administration of this Act.

8 (2) The provisions of the Federal Advisory Committee  
9 Act (86 Stat. 770; 5 U.S.C. App. I, 1-15) shall apply with  
10 respect to any advisory committee established under author-  
11 ity of this subsection except that the Director, Attorney Gen-  
12 eral, or the head of any entity of the intelligence community,  
13 as the case may be, may waive the application of any or all of  
14 the provisions of that Act when such official deems such  
15 action necessary to the successful performance of the duties  
16 of the Director, the Attorney General, or any entity of the  
17 intelligence community, as the case may be, or to protect the  
18 security of the activities of the intelligence community.

19 DEPARTMENTAL RESPONSIBILITY FOR REPORTING

20 NATIONAL INTELLIGENCE

21 SEC. 306. It shall be the responsibility of the heads of  
22 departments and agencies to ensure that all national intelli-  
23 gence obtained by such departments and agencies is promptly  
24 furnished to the Director or to the entity of the intelligence

1 community designated by the Director to receive such  
2 intelligence.

3 ANNUAL REPORT OF THE DIRECTOR

4 SEC. 307. The Director shall make available to the  
5 public an unclassified annual report on the national intelli-  
6 gence, counterintelligence, and counterterrorism activities  
7 conducted by entities of the intelligence community. Nothing  
8 in this subsection shall be construed as requiring the public  
9 disclosure, in any such report made available to the public, of  
10 the names of individuals engaged in such activities for the  
11 United States or the divulging of classified information which  
12 requires protection from disclosure by law.

13 NATIONAL INTELLIGENCE PROGRAM AND BUDGET

14 AUTHORITY; INFORMATION

15 SEC. 308. The Director shall, to the extent consistent  
16 with applicable law, have full and exclusive authority for ap-  
17 proval of the national intelligence budget submitted to the  
18 President. Pursuant to this authority—

19 (a) the Director shall provide guidance for pro-  
20 gram and budget development to program managers  
21 and heads of component activities and to department  
22 and agency heads;

23 (b) the heads of departments and agencies in-  
24 volved in the national intelligence budget shall ensure  
25 timely development and submission to the Director of

1       proposed national programs and budgets, in the format  
2       designated by the Director, by the program managers  
3       and heads of component activities, and shall also  
4       ensure that the Director is provided, in a timely and  
5       responsive manner, all information necessary to  
6       perform the Director's program and budget  
7       responsibilities;

8               (c) the Director shall review and evaluate the na-  
9       tional program and budget submissions and, with the  
10       advice of the departments and agencies concerned, de-  
11       velop the national intelligence budget and present it to  
12       the President through the Office of Management and  
13       Budget;

14              (d) the director shall present and justify the na-  
15       tional intelligence budget to the Congress; and

16              (e) the director shall have full and exclusive au-  
17       thority for reprogramming national intelligence budget  
18       funds, in accordance with guidelines established by the  
19       Office of Management and Budget and after consulta-  
20       tion with the heads of the department or agency affect-  
21       ed. The implementation of the overall budget by the  
22       departments and agencies that include entities of the  
23       intelligence community shall have no significant pre-  
24       dictable adverse effect on the implementation of the  
25       national intelligence budget.

1 FUNDS APPROPRIATED TO THE OFFICE OF THE DIRECTOR

2 SEC. 309. Whenever the Director determines such  
3 action to be necessary in the interest of the national security,  
4 the expenditure of funds appropriated to the Office of the  
5 Director for authorized activities shall be accounted for solely  
6 on the certificate of the Director and every such certificate  
7 shall be deemed a sufficient voucher for the amount certified  
8 therein, but funds expended for such purposes may be ex-  
9 pended only for activities authorized by law.

10 TITLE IV—CENTRAL INTELLIGENCE AGENCY

11 PART A—PURPOSES

12 STATEMENT OF PURPOSES

13 SEC. 401. It is the purpose of this title—

14 (1) to clarify the statutory authorities, functions,  
15 and responsibilities of the Central Intelligence Agency;

16 (2) to authorize the Central Intelligence Agency  
17 to perform intelligence activities that are necessary for  
18 the conduct of the foreign relations and the protection  
19 of the national security of the United States;

20 (3) to ensure that the intelligence activities of the  
21 Central Intelligence Agency are properly and effective-  
22 ly directed, regulated, coordinated, and administered;  
23 and

24 (4) to ensure that the Central Intelligence Agency  
25 is accountable to the President, the Congress, and the

1       people of the United States, and that the activities of  
2       the Central Intelligence Agency are conducted in a  
3       manner consistent with the Constitution and laws of  
4       the United States.

5   PART B—ESTABLISHMENT OF AGENCY; DIRECTOR;  
6       DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR  
7       GENERAL; FUNCTIONS

8       ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

9       SEC. 411. There is established in the executive branch  
10      of the Government an independent establishment to be  
11      known as the Central Intelligence Agency (hereinafter in this  
12      title referred to as "the Agency"), which shall perform its  
13      functions under the direction of the National Security Council  
14      and subject to intelligence plans, objectives, and requirements  
15      established by the Director of National Intelligence.

16       DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

17      SEC. 412. (a) There shall be at the head of the Agency  
18      a Director of the Central Intelligence Agency (hereinafter in  
19      this title referred to as the "Director of the Agency") who  
20      shall be appointed by the President, with the advice and con-  
21      sent of the Senate. The Director of National Intelligence  
22      shall serve as Director of the Agency. The President is au-  
23      thorized to appoint the Deputy Director of National Intelli-  
24      gence or an Assistant Director of National Intelligence as the  
25      Director of the Agency or to transfer any of the duties and

1 authorities of the Director of the Agency to such Deputy  
2 Director or Assistant Director, provided that such appoint-  
3 ment or transfer receives the advice and consent of the  
4 Senate. No person may serve as the Director of the Agency  
5 for more than ten years.

6 (b) There shall be a Deputy Director of the Central In-  
7 telligence Agency (hereinafter in this title referred to as the  
8 "Deputy Director") who shall be appointed by the President,  
9 with the advice and consent of the Senate, and who shall  
10 assist in carrying out the functions of the Director of the  
11 Agency and who shall exercise all the duties of the Director  
12 of the Agency in the absence of the Director of the Agency.

13 (c) At no time shall the offices of Director of the Agency  
14 and Deputy Director be occupied simultaneously by commis-  
15 sioned officers of the Armed Forces, whether in an active or  
16 retired status.

17 (d)(1) If a commissioned officer of the Armed Forces is  
18 appointed as Director of the Agency or Deputy Director,  
19 then—

20 (A) in the performance of the duties of Director of  
21 the Agency or Deputy Director, as the case may be,  
22 the officer shall be subject to no supervision, control,  
23 restriction, or prohibition (military or otherwise) other  
24 than would be applicable if that officer were a civilian  
25 in no way connected with the Department of Defense,

1 the military departments, or the Armed Forces of the  
2 United States or any component thereof; and

3 (B) that officer shall not possess or exercise any  
4 supervision, control, powers, or functions (other than  
5 those authorized to that officer as Director of the  
6 Agency or Deputy Director) with respect to the De-  
7 partment of Defense, the military departments, or the  
8 Armed Forces of the United States or any component  
9 thereof, or with respect to any of the personnel (mili-  
10 tary or civilian) of any of the foregoing.

11 (2) Except as provided in this section, the appointment  
12 to the Office of Director of the Agency or Deputy Director of  
13 a commissioned officer of the Armed Forces, and acceptance  
14 of and service in such an office by that officer, shall in no  
15 way affect any status, office, rank, or grade that officer may  
16 occupy or hold in the Armed Forces, or any emolument, per-  
17 quisite, right, privilege, or benefit incident to or arising out of  
18 any such status, office, rank, or grade. A commissioned offi-  
19 cer shall, while serving in the office of Director of the  
20 Agency or Deputy Director, continue to hold rank and grade  
21 not lower than that in which that officer was serving at the  
22 time of that officer's appointment as Director of the Agency  
23 or Deputy Director.

24 (e) It shall be the duty of the Director of the Agency  
25 to—



1           (1) ensure that the activities of the Agency are  
2           conducted in accordance with the provisions of this Act  
3           and with the Constitution and laws of the United  
4           States;

5           (2) ensure that the activities of the Agency are  
6           properly and efficiently directed, regulated, coordinat-  
7           ed, and administered;

8           (3) perform as Director of the Agency the duties  
9           assigned elsewhere in this Act to the head of each  
10          entity of the intelligence community;

11          (4) protect intelligence sources and methods from  
12          unauthorized disclosure; and

13          (5) specify by regulation the order in which senior  
14          officials of the Agency may exercise all the duties of  
15          the Deputy Director during any temporary absence,  
16          disability, or vacancy in that office.

17           GENERAL COUNSEL AND INSPECTOR GENERAL

18          SEC. 413. (a) There shall be a General Counsel appoint-  
19          ed by the President, by and with the advice and consent of  
20          the Senate, who shall discharge the responsibilities of general  
21          counsel under this Act for the Office of the Director of Na-  
22          tional Intelligence and for the Agency. In the temporary ab-  
23          sence of the General Counsel, the Deputy General Counsel is  
24          authorized to exercise all the functions of the General  
25          Counsel.

1 (b) There shall be an Inspector General appointed by  
2 the Director of the Agency who shall discharge the responsi-  
3 bilities of inspector general under this Act for the Office of  
4 the Director of National Intelligence and for the Agency.

5 FUNCTIONS

6 SEC. 414. (a) All activities, duties, and responsibilities  
7 of the Agency shall be performed in accordance with this  
8 Act.

9 (b) The Agency shall—

10 (1) conduct foreign intelligence activities including  
11 collection by clandestine means;

12 (2) conduct counterintelligence and counterterror-  
13 ism intelligence activities including activities by clan-  
14 destine means;

15 (3) conduct special activities;

16 (4) analyze foreign intelligence collected by any  
17 entity of the intelligence community, and process such  
18 intelligence as necessary to fulfill its responsibilities  
19 under this Act;

20 (5) produce, publish, and disseminate intelligence  
21 to meet the needs of the President, the National Secu-  
22 rity Council, the Director of National Intelligence, and  
23 other officials and departments and agencies, including  
24 national intelligence estimates and similar analyses

1 coordinated with other entities of the intelligence  
2 community;

3 (6) develop, conduct, and provide support for tech-  
4 nical, reconnaissance, and other programs, including  
5 the conduct of signals intelligence activities in accord-  
6 ance with subsection 641(d) of this Act, to collect in-  
7 telligence outside the United States;

8 (7) act as the agent of the Director of National  
9 Intelligence in the coordination of counterintelligence  
10 activities, counterterrorism intelligence activities, and  
11 clandestine collection of foreign intelligence, conducted  
12 outside the United States by any other entity of the in-  
13 telligence community;

14 (8) under the direction of the Director of National  
15 Intelligence conduct liaison with and provide assistance  
16 to foreign governmental agencies and act as the agent  
17 of the Director of National Intelligence in the coordi-  
18 nation of such relationships by any other entity of the  
19 intelligence community;

20 (9) conduct as services of common concern for the  
21 intelligence community:

22 (A) monitoring of foreign public radio and  
23 television broadcasts and foreign press services,  
24 collection of intelligence from cooperating sources  
25 in the United States, acquisition and translation of

1 foreign publications, and photographic interpreta-  
2 tion; and

3 (B) such other services of common concern  
4 as the Director of National Intelligence may  
5 prescribe;

6 (10) coordinate the overt collection of foreign in-  
7 telligence by entities of the intelligence community  
8 from witting and voluntary sources within the United  
9 States;

10 (11) conduct or contract for research, develop-  
11 ment, and procurement of systems and devices relating  
12 to its authorized functions;

13 (12) perform inspection, audit, public affairs, legal,  
14 legislative, and other administrative functions to sup-  
15 port its authorized activities, and provide such support  
16 to the Office of the Director of National Intelligence as  
17 directed by the Director of National Intelligence; and

18 (13) perform such additional functions as are oth-  
19 erwise authorized by this Act to be performed by each  
20 entity of the intelligence community.

21 (c) Within the United States the Agency may collect  
22 foreign intelligence by clandestine means only in coordination  
23 with the Federal Bureau of Investigation, in accordance with  
24 standards and procedures agreed upon by the Director of Na-  
25 tional Intelligence and the Attorney General, and may direct

1 such collection against unconsenting United States persons  
2 only as permitted by section 213(d) of this Act.

3 (d) Within the United States the Agency may conduct  
4 counterintelligence and counterterrorism intelligence activi-  
5 ties by clandestine means only with the approval of the Di-  
6 rector of the Federal Bureau of Investigation or a designee,  
7 made or confirmed in writing, and shall keep the Federal  
8 Bureau of Investigation fully and currently informed of any  
9 such activities, in accordance with section 504(d) of this Act.

10 PART C—AUTHORITIES OF THE AGENCY;

11 AUTHORIZATION FOR APPROPRIATIONS

12 GENERAL AUTHORITIES OF THE AGENCY

13 SEC. 421. (a) In carrying out its functions under this  
14 Act, the Agency is authorized to—

15 (1) exchange funds, and transfer to and receive  
16 from other departments and agencies such sums of  
17 money as may be approved by the Director of the  
18 Office of Management and Budget for the purpose of  
19 carrying out authorized functions, and sums so trans-  
20 ferred to or from the Agency may be expended without  
21 regard to any limitation on appropriations from which  
22 transferred;

23 (2) reimburse or be reimbursed by other depart-  
24 ments and agencies in connection with the detail or as-  
25 signment of personnel to or from the Agency;

1           (3) rent any premises within or outside the United  
2 States as appropriate to carry out any authorized func-  
3 tion of the Agency; lease property, supplies, services,  
4 equipment, buildings, or facilities; acquire, construct, or  
5 alter buildings and facilities, or contract for such pur-  
6 poses; repair, operate, and maintain buildings, utilities,  
7 facilities, and appurtenances; and exercise exclusive ju-  
8 risdiction, control, and custody over all facilities and  
9 properties owned or utilized by the Agency;

10           (4) maintain and operate full-scale printing facili-  
11 ties for the production of intelligence and intelligence-  
12 related materials and lease or purchase and operate  
13 computer and communications equipment as appropri-  
14 ate to carry out authorized functions;

15           (5) conduct background investigations in accord-  
16 ance with section 217 of this Act to determine the  
17 suitability and trustworthiness of employees, contrac-  
18 tors, and contractor employees who will perform work  
19 in connection with an Agency contract, applicants for  
20 contractor status, persons employed by Agency propri-  
21 etaries, or applicants for employment or for access to  
22 facilities or classified Agency information, consultants,  
23 persons detailed or assigned to the Agency, and per-  
24 sons similarly associated with the Office of the Direc-  
25 tor of National Intelligence;

1           (6) acquire, establish, maintain, and operate  
2           secure communications systems in support of Agency  
3           operations and in support of the Office of the Director  
4           of National Intelligence, and, when authorized by the  
5           Director of the Agency, in support of any other depart-  
6           ment or agency;

7           (7) in addition to the authority provided under  
8           section 686 of title 31, United States Code, provide to  
9           any department or agency such services, supplies, or  
10          equipment as the Agency may be in a position to  
11          render, supply, or obtain by contract, and place orders  
12          with departments or agencies that may be in a position  
13          to render, supply, or obtain services, supplies, or equip-  
14          ment by contract or otherwise;

15          (8) protect Agency personnel, installations, equip-  
16          ment and information by lawful security procedures, in-  
17          cluding, but not limited to, inspections of persons and  
18          items entering or leaving facilities and grounds owned  
19          or utilized by the Agency;

20          (9) provide transportation, in accordance with reg-  
21          ulations approved by the Director of the Agency, for  
22          officers, employees, and contractors of the Agency and  
23          the Office of the Director of National Intelligence, or  
24          their dependents when other means of transportation  
25          are unsafe or inadequate;

1           (10) settle and pay claims of civilian and military  
2           personnel, as prescribed in Agency regulations consist-  
3           ent with the terms and conditions by which claims are  
4           settled and paid under the Military Personnel and Ci-  
5           vilian Employees' Claims Act of 1964, as amended (31  
6           U.S.C. 240-243);

7           (11) pay, in accordance with regulations approved  
8           by the Director, expenses of travel in connection with,  
9           and expenses incident to membership in, or attendance  
10          at meetings of professional, technical, scientific, and  
11          other similar organizations and professional associat-  
12          tions when such attendance or membership would be of  
13          benefit in the conduct of the work of the Agency;

14          (12) provide or pay expenses of training to sup-  
15          port authorized Agency functions, and, as appropriate,  
16          provide training for personnel of other departments and  
17          agencies;

18          (13) perform inspection, audit, public affairs, legal,  
19          legislative, and other administrative functions; and

20          (14) perform such additional functions as are oth-  
21          erwise authorized by this Act to be performed by each  
22          entity of the intelligence community.

23          (b) Any department or agency may transfer to or receive  
24          from the Agency any sum of money in accordance with sub-  
25          section (a) (1) and (2) of this section.



1 (c) Any department or agency is authorized to assign or  
2 detail to the Agency any officer or employee of such depart-  
3 ment or agency to assist the Agency in carrying out any  
4 authorized function and the Agency may similarly assign or  
5 detail personnel to any other department or agency.

6 (d) No provision of law shall be construed to require the  
7 Director of the Agency or any other officer or employee of  
8 the United States to disclose information concerning the or-  
9 ganization or functions of the Agency, including the name,  
10 official title, salary, or affiliation with the Agency of any  
11 person employed by, or otherwise associated with the  
12 Agency, or the number of persons employed by the Agency.  
13 In addition, the Agency shall be also be exempted from the  
14 provisions of any law which require the publication or disclo-  
15 sure, or the search or review in connection therewith, of in-  
16 formation in files specifically designated to be concerned with  
17 the design, function, deployment, exploitation, or utilization  
18 of scientific or technical systems for the collection of intelli-  
19 gence; special activities and intelligence operations; investi-  
20 gations conducted to determine the suitability of potential in-  
21 telligence sources; intelligence and security liaison arrange-  
22 ments or information exchanges with foreign governments or  
23 their intelligence or security services; except that requests by  
24 United States citizens and permanent resident aliens for in-  
25 formation concerning themselves, made pursuant to sections

1 552 and 552a of title 5, shall be processed in accordance  
2 with those sections.

3 (e) The Agency is authorized to establish, administer,  
4 and maintain methods to conceal and protect the relationship  
5 between the Agency and any of its officers, employees,  
6 sources, and activities, and for personnel and activities of the  
7 Office of the Director of National Intelligence, and for defec-  
8 tors from foreign countries.

9 (f) The Agency may continue to use and may modify  
10 with the approval of the President the seal of office used by  
11 the Central Intelligence Agency prior to the effective date of  
12 this title and judicial notice shall be taken of such seal.

13 (g) The Director of the Agency may employ or contract  
14 for security officers to police and protect the security of  
15 Agency personnel, installations, and grounds owned or uti-  
16 lized by the Agency or the Office of the Director of National  
17 Intelligence, and such security officers shall have the same  
18 powers as sheriffs and constables for the protection of per-  
19 sons and property, to prevent breaches of the peace, to sup-  
20 press affrays or unlawful assemblies, and to enforce any rule  
21 or regulation the Director of the Agency may promulgate for  
22 the protection of such installations and grounds. The jurisdic-  
23 tion and police powers of such security officers shall not,  
24 however, extend to the service of civil process.

1 (h) Under such regulations as the Director of the  
2 Agency shall prescribe, Agency personnel may carry and use  
3 firearms while in the discharge of their official duties: *Pro-*  
4 *vided*, That within the United States, such official duties  
5 shall include only the protection of (1) information concerning  
6 intelligence sources and methods and classified documents  
7 and material; (2) facilities, property, moneys and other valua-  
8 ble assets owned or utilized by the Agency or the Office of  
9 the Director of National Intelligence; (3) personnel of the  
10 Agency or the Office of the Director of National Intelligence  
11 as may be designated by the Director of the Agency; and (4)  
12 defectors and foreign persons visiting the United States under  
13 Agency auspices: *And provided further*, That such duties  
14 shall include the transportation and utilization of firearms for  
15 authorized training.

16 (i)(1) The Agency may employ, manage and separate  
17 personnel or contract for such personal services as it deems  
18 advisable, and the Agency may expend such sums as it  
19 deems advisable for the compensation and management of  
20 persons employed by or otherwise associated with the  
21 Agency.

22 (2) The Director of the Agency may, in the discretion of  
23 the Director of the Agency, terminate the employment of any  
24 officer or employee of the Central Intelligence Agency, or  
25 the access of any individual, including contractors of the

1 Agency or any employee of any such contractor, to informa-  
2 tion relating to intelligence activities whenever the Director  
3 of the Agency considers such termination necessary or  
4 advisable.

5 (3) Any Agency officer or employee, including any offi-  
6 cer or employee who has been separated under paragraph (1),  
7 or whose employment has been terminated under paragraph  
8 (2), may seek or accept employment in the competitive serv-  
9 ice of the Government if declared eligible for such employ-  
10 ment by the Office of Personnel Management; and that Office  
11 shall consider such officer or employee for positions in the  
12 competitive civil service in the same manner as if transferring  
13 between two positions in the competitive service, but only if  
14 such Agency officer or employee has served with the Agency  
15 or the Office of the Director of National Intelligence for a  
16 total of at least one year continuously immediately preceding  
17 separation or termination.

18 (j) The Director of the Agency is authorized to accept,  
19 hold, administer, and utilize gifts and bequests of property,  
20 both real and personal, for artistic or general employee or  
21 dependent welfare, educational, recreational, or like purpose,  
22 whenever the Director of the Agency determines that it  
23 would be in the interest of the Agency to do so. Gifts and  
24 bequests of money and the proceeds from sales of other prop-  
25 erty received as gifts or bequests shall be deposited in the

1 Treasury in a separate fund and shall be disbursed upon  
2 order of the Director of the Agency. Property accepted pur-  
3 suant to this provision, and the proceeds thereof, shall be  
4 used as nearly as possible in accordance with the terms of the  
5 gift or bequest. For purposes of Federal, income, estate, or  
6 gift taxes, gifts or property accepted under this subsection  
7 shall be accepted as a gift, devise, or bequest to the United  
8 States.

9 (k) Except as otherwise provided in this Act, the au-  
10 thorities contained in subsections (a) through (e) and (i) of this  
11 section may be exercised notwithstanding any other provision  
12 of law.

13 (l) The Agency shall have no police, subpoena, or law  
14 enforcement powers, nor perform any internal security or  
15 criminal investigation functions, except to the extent express-  
16 ly authorized by this Act.

17 **PROCUREMENT**

18 **SEC. 422.** (a) Except as otherwise provided in this Act,  
19 the Agency is authorized to procure, use, and dispose of such  
20 real and personal property, supplies, services, equipment, and  
21 facilities without regard to any other provision of law, when-  
22 ever deemed necessary to carry out authorized functions.

23 (b) The provisions of chapter 137, relating to the pro-  
24 curement of property and services, and chapter 139, relating  
25 to the procurement of research and development services, of

1 title 10, United States Code, as amended, shall apply to the  
2 procurement of property and research and development serv-  
3 ices by the Agency under this title in the same manner and to  
4 the same extent such chapters apply to the procurement of  
5 property, services, and research and development services by  
6 the agencies named in section 2303(a) of chapter 137 of title  
7 10, except that the Director of the Agency may specify by  
8 regulation when any or all of the provisions of chapters 137  
9 and 139 of title 10 may be waived for the effective perform-  
10 ance of authorized functions.

11 (c) In accordance with regulations promulgated by the  
12 Director of the Agency, the Agency is authorized to enter  
13 into contracts and amendments of contracts, and to make ad-  
14 vance payments on contracts, without regard to any other  
15 provision of law, whenever deemed necessary for the effec-  
16 tive performance of authorized functions.

17 (d) Except as otherwise provided in this Act, the  
18 Agency is authorized to dispose of property and use the pro-  
19 ceeds therefrom to purchase new property without regard to  
20 any other provision of law, in accordance with regulations  
21 approved by the Director of the Agency, whenever such  
22 action is found necessary for the effective performance of au-  
23 thorized functions in accordance with regulations established  
24 by the Director of the Agency.

## 1 PROPRIETARIES

2 SEC. 423. (a) The Agency is authorized to establish and  
3 operate proprietaries in support of Agency operations and,  
4 with the approval of the Director of National Intelligence, in  
5 support of other entities of the intelligence community. In  
6 addition, any such proprietaries may be operated on a com-  
7 mercial basis to the extent necessary to provide effective  
8 cover.

9 (b) Appropriated funds and funds generated by an  
10 Agency proprietary or otherwise received may be deposited  
11 in banks or other financial institutions and expended as nec-  
12 essary to accomplish the same or closely related operational  
13 purposes except that funds in excess of amounts necessary  
14 for such purposes shall be deposited into miscellaneous re-  
15 ceipts of the Treasury.

16 (c) Proceeds from the liquidation, sale, or other dispo-  
17 sition of any Agency proprietary may be expended to establish  
18 and operate other proprietaries in furtherance of the same or  
19 closely related operational purposes. Any such proceeds not  
20 so expended shall be deposited into miscellaneous receipts of  
21 the Treasury, except for amounts deemed necessary or re-  
22 quired by law to be retained for the purpose of satisfying  
23 claims or obligations.

24 (d) Whenever any Agency proprietary, or operationally  
25 related group of proprietaries, whose net value exceeds

1 \$150,000 is to be liquidated, sold, or otherwise disposed of,  
2 the Agency shall, as much in advance of the liquidation, sale,  
3 or other disposition as practicable, report the circumstances  
4 of the intended liquidation, sale, or other disposition to the  
5 House Permanent Select Committee on Intelligence and the  
6 Senate Select Committee on Intelligence.

7 (e) The authority contained in this section shall, except  
8 as otherwise provided in this Act, be available to the Agency  
9 notwithstanding any other provision of law.

10 RELATIONSHIPS WITH OTHER ENTITIES

11 SEC. 424. In addition to those activities of the Agency  
12 that relate to other departments and agencies and that are  
13 authorized in other provisions of this Act, the Agency is fur-  
14 ther authorized—

15 (1) to request other entities of the intelligence  
16 community to undertake authorized intelligence  
17 activities;

18 (2) to receive assistance from Federal, State, and  
19 local law enforcement agencies in the conduct of au-  
20 thorized functions;

21 (3) to provide and receive technical guidance,  
22 training, and equipment, and, under regulations estab-  
23 lished by the Director of the Agency, the services of  
24 expert personnel, to or from any other Federal agency  
25 or foreign government, and, when not readily available



1 from another Federal agency, to or from State or local  
2 governments;

3 (4) to provide and receive technical information or  
4 assistance to or from the Passport Office of the De-  
5 partment of State and the Immigration and Naturaliza-  
6 tion Service of the Department of Justice to assist in  
7 carrying out authorized functions; and

8 (5) when the Internal Revenue Service is per-  
9 forming an audit of an Agency proprietary or any other  
10 organization or individual whose relationship with the  
11 Agency is concealed or protected, to notify the Inter-  
12 nal Revenue Service of such relationship in order that  
13 it not be disclosed publicly in connection with the  
14 audit.

15 ADMISION OF ESSENTIAL ALIENS

16 SEC. 425. (a) Whenever the Director of the Agency, the  
17 Attorney General, and the Commissioner of Immigration and  
18 Naturalization determine that the entry of particular aliens  
19 into the United States for permanent residence is in the inter-  
20 est of national security or essential to intelligence activities,  
21 such aliens and their immediate families shall be given entry  
22 into the United States for permanent residence without  
23 regard to their inadmissibility under, or their failure to  
24 comply with, any immigration law of the United States or  
25 any other law or regulation, but in no case may the number

1 of aliens and members of their immediate families who enter  
2 the United States under the authority of this section exceed  
3 one hundred in any one fiscal year. The Agency is authorized  
4 to process, debrief, and provide relocation assistance to such  
5 individuals, as necessary and appropriate under regulations  
6 established by the Director of the Agency.

7 (b) When extraordinary circumstances indicate that a  
8 foreign person associated with the Agency should enter or  
9 leave the United States under other than that person's true  
10 identity, the Agency is authorized to notify the Immigration  
11 and Naturalization Service of these circumstances and re-  
12 quest a waiver of otherwise applicable rules and procedures.

13 AUTHORIZATION FOR APPROPRIATIONS AND  
14 EXPENDITURES

15 SEC. 426. (a) Notwithstanding any other provision of  
16 law, sums available to the Agency by appropriation or other-  
17 wise received may be expended to carry out the authorized  
18 functions of the Agency. No funds may be appropriated for  
19 any fiscal year beginning after September 30, 1980, for the  
20 purpose of carrying out any activity of the Agency unless  
21 funds for such activity have been previously authorized by  
22 legislation enacted during the same fiscal year or during one  
23 of the two immediately preceding fiscal years, except that  
24 this limitation shall not apply to funds appropriated by any  
25 continuing resolution or required by pay raises.

1           (b) Whenever the Director of the Agency determines  
2 such action to be necessary in the interest of the national  
3 security, the expenditure of funds appropriated to or other-  
4 wise received by the Agency shall be accounted for solely on  
5 the certificate of the Director of the Agency and every such  
6 certificate shall be deemed a sufficient voucher for the  
7 amount certified therein.

8           (c) There is established and the Director of the Agency  
9 is authorized to establish and maintain a fund to be known as  
10 the Contingency Reserve Fund (hereinafter in this section  
11 referred to as the "Reserve Fund") and to credit to the Re-  
12 serve Fund moneys specifically appropriated to the Central  
13 Intelligence Agency for such fund and unused balances of  
14 funds previously withdrawn from the Reserve Fund.

15           (d) The Director of the Agency is authorized to expend  
16 moneys from the Reserve Fund for the payment of expenses  
17 incurred in connection with any authorized intelligence activ-  
18 ity if—

19           (1) the withdrawal of funds from the Reserve  
20 Fund has been approved by the Office of Management  
21 and Budget;

22           (2) the Committee on Appropriations of the House  
23 of Representatives, the Committee on Appropriations  
24 of the Senate, the House Permanent Select Committee  
25 on Intelligence, and the Senate Select Committee on

1 Intelligence have been notified of the purpose of such  
2 withdrawal at least seventy-two hours in advance of  
3 the withdrawal; except that in extraordinary circum-  
4 stances the Director of the Agency may authorize the  
5 withdrawal of funds from the Reserve Fund without  
6 prior notification to the appropriate committees of the  
7 Congress if the Director of the Agency notifies such  
8 committees within forty-eight hours after initiation of  
9 the withdrawal, describes the activity for which such  
10 funds have been or are to be expended, certifies to  
11 such committees that prior notification would have re-  
12 sulted in a delay which would have been harmful to  
13 the United States, and discloses to such committees  
14 the reasons why the delay would have been harmful.  
15 The foregoing shall not be construed as requiring the  
16 approval of any committee of the Congress prior to the  
17 initiation of any such activity;

18 (3) the moneys from the Reserve Fund are used  
19 solely for the purpose of meeting needs that were not  
20 anticipated at the time the President's budget was sub-  
21 mitted to the Congress for the fiscal year in which the  
22 withdrawal is authorized, and the activities to be  
23 funded require protection from unauthorized disclosure;  
24 and

1           (4) any activity funded from the Reserve Fund  
2           that continues after the end of the fiscal year in which  
3           it was funded by moneys from the Reserve fund shall  
4           be funded thereafter through the regular budgetary  
5           process at the earliest practicable date.

6           (e) Moneys from the Reserve Fund may be expended  
7           only for the purpose for which the withdrawal was approved  
8           under this subsection and any amount approved for expendi-  
9           ture but not actually expended or to be expended for the  
10          purpose for which approved shall be returned to the Reserve  
11          Fund.

12   PART D—TRAVEL AND OTHER ALLOWANCES; RELATED  
13       EXPENSES; RETIREMENT SYSTEM; AND DEATH  
14       GRATUITIES

15          SEC. 431. (a) As used in this section “employee” means  
16          an “employee” as defined in section 2105 of title 5, United  
17          States Code, but does not include, unless otherwise specifi-  
18          cally provided in accordance with regulations issued by the  
19          Director of the Agency, any person working for the Agency  
20          under a contract or any person who, when initially employed,  
21          is a resident in or a citizen of the foreign country in which  
22          such person is to be assigned to duty.

23          (b) Under regulations issued by the Director of the  
24          Agency the Agency may pay—

1           (1) travel, transportation, and subsistence ex-  
2           penses as provided for in chapters 57 and 59 of title 5,  
3           United States Code;

4           (2) travel, transportation, medical, subsistence,  
5           and other allowances and benefits in a manner and  
6           under circumstances comparable to those provided  
7           under title IX of the Foreign Service Act of 1946 (22  
8           U.S.C. 1131-1160);

9           (3) educational travel benefits for dependents in  
10          the same manner and under the same circumstances as  
11          such benefits are provided under sections (4) (A) and  
12          (B) of title 5, United States Code for dependents of  
13          employees of the Department of State; and

14          (4)(A) a gratuity to the surviving dependents of  
15          officers or employees who die as a result of injuries  
16          (excluding disease) sustained outside the United States,  
17          in an amount equal to one year's salary at the time of  
18          death. Such payment shall be made only upon determi-  
19          nation of the Director of the Agency or his designee  
20          that the death (1) resulted from hostile or terrorist ac-  
21          tivity; or, (2) occurred in connection with an intelli-  
22          gence activity having a substantial element of risk.  
23          Any payment made under this subsection shall be held  
24          to have been a gift and shall be in addition to any  
25          other benefit payable from any source.

1 (B) A death gratuity payment under this subsec-  
2 tion shall be made as follows:

3 (i) first, to the widow or widower;

4 (ii) second, to the child, or children in equal  
5 shares, if there is no widow or widower; and

6 (iii) third, to the dependent parent, or de-  
7 pendent parents in equal shares, if there is no  
8 widow, widower, or child. If there is no survivor  
9 entitled to payment no payment shall be made.

10 (C) As used in this subsection—

11 (i) each of the terms “widow”, “widower”,  
12 “child”, and “parent” shall have the same mean-  
13 ing given each such term by section 8101 of title  
14 5, United States Code; and

15 (ii) the term “United States” means the sev-  
16 eral States and the District of Columbia.

17 (D) The provisions of this subsection shall apply  
18 with respect to deaths occurring on or after July 1,  
19 1979.

20 (c) Whenever any provision of law relating to expenses,  
21 allowances, benefits, or death gratuities of Foreign Service  
22 employees or dependents is enacted after the date of enact-  
23 ment of this Act in a form other than as an amendment to  
24 one of the provisions referred to in subsection (b) and the  
25 Director of the Agency determines that it would be appropri-

1 ate for the purpose of promoting the effective performance of  
2 authorized functions, the Director of the Agency may, by  
3 regulation authorize payment, in whole or in part to Agency  
4 employees or dependents of such expenses, allowances, bene-  
5 fits and gratuities.

6 (d) Notwithstanding the provisions of subsections (b) and  
7 (c), and under regulations issued by the Director of the  
8 Agency, the Agency may pay expenses, allowances, benefits,  
9 and gratuities similar to those specifically authorized in those  
10 subsections in any case in which the Director of the Agency  
11 determines that such expenses, allowances, benefits or gratu-  
12 ities are necessary for the effective performance of authorized  
13 functions or that, for reasons of operational necessity or secu-  
14 rity, the means of paying expenses, allowances, benefits, and  
15 gratuities authorized in subsections (b) and (c), should not be  
16 utilized, and may pay special expenses, allowances, benefits,  
17 and gratuities when necessary to sustain particular Agency  
18 activities.

19

## RETIREMENT SYSTEM

20 SEC. 432. The "Central Intelligence Agency" in sec-  
21 tion 111(1) of the Central Intelligence Agency Retirement  
22 Act, and the "Director of Central Intelligence" in section  
23 112 of that Act, shall be deemed to refer to the Central In-  
24 telligence Agency and the Director of the Agency as estab-  
25 lished under this title. With the exception of the foregoing



1 sentence, nothing in this Act shall affect the entitlement of  
2 Agency employees and former Agency employees to partici-  
3 pate in the retirement system established by the Central In-  
4 telligence Agency Retirement Act or the retirement system  
5 established by chapter 83 of title 5, United States Code.

6 PART E—TRANSFER OF PERSONNEL, PROPERTY, AND  
7 FUNCTIONS; STATUTES REPEALED; EFFECT OF SUB-  
8 SEQUENT LAW

9 TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

10 SEC. 441. (a) All positions, except those of the Director  
11 of Central Intelligence and the Deputy Director of Central  
12 Intelligence, established in and personnel employed by the  
13 Central Intelligence Agency on the day before the effective  
14 date of this title, and all obligations, contracts, properties,  
15 and records employed, held, or used by the Agency are trans-  
16 ferred to the Agency.

17 (b) All orders, determinations, rules, regulations, per-  
18 mits, contracts, certificates, licenses, entitlements, and privi-  
19 leges which have become effective in the exercise of functions  
20 transferred under this title and which are in effect on the  
21 effective date of this title, shall continue in effect until modi-  
22 fied, terminated, superseded, set aside, or repealed by the  
23 Director of the Agency or other properly designated Agency  
24 official, by any court of competent jurisdiction, or by oper-  
25 ation of law.

1 (c) The provisions of this title shall not affect any pro-  
2 ceedings pending before the Central Intelligence Agency as  
3 in effect prior to the effective date of this title.

4 (d) No suit, action, or other proceeding begun prior to  
5 the effective date of this title, shall abate by reason of enact-  
6 ment of this title.

7 (e) With respect to any function transferred by this title  
8 and exercised after the effective date of this title, reference in  
9 any other Federal law to any department, agency, office, or  
10 part thereof shall be deemed to refer to the department,  
11 agency, or office in which such function is vested pursuant to  
12 this title, and reference in any other Federal law to a provi-  
13 sion of law replaced by similar provisions in this title shall be  
14 deemed to refer to the provisions in this title.

15 STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

16 SEC. 442. (a) No provision of this Act shall be construed  
17 to limit or deny to the Agency any authority which may be  
18 exercised by the Agency under any other provision of appli-  
19 cable law existing on the date of the enactment of this Act,  
20 or as amended subsequent to the date of the enactment of  
21 this Act.

22 (b) No law enacted after the date of the enactment of  
23 this Act shall be held, considered or construed as amending,  
24 limiting, superseding or otherwise modifying sections  
25 421(a)(3), 421(d), 421(i), 422, 423, 425, and 426 of this title

1 unless such law does so by specifically and explicitly amend-  
2 ing, limiting, or superseding such provision.

3 (c) Section 102 of the National Security Act of 1947 (50  
4 U.S.C. 403) and the Central Intelligence Agency Act of  
5 1949 (50 U.S.C. 403a-403j) are repealed.

6 PART F—CRIMINAL PENALTY

7 SEC. 443. (a) Chapter 33 of title 18, United States  
8 Code, is amended by adding at the end thereof a new section  
9 as follows:

10 **“§ 716. Misuse of the name, initials, or seal of the Central**  
11 **Intelligence Agency**

12 “Any person who knowingly and without the express  
13 written permission of the Director of the Central Intelligence  
14 Agency uses the name ‘Central Intelligence Agency’, the ini-  
15 tials ‘CIA’, the seal of the Central Intelligence Agency, or  
16 any colorable imitation of such name, initials, or seal in con-  
17 nection with any solicitation or impersonation for other than  
18 authorized purposes or in connection with any commercial  
19 enterprise, including any merchandise, advertisement, book,  
20 circular, pamphlet, play, motion picture, broadcast, telecast,  
21 or other publication or production in a manner intended to  
22 convey the impression that such use is approved, endorsed,  
23 or authorized by the Central Intelligence Agency shall be  
24 fined not more than \$10,000 or imprisoned not more than  
25 one year, or both.”.

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1 (b) The table of sections at the beginning of chapter 33  
2 of such title is amended by adding at the end thereof a new  
3 item as follows:

“716. Misuse of the name, initials, or seal of the Central Intelligence Agency.”.

4 TITLE V—FEDERAL BUREAU OF INVESTIGATION

5 STATEMENT OF PURPOSE

6 SEC. 501. It is the purpose of this title—

7 (1) to authorize the Federal Bureau of Investiga-  
8 tion, subject to the supervision and control of the At-  
9 torney General, to perform certain intelligence activi-  
10 ties necessary for the conduct of the foreign relations  
11 and the protection of the national security of the  
12 United States;

13 (2) to delineate responsibilities of the Director of  
14 the Federal Bureau of Investigation, and to confer  
15 upon the Director the authority necessary to fulfill  
16 those responsibilities;

17 (3) to ensure that the intelligence activities of the  
18 Federal Bureau of Investigation are properly and effec-  
19 tively directed, regulated, coordinated, and adminis-  
20 tered; and

21 (4) to ensure that in the conduct of its intelligence  
22 activities the Federal Bureau of Investigation is ac-  
23 countable to the Attorney General, the President, the  
24 Congress, and the people of the United States and that

1       those activities are conducted in a manner consistent  
2       with the Constitution and laws of the United States.

3                               SUPERVISION AND CONTROL

4       SEC. 502. (a) All authorities, duties, and responsibilities  
5 of the Federal Bureau of Investigation (hereinafter in this  
6 title referred to as the "Bureau") for the conduct of intelli-  
7 gence activities, including law enforcement aspects of intelli-  
8 gence activities, shall be exercised in accordance with this  
9 Act.

10       (b) All intelligence functions of the Bureau shall be per-  
11 formed under the supervision and control of the Attorney  
12 General. In exercising such supervision and control, the At-  
13 torney General shall be guided by policies and priorities es-  
14 tablished by the National Security Council and shall be re-  
15 sponsive to foreign intelligence collection objectives, require-  
16 ments, and plans promulgated by the Director of National  
17 Intelligence.

18       (c) The Attorney General and the Director of the Fed-  
19 eral Bureau of Investigation (hereinafter in this title referred  
20 to as the "Director") shall review at least annually the intel-  
21 ligence activities conducted or coordinated by the Bureau to  
22 determine whether those activities have been conducted in  
23 accordance with the requirements of this Act and procedures  
24 approved by the Attorney General pursuant to this Act.

1 (d) The Attorney General and the Director shall pub-  
2 licly designate officials who shall discharge the responsibil-  
3 ities of general counsel and inspector general with respect to  
4 the activities of the Bureau under this Act.

5 DUTIES OF THE DIRECTOR OF THE FEDERAL BUREAU OF  
6 INVESTIGATION

7 SEC. 503. (a) It shall be the duty of the Director, under  
8 the supervision and control of the Attorney General, to—

9 (1) serve as the principal officer of the Govern-  
10 ment for the conduct and coordination of counterintelli-  
11 gence activities and counterterrorism intelligence activ-  
12 ities within the United States;

13 (2) ensure that intelligence activities conducted or  
14 coordinated by the Bureau are carried out in conform-  
15 ity with the provisions of this Act and with the Consti-  
16 tution and laws of the United States and that such ac-  
17 tivities do not abridge any right protected by the Con-  
18 stitution or laws of the United States;

19 (3) ensure that the intelligence activities of the  
20 Bureau are properly and efficiently directed, regulated,  
21 coordinated, and administered;

22 (4) keep the Attorney General fully and currently  
23 informed of all intelligence activities conducted or co-  
24 ordinated by the Bureau and provide the Attorney

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1 General with any information the Attorney General  
2 may request concerning such activities;

3 (5) advise the Attorney General and the National  
4 Security Council regarding the objectives, priorities, di-  
5 rection, conduct, and effectiveness of counterintelli-  
6 gence and counterterrorism intelligence activities  
7 within the United States;

8 (6) assist the Attorney General and the National  
9 Security Council in the assessment of the threat to  
10 United States interests from intelligence activities  
11 within the United States of foreign powers and from  
12 international terrorist activities within the United  
13 States; and

14 (7) perform with respect to the Bureau the duties  
15 assigned elsewhere in this Act to the head of each  
16 entity of the intelligence community.

17 (b) The Attorney General shall provide by regulation  
18 which officials of the Bureau shall perform the duties of the  
19 Director under this Act during the absence or disability of the  
20 Director or during any temporary vacancy in the Office of the  
21 Director.

22 COUNTERINTELLIGENCE AND COUNTERTERRORISM

23 INTELLIGENCE FUNCTIONS

24 SEC. 504. (a) The Bureau shall, in accordance with pro-  
25 cedures approved by the Attorney General—

1           (1) collect, produce, analyze, publish, and dissemi-  
2           nate counterintelligence and counterterrorism intelli-  
3           gence;

4           (2) conduct such other counterintelligence and  
5           counterterrorism intelligence activities as are necessary  
6           for lawful purposes; and

7           (3) conduct, in coordination with the Director of  
8           National Intelligence, liaison for counterintelligence or  
9           counterterrorism intelligence purposes with foreign  
10          governments.

11          (b) All Bureau counterintelligence and counterterrorism  
12          intelligence activities outside the United States shall be con-  
13          ducted in coordination with the Central Intelligence Agency  
14          and with the approval of a properly designated official of such  
15          agency. All requests for such approval shall be made or con-  
16          firmed in writing. Any such activities that are not related  
17          directly to the responsibilities of the Bureau for the conduct  
18          of counterintelligence or counterterrorism intelligence activi-  
19          ties within the United States shall be conducted only with the  
20          approval of the Attorney General or a designee, made or  
21          confirmed in writing.

22          (c)(1) The Bureau shall be responsible for the coordina-  
23          tion of all counterintelligence and counterterrorism intelli-  
24          gence activities conducted within the United States by any  
25          other entity of the intelligence community.



1       (2) Such activities shall be conducted by clandestine  
2 means only with the approval of the Director or a designee,  
3 made or confirmed in writing, and only if the request for such  
4 approval—

5           (A) is made or confirmed in writing by a properly  
6 designated senior official of the requesting entity;

7           (B) describes the activity to be conducted; and

8           (C) sets forth the reasons why the requesting  
9 entity wishes to conduct such activity within the  
10 United States.

11       (3) The Bureau shall provide the Attorney General or a  
12 designee in a timely manner with copies of all requests made  
13 to the Bureau under this subsection and shall notify the At-  
14 torney General or a designee in a timely manner of any  
15 action taken by the Bureau with respect thereto.

16       (4) Any entity of the intelligence community conducting  
17 any counterintelligence or counterterrorism intelligence ac-  
18 tivity within the United States shall keep the Bureau fully  
19 and currently informed regarding that activity.

20       (5) The requirements of paragraphs (2) through (4) of  
21 this subsection shall not apply to counterintelligence or coun-  
22 terterrorism intelligence activities of the military services di-  
23 rected against persons subject to the Uniform Code of Mili-  
24 tary Justice (10 U.S.C. 802, Art. 2, (1) through (10)), except

1 for activities conducted by clandestine means outside military  
2 installations.

3 FOREIGN INTELLIGENCE FUNCTIONS

4 SEC. 505. (a) The Bureau may, in accordance with pro-  
5 cedures approved by the Attorney General—

6 (1) collect foreign intelligence within the United  
7 States in the course of authorized collection of counter-  
8 intelligence or counterterrorism intelligence;

9 (2) conduct activities within the United States in  
10 support of the foreign intelligence collection programs  
11 of any other entity of the intelligence community; and

12 (3) produce, analyze, and disseminate foreign in-  
13 telligence in coordination with the Director of National  
14 Intelligence.

15 (b) Any Bureau collection of foreign intelligence upon  
16 the request of another entity of the intelligence community,  
17 or any Bureau activity in support of the foreign intelligence  
18 collection programs of another entity of the intelligence com-  
19 munity, shall be conducted only upon the request, made or  
20 confirmed in writing, of an official of an entity of the intelli-  
21 gence community who has been designated by the President  
22 to make such requests. The Bureau may not comply with any  
23 such request unless such request—

24 (1) describes the information sought or the support  
25 activity requested;

1           (2) certifies that the information sought or the  
2           support activity requested is relevant to the authorized  
3           functions and duties of the requesting entity; and

4           (3) sets forth the reasons why the Bureau is being  
5           requested to collect the information or conduct the sup-  
6           port activity.

7   The Bureau shall provide the Attorney General or a designee  
8   in a timely manner with copies of all such requests, and shall  
9   conduct such support activity only with the approval of the  
10   Director.

11       (c) The Bureau shall be responsible, in accordance with  
12   procedures agreed upon by the Attorney General and the Di-  
13   rector of National Intelligence, for the coordination of all col-  
14   lection of foreign intelligence by clandestine means within the  
15   United States by any other entity of the intelligence commu-  
16   nity.

17       (d) Within the United States foreign intelligence may be  
18   collected by clandestine means directed against unconsenting  
19   United States persons only by the Bureau, with notice to the  
20   Attorney General or a designee, except as otherwise permit-  
21   ted by section (d) of this Act.

22           COOPERATION WITH FOREIGN GOVERNMENTS

23       SEC. 506. (a) The Bureau may, in accordance with pro-  
24   cedures approved by the Attorney General, collect counterin-  
25   telligence and counterterrorism intelligence within the United

1 States upon the written request of any law enforcement, in-  
2 telligence, or security agency of a foreign government, and  
3 provide assistance to any officer of such agency who is col-  
4 lecting intelligence within the United States. The Bureau  
5 may not comply with any such request unless such request  
6 specifies the purposes for which the intelligence or assistance  
7 is sought and—

8 (1) the Bureau would be authorized under this  
9 Act to collect the intelligence or provide the assistance  
10 in the absence of any such request; or

11 (2) the collection of the intelligence or the provi-  
12 sion of assistance pertains to foreign persons and is ap-  
13 proved by the Attorney General or a designee after a  
14 written finding that, as a matter of comity, such collec-  
15 tion or assistance is in the interests of the United  
16 States.

17 (b) The Bureau shall keep the Attorney General or a  
18 designee fully and currently informed of all intelligence col-  
19 lection within the United States by officers or agencies of  
20 foreign governments in which information or assistance is  
21 furnished by the Bureau.

22 (c) The authority provided in subsection (a) of this sec-  
23 tion is subject to the procedures, prohibitions, and restrictions  
24 contained in title II of this Act.

## 1                   GENERAL AND SPECIAL AUTHORITIES

2           SEC. 507. (a) In carrying out its functions under this  
3 title, the Bureau is authorized to—

4                   (1) procure or lease such property, supplies, serv-  
5 ices, equipment, buildings, and facilities, and construct  
6 or alter such buildings and facilities, as may be neces-  
7 sary to carry out its authorized intelligence functions;

8                   (2) establish, furnish, and maintain secure cover  
9 for Bureau officers, employees, and sources when nec-  
10 essary to carry out its authorized intelligence functions,  
11 in accordance with procedures approved by the Attor-  
12 ney General;

13                   (3) establish and operate proprietaries when nec-  
14 essary to support Bureau intelligence activities, in ac-  
15 cordance with procedures approved by the Attorney  
16 General;

17                   (4) deposit public moneys in banks or other finan-  
18 cial institutions when necessary to carry out its author-  
19 ized intelligence functions;

20                   (5) conduct or contract for research, development,  
21 and procurement of technical systems and devices re-  
22 lating to its authorized intelligence functions;

23                   (6) protect from unauthorized disclosure, in ac-  
24 cordance with standards established by the Director of

1 National Intelligence under section 114, intelligence  
2 sources and methods; and

3 (7) perform such additional functions as are other-  
4 wise authorized by this Act to be performed by each  
5 entity of the intelligence community.

6 (b)(1) Any proprietary established and operated by the  
7 Bureau may be operated on a commercial basis to the extent  
8 necessary to provide effective cover. Any funds generated by  
9 any such proprietary in excess of the amount necessary for  
10 its operational requirements shall be deposited by the Direc-  
11 tor into miscellaneous receipts of the Treasury.

12 (2) Whenever any Bureau proprietary whose net value  
13 exceeds \$150,000 is to be liquidated, sold, or otherwise dis-  
14 posed of, the Bureau shall, as much in advance of the liquida-  
15 tion, sale, or other disposition of the proprietary as practica-  
16 ble report the circumstances of the intended liquidation, sale,  
17 or other disposition to the Attorney General and to the  
18 House Permanent Select Committee on Intelligence and the  
19 Senate Select Committee on Intelligence. Any proceeds from  
20 any liquidation, sale, or other disposition of any Bureau pro-  
21 prietary, in whatever amount, after all obligations of the pro-  
22 prietary have been met, shall be deposited by the Director  
23 into miscellaneous receipts of the Treasury.

24 (c) The Bureau is authorized, in accordance with proce-  
25 dures approved by the Attorney General, to procure or lease

1 property, goods, or services for its own use in such a manner  
2 that the role of the Bureau is not apparent or publicly ac-  
3 knowledged when public knowledge could inhibit or interfere  
4 with the secure conduct of an authorized intelligence function  
5 of the Bureau.

6 (d) The authority contained in clauses (1), (2), (3), and  
7 (4) of subsection (a) shall, except as otherwise provided in  
8 this Act, be available to the Bureau notwithstanding any  
9 other provision of law and shall not be modified, limited, sus-  
10 pended, or superseded by any provision of law enacted after  
11 the effective date of this title unless such provision expressly  
12 cites the specific provision of subsection (a) intended to be so  
13 modified, limited, suspended, or superseded.

## 14 TITLE VI—NATIONAL SECURITY AGENCY

### 15 PART A—PURPOSES AND DEFINITIONS

#### 16 STATEMENT OF PURPOSES

17 SEC. 601. It is the purpose of this title—

18 (1) to authorize, and provide guidance for, those  
19 signals intelligence and communications security activi-  
20 ties necessary for the conduct of the foreign relations  
21 and the protection of the national security of the  
22 United States;

23 (2) to ensure that signals intelligence and commu-  
24 nications security activities are properly and effectively  
25 directed, regulated, coordinated, and administered, and

1 are organized and conducted so as to meet, in the most  
2 efficient manner, the signals intelligence and communi-  
3 cations security needs of the United States;

4 (3) to establish by law the National Security  
5 Agency, to provide for the appointment of a Director  
6 of that Agency, to delineate the responsibilities of such  
7 Director, and to confer upon such Director the authori-  
8 ties necessary to fulfill those responsibilities;

9 (4) to ensure that the National Security Agency is  
10 accountable to the President, the Congress, and the  
11 people of the United States and that the signals intelli-  
12 gence activities and communications security activities  
13 of the United States are conducted in a manner con-  
14 sistent with the Constitution and laws of the United  
15 States.

16 DEFINITIONS

17 SEC. 602. (a) Except as otherwise provided in this sec-  
18 tion, the definitions in title I shall apply to this title.

19 (b) As used in this title—

20 (1) The term “communications intelligence”  
21 means technical and intelligence information derived  
22 from foreign electromagnetic communications by other  
23 than the intended recipients.

24 (2) The term “cryptographic system” includes any  
25 code, cipher, and any manual, mechanical, or electrical



1 device or method used for the purpose of disguising,  
2 concealing, or authenticating the contents, significance,  
3 or meanings of communications.

4 (3) The term "cryptology" encompasses both sig-  
5 nals intelligence and communications security.

6 (4) The term "electronics intelligence" means  
7 technical and intelligence information derived from for-  
8 eign electromagnetic radiations emanating from other  
9 than communciations, nuclear detonations, or radioac-  
10 tive sources.

11 (5) The term "foreign electromagnetic communi-  
12 cation" means a communication that has at least one  
13 communicant outside of the United States or that is  
14 entirely among foreign powers or between a foreign  
15 power and officials of a foreign power (but not includ-  
16 ing communications intercepted by electronic surveil-  
17 lance directed at premises used exclusively for residen-  
18 tial purposes).

19 (6) The term "foreign instrumentation signals in-  
20 telligence" means technical and intelligence informa-  
21 tion derived from the collection and processing of for-  
22 eign telemetry, beaconry, and associated signals.

23 (7) The term "signals intelligence" includes,  
24 either individually or in combination, communications  
25 intelligence, electronics intelligence, foreign instrumen-

1       tation signals intelligence, and information derived from  
2       the collection and processing of nonimagery infrared  
3       and coherent light signals, but does not include elec-  
4       tronic surveillance activities conducted by the Federal  
5       Bureau of Investigation on its own behalf.

6               (8) The term "unauthorized person" means a  
7       person not authorized access to signals intelligence or  
8       communications security information by the President  
9       or by the head of any department or agency that has  
10       been designated expressly by the President to engage  
11       in cryptologic activities for the United States.

12               (9) The term "United States signals intelligence  
13       system" means an entity that is comprised of (A) the  
14       National Security Agency (including assigned military  
15       personnel); (B) those elements of the military depart-  
16       ments and the Central Intelligence Agency performing  
17       signals intelligence activities; (C) those elements of any  
18       other department or agency which may from time to  
19       time be authorized by the National Security Council to  
20       perform signals intelligence activities during the time  
21       when such elements are authorized to perform such ac-  
22       tivities.

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1 PART B—ESTABLISHMENT OF AGENCY; DIRECTOR;  
2 DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR  
3 GENERAL; DUTIES

4 ESTABLISHMENT OF NATIONAL SECURITY AGENCY;  
5 FUNCTION

6 SEC. 611. (a) There is established within the Depart-  
7 ment of Defense an agency to be known as the National Se-  
8 curity Agency (hereinafter in this title referred to as the  
9 "Agency").

10 (b) It shall be the function of the Agency to conduct  
11 signals intelligence activities and communications security  
12 activities for the United States Government and to serve as  
13 the principal agency of the United States signals intelligence  
14 system.

15 (c)(1) The functions of the Agency shall be carried out  
16 under the direct supervision and control of the Secretary of  
17 Defense and shall be accomplished under the provisions of  
18 this Act and in conformity with the Constitution and laws of  
19 the United States.

20 (2) In exercising supervision and control over the  
21 Agency, the Secretary of Defense shall comply with intelli-  
22 gence policies, needs, and priorities established by the Na-  
23 tional Security Council and with intelligence objectives and  
24 requirements established by the Director of National Intelli-  
25 gence.

1 (3) In exercising supervision and control over the  
2 Agency, the Secretary of Defense shall comply with commu-  
3 nications security policy established by the National Security  
4 Council which shall include the Secretary of Commerce for  
5 this purpose.

6 DIRECTOR AND DEPUTY DIRECTOR

7 SEC. 612. (a) There shall be a Director of the National  
8 Security Agency (hereinafter in this title referred to as the  
9 "Director"). There shall also be a Deputy Director of the  
10 National Security Agency (hereinafter in this title referred to  
11 as the "Deputy Director") to assist the Director in carrying  
12 out the Director's functions under this Act.

13 (b) The Director and the Deputy Director shall be ap-  
14 pointed by the President, by and with the advice and consent  
15 of the Senate. The Director and Deputy Director shall each  
16 serve at the pleasure of the President. Either the Director or  
17 Deputy Director shall be a person with cryptologic experi-  
18 ence. No person may serve as Director or Deputy Director  
19 for a period of more than six years unless such person is  
20 reappointed to that same office by the President, by and with  
21 the advice and consent of the Senate. No person who has  
22 served as Director or Deputy Director for a period of less  
23 than six years and is subsequently appointed or reappointed  
24 to that same office may serve in that office under such ap-  
25 pointment or reappointment for a term of more than six

1 years. In no event may any person serve in either or both  
2 offices for more than a total of twelve years.

3 (c) At no time shall the two offices of Director and  
4 Deputy Director be occupied simultaneously by commis-  
5 sioned officers of the Armed Forces whether in an active or  
6 retired status.

7 (d)(1) If a commissioned officer of the Armed Forces is  
8 appointed as Director or Deputy Director, then—

9 (A) in the performance of the duties of Director or  
10 Deputy Director, as the case may be, the officer shall  
11 be subject to no supervision, control, restriction, or  
12 prohibition of the military departments, or the Armed  
13 Forces of the United States or any component thereof;  
14 and

15 (B) that officer shall not possess or exercise any  
16 supervision, control, powers, or functions (other than  
17 such as that officer possesses, or is authorized or di-  
18 rected to exercise, as Director, or Deputy Director)  
19 with respect to the Department of Defense, the mili-  
20 tary departments, or the Armed Forces of the United  
21 States or any component thereof, or with respect to  
22 any of the personnel (military or civilian) of any of the  
23 foregoing.

24 (2) Except as provided in this section, the appointment  
25 to the Office of Director or Deputy Director of a commis-

1 sioned officer of the Armed Forces, and acceptance of and  
2 service in such an office by that officer, shall in no way affect  
3 any status, office, rank, or grade that officer may occupy or  
4 hold in the Armed Forces, or any emolument, perquisite,  
5 right, privilege, or benefit incident to or arising out of any  
6 such status, office, rank, or grade. A commissioned officer  
7 shall, while serving in the office of Director or Deputy Direc-  
8 tor, continue to hold rank and grade not lower than that in  
9 which that officer was serving at the time of that officer's  
10 appointment as Director or Deputy Director.

11 (3) The rank or grade of any such commissioned officer  
12 shall, during any period such officer occupies the office of  
13 Director or Deputy Director, be in addition to the numbers  
14 and percentages authorized for the military department of  
15 which such officer is a member.

16 (e) The Director and Deputy Director, whether civilian  
17 or military, shall be compensated while serving as Director  
18 or Deputy Director only from funds appropriated to the De-  
19 partment of Defense.

20 (f) If a commissioned officer of the Armed Forces is  
21 serving as Director or Deputy Director, that officer shall be  
22 entitled, while so serving, to the difference, if any, between  
23 the regular military compensation (as defined in section  
24 101(25) of title 37, United States Code) to which that officer  
25 is entitled and the compensation provided for that office

1 under subchapter II of chapter 53 of title 5, United States  
2 Code.

3 (g) The Deputy Director shall act in the place of the  
4 Director during the absence or disability of the Director or  
5 during any temporary vacancy in the office of the Director.  
6 The Director shall provide by regulation which officials of the  
7 Agency shall, whenever there is no Deputy Director, act in  
8 the place of the Director during the absence or disability of  
9 the Director or during any temporary vacancy in the office of  
10 the Director.

11 (h) In computing the twelve-year limitation prescribed  
12 in subsection (b) of this section, any service by a person as  
13 Director or Deputy Director of the National Security Agency  
14 as such agency existed on the day before the effective date of  
15 this title shall not be included.

16 DUTIES OF THE DIRECTOR

17 SEC. 613. (a) It shall be the duty of the Director to—

18 (1) serve as the principal signals intelligence offi-  
19 cer of the Government and the executive head of the  
20 National Security Agency;

21 (2) ensure that the signals intelligence activities of  
22 the United States Government are conducted in ac-  
23 cordance with the provisions of this Act and with the  
24 Constitution and laws of the United States;

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1           (3) direct and manage all cryptologic activities,  
2 resources, personnel, and programs of the Agency;

3           (4) organize, maintain, direct, and manage the  
4 United States signals intelligence system;

5           (5) in accordance with intelligence policies, needs,  
6 and priorities established by the National Security  
7 Council and with intelligence requirements and objec-  
8 tives promulgated by the director of National Intelli-  
9 gence, supervise, formulate and promulgate operational  
10 plans, policies, and procedures for the conduct and con-  
11 trol of, all signals intelligence collection, processing,  
12 reporting, and dissemination activities of the United  
13 States Government;

14           (6) ensure that signals intelligence is disseminated  
15 promptly and under appropriate security safeguards  
16 only to departments and agencies that require such in-  
17 telligence for their lawful functions and have been au-  
18 thorized by the President to receive such intelligence;

19           (7) serve, under the Secretary of Defense, as the  
20 principal communications security officer of the United  
21 States Government and ensure that the communica-  
22 tions security activities of the United States Govern-  
23 ment are conducted in accordance with the provisions  
24 of this Act and with the Constitution and laws of the  
25 United States;



1           (8) fulfill the communications security require-  
2           ments of all departments and agencies based upon  
3           policy guidance from the National Security Council op-  
4           erating pursuant to section 142 of this Act;

5           (9) consolidate, as necessary, the signals intelli-  
6           gence and the communications security functions of the  
7           United States Government for the purpose of achieving  
8           overall efficiency, economy, and effectiveness;

9           (10) conduct such research and development in  
10          support of signals intelligence and communications se-  
11          curity activities as may be necessary to meet the needs  
12          of departments and agencies authorized to receive sig-  
13          nals intelligence or which require communications se-  
14          curity assistance, or delegate responsibility for such re-  
15          search and development to other departments or agen-  
16          cies, and review research and development conducted  
17          by any department or agency in support of signals in-  
18          telligence and communications security, except for such  
19          research and development in support of the clandestine  
20          activities of the Central Intelligence Agency;

21          (11) determine the manpower resources and ad-  
22          ministrative support needed by the Agency to conduct  
23          effectively its signals intelligence activities and, in ac-  
24          cordance with such terms and conditions as shall be  
25          mutually agreed upon by the Director of National In-

1       telligence and the Secretary of Defense, enter into  
2       agreements with other departments and agencies for  
3       the provision of such manpower resources and adminis-  
4       trative support;

5               (12) determine the manpower resources and ad-  
6       ministrative support needed by the Agency to conduct  
7       effectively its communications security activities, and,  
8       based upon guidance from the Secretary of Defense,  
9       enter into agreements with other departments and  
10      agencies for the provision of such manpower resources  
11      and administrative support;

12             (13) review all proposed budgets, programs, and  
13      resource allocations for the signals intelligence activi-  
14      ties of the United States, prepare a proposed consoli-  
15      dated United States signals intelligence program and  
16      budget for each fiscal year based upon program and  
17      budget guidance from the Secretary of Defense, and  
18      with respect to national intelligence activities on pro-  
19      gram and budget guidance from the Director of Nation-  
20      al Intelligence, and submit each such proposed budget  
21      to the Director of National Intelligence and the Secre-  
22      tary of Defense;

23             (14) review all proposed programs, budgets, and  
24      resource allocations for the communications security  
25      activities of the United States Government, prepare a

1 proposed consolidated Department of Defense commu-  
2 nications security program and budget for each fiscal  
3 year, and submit each such proposed program and  
4 budget to the Secretary of Defense;

5 (15) establish appropriate controls for funds made  
6 available to the Agency to carry out its authorized ac-  
7 tivities;

8 (16) ensure that cryptologic information is classi-  
9 fied in accordance with applicable law and Executive  
10 orders;

11 (17) conduct liaison on cryptologic matters with  
12 foreign governments and, when such matters involve  
13 the responsibilities of the Director of National Intelli-  
14 gence under section 115(h), conduct such liaison in co-  
15 ordination with the Director of National Intelligence;

16 (18) provide for such communications support and  
17 facilities as may be necessary to (A) conduct signals in-  
18 telligence activities in a timely and secure manner, and  
19 (B) ensure the expeditious handling of critical informa-  
20 tion for the United States Government;

21 (19) prescribe all cryptographic systems and tech-  
22 niques, other than secret writing systems and covert  
23 agent communications systems of the Central Intelli-  
24 gence Agency, to be used in any manner by or on  
25 behalf of the United States Government and provide

1 for the centralized production and control of such cryp-  
2 tographic systems and materials to be used by the  
3 United States Government;

4 (20) evaluate, based, as appropriate, upon guid-  
5 ance from the Attorney General, the vulnerability of  
6 United States communications to interception and ex-  
7 ploitation by unintended recipients and, under the su-  
8 pervision of the Secretary of Defense and in accord-  
9 ance with policy guidance from the National Security  
10 Council operating pursuant to section 142 of this Act,  
11 institute appropriate measures to ensure the confiden-  
12 tiality of such communications;

13 (21) ensure that the Agency will receive, in a  
14 timely fashion, all signals intelligence collected by any  
15 entity of the United States Government;

16 (22) develop plans to ensure the responsiveness of  
17 the United States signals intelligence system to the  
18 needs of the Department of Defense, including the del-  
19 egation of such tasking authority as may be appropri-  
20 ate;

21 (23) provide the Director of National Intelligence  
22 with such information on the activities of the Agency  
23 as the Director of National Intelligence requires to ful-  
24 fill his statutory responsibilities;

1           (24) provide technical assistance to any other  
2           entity of the intelligence community engaged in lawful  
3           intelligence activities;

4           (25) issue such rules, regulations, directives, and  
5           procedures as may be necessary to implement this title;  
6           and

7           (26) perform with respect to the Agency the  
8           duties assigned elsewhere in this Act to the head of  
9           each entity of the intelligence community.

10          (b) It shall also be the duty of the Director to provide  
11          signals intelligence support for the conduct of military oper-  
12          ations in accordance with tasking, priorities and standards of  
13          timeliness assigned by the Secretary of Defense. If provision  
14          of such support requires use of systems for national intelli-  
15          gence collection, these systems will be tasked within existing  
16          guidance from the Director of National Intelligence.

17          (c) it shall also be the duty of the Director to prescribe  
18          and enforce for the United States signals intelligence system  
19          and for the communications security activities of the United  
20          States Government security rules, regulations, procedures,  
21          standards, and requirements with respect to personnel secu-  
22          rity clearances, authorizations for access to facilities and in-  
23          formation, physical security of facilities, equipment, and in-  
24          formation, and the transmission, processing, and reporting of  
25          information, in order to protect signals intelligence and com-

1 munications security information from unauthorized dislo-  
2 sure. All such rules, regulations, procedures, standards, and  
3 requirements shall be in accord with applicable law and with  
4 policy guidance from the Director of National Intelligence  
5 with respect to signals intelligence activities and the Secre-  
6 tary of Defense with respect to communications security  
7 activities. Enforcement of all such rules, regulations, proce-  
8 dures, standards, and requirements shall be coordinated with  
9 the head of each concerned department or agency.

10 (d) To assist the Director in the fulfillment of his respon-  
11 sibilities under this section, the heads of all departments and  
12 agencies shall furnish the Director, upon request and in ac-  
13 cordance with applicable law, such data as the Director may  
14 require and the Director shall take appropriate steps to main-  
15 tain the confidentiality of any information which is so pro-  
16 vided.

17 GENERAL COUNSEL; INSPECTOR GENERAL

18 SEC. 614. (a) There shall be a General Counsel of the  
19 National Security Agency appointed by the President, by and  
20 with the advice and consent of the Senate, who shall dis-  
21 charge the responsibilities of general counsel under this Act  
22 for the Agency.

23 (b) There shall be an Inspector General of the national  
24 Security Agency, appointed by the Director, who shall dis-

1 charge the responsibilities of inspector general under this Act  
2 for the Agency.

3 PART C—GENERAL AND SPECIAL AUTHORITIES OF THE  
4 AGENCY; AUTHORIZATION FOR APPROPRIATIONS  
5 GENERAL AUTHORITIES OF THE AGENCY

6 SEC. 621. (a) In carrying out its functions under this  
7 Act, the Agency is authorized to—

8 (1) transfer to and receive from other departments  
9 and agencies funds for the sole purpose of carrying out  
10 functions authorized by this title, subject to the approv-  
11 al of the Director of the Office of Management and  
12 Budget;

13 (2) exchange funds without regard to the provi-  
14 sions of section 3651 of the Revised Statutes (31  
15 U.S.C. 543);

16 (3) reimburse other departments and agencies of  
17 the Government for personnel assigned or loaned to  
18 the Agency and services furnished to the Agency;

19 (4) rent any premises within or outside the United  
20 States necessary to carry out any function of the  
21 Agency authorized under this title, and make such al-  
22 terations, improvements, and repairs to the premises  
23 of, or rented by, the Agency as may be necessary  
24 without regard to any limitation prescribed by law if  
25 the Director makes a written finding that waiver of

1 such limitation otherwise applicable to the renting, al-  
2 teration, improvement, or repair, as the case may be,  
3 is necessary to the successful performance of the Agen-  
4 cy's functions or the security of its activities;

5 (5) lease buildings to the Government without  
6 regard to the limitations prescribed in section 322 of  
7 the Act entitled "An Act making appropriations for the  
8 legislative branch of the Government for the fiscal year  
9 ending June 30, 1933, and for other purposes", ap-  
10 proved June 30, 1932 (40 U.S.C. 278a) or the provi-  
11 sions of section 2675 of title 10, United States Code;

12 (6) acquire, construct, or alter buildings and facili-  
13 ties (including family and bachelor housing in foreign  
14 countries only) without regard to the Public Buildings  
15 Act of 1959 (40 U.S.C. 601-615) or section 2682 of  
16 title 10, United States Code;

17 (7) repair, operate, and maintain buildings, utili-  
18 ties, facilities, and appurtenances;

19 (8) conduct health-service programs as authorized  
20 by section 7901 of title 5, United States Code;

21 (9) in accordance with regulations approved by  
22 the Director, transport officers and employees of the  
23 Agency in Government-owned automotive equipment  
24 between their domiciles and places of employment  
25 where such personnel are engaged in work that makes



1       such transportation necessary, and transport in such  
2       equipment, to and from school, children of Agency per-  
3       sonnel who have quarters for themselves and their  
4       families at isolated stations outside the continental  
5       United States where adequate public or private trans-  
6       portation is not available;

7           (10) settle and pay claims of civilian and military  
8       personnel, as prescribed in Agency regulations consist-  
9       ent with the terms and conditions by which claims are  
10      settled and paid under the Military Personnel and Ci-  
11      vilian Employees' Claims Act of 1964 (31 U.S.C.  
12      240-243);

13          (11) pay, in accordance with regulations approved  
14      by the Director, expenses of travel in connection with,  
15      and expenses incident to attendance at meetings of  
16      professional, technical, scientific, and other similar or-  
17      ganizations when such attendance would be a benefit  
18      to the conduct to the work of the Agency;

19          (12) establish, furnish, and maintain, in coordina-  
20      tion with the Director of National Intelligence, secure  
21      cover for Agency officers, employees, agents and activ-  
22      ities;

23          (13) direct the transfer or disposal, on a nonreim-  
24      bursable basis and after coordination with the head of  
25      the department or agency involved, and in cases in-

1       volving the responsibilities of the Director of National  
2       Intelligence under section, 304(h), the Director of Na-  
3       tional Intelligence, of such cryptologic and cryptologic-  
4       related equipment and supplies among entities of the  
5       intelligence community and between entities of the in-  
6       telligence community and departments and agencies as  
7       may be necessary for performance of the functions au-  
8       thorized by this title, and the loan, transfer, or disposal  
9       of such equipment and supplies to foreign countries for  
10      cryptologic support, and pay expenses of arrangements  
11      with foreign countries for cryptologic support;

12           (14) perform inspection, audit, public affairs, legal,  
13      and legislative services;

14           (15) protect, in accordance with standards estab-  
15      lished by the Director of National Intelligence under  
16      section 304 of this Act and with any other applicable  
17      statute or Executive order, materials and information  
18      related to intelligence sources and methods;

19           (16) perform such additional functions as are oth-  
20      erwise authorized by this Act to be performed by each  
21      entity of the intelligence community;

22           (17) exercise such other authorities available to  
23      the Secretary of Defense as may be delegated by the  
24      Secretary of Defense to the Agency; and

1           (18) maintain and operate a permanent full-scale  
2           printing plant for the production of cryptologic and  
3           cryptologic-related materials, and lease or purchase  
4           and maintain and operate computer and communica-  
5           tions equipment to carry out authorized functions.

6           (b) The authority contained in clause (12) of subsection  
7 (a) shall, except as otherwise provided in this Act, be availa-  
8 ble to the Agency notwithstanding any other provision of law  
9 and shall not be modified, limited, suspended, or superseded  
10 by any provision of law enacted after the effective date of this  
11 title unless such provision expressly cites clause (12) of sub-  
12 section (a) and specifically indicates how such authority is to  
13 be so modified, limited, suspended, or superseded.

14          (c) Notwithstanding the provisions of section 3678 of  
15 the Revised Statutes (31 U.S.C. 628) any department or  
16 agency may transfer to or receive from the Agency any sum  
17 of money approved by the Director of National Intelligence  
18 and the Director of the Office of Management and Budget for  
19 use in support of foreign cryptologic liaison and support func-  
20 tions authorized by this title.

21          (d) The Agency may use as its seal of office the insignia  
22 used by the Agency prior to the effective date of this title and  
23 judicial notice shall be taken of such seal.

24          (e) The Director may employ, contract, or arrange with  
25 another Government agency for the assignment of security

1 officers to police the installations and grounds under the con-  
2 trol of or used by the Agency, and to perform courier escort  
3 duties and such security officers shall have the same powers  
4 as sheriffs and constables for the protection of persons and  
5 property, to prevent breaches of the peace, to suppress af-  
6 frays or unlawful assemblies, and to enforce any rule or regu-  
7 lation the Director may promulgate for the protection of such  
8 installations and grounds. The jurisdiction and police powers  
9 of such security officers shall not, however, extend to the  
10 civil process.

11 (f) The Director may authorize Agency personnel to  
12 carry firearms within the United States for courier protection  
13 purposes, for the protection of the Director and Deputy Di-  
14 rector, and in exigent circumstances, such officials of the  
15 Agency as the Director may designate, and for the protection  
16 of any foreign person visiting the United States under  
17 Agency auspices.

18 (g)(1) The Agency may appoint, promote, and separate  
19 such personnel or contract for such personnel services as it  
20 deems advisable, without regard to the provisions of title 5,  
21 United States Code, governing appointments to, promotions  
22 in, and separations from the civil service, and without regard  
23 to the limitations on types of persons to be employed, and fix  
24 the compensation of such personnel without regard to the  
25 provisions of chapter 51 and subchapter III and IV of chap-

1 ter 53 of that title, relating to classification and General  
2 Schedule pay rates, but at rates not in excess of the maxi-  
3 mum pay authorized senior executive service by subchapter  
4 VIII of chapter 53 of title 5, United States Code.

5 (2) Executive schedule positions within the Agency  
6 other than the Director, Deputy Director, General Counsel,  
7 and Inspector General, and positions in the grades of GS-16,  
8 GS-17, and GS-18, other than those transferred to the  
9 Agency under this Act shall be as authorized by law.

10 (3) Any Agency officer or employee who has been sepa-  
11 rated under paragraph (1) may seek or accept employment in  
12 the Government if declared eligible for such employment by  
13 the Office of Personnel Management; and that office may  
14 place such officer or employee in a position in the competitive  
15 civil service in the same manner as an employee who is  
16 transferred between two positions in the competitive service,  
17 but only if such Agency officer or employee has served with  
18 the Agency for at least one year continuously immediately  
19 preceding such separation.

20 **PROCUREMENT AUTHORITY**

21 **SEC. 622.** (a) The Agency is authorized to procure such  
22 property, supplies, services, equipment, and facilities as may  
23 be necessary to carry out its functions under this title.

24 (b) The provisions of chapter 137, relating to the pro-  
25 curement of property and services, and chapter 139, relating

1 to the procurement of research and development services, of  
2 title 10, United States Code, shall apply to the procurement  
3 of property, services, and research and development services  
4 by the Agency in the same manner and to the same extent  
5 such chapters apply to the procurement of property, services,  
6 and research and development services by the agencies  
7 named in section 2303(a) of such title, except that the Direc-  
8 tor is authorized, with the approval of the Secretary of De-  
9 fense and, in the case of any national intelligence activity,  
10 the Director of National Intelligence, to waive the applica-  
11 tion of any or all of the provisions of chapters 137 and 139 of  
12 such title when the Director deems such action necessary to  
13 the successful performance of any function of the Agency or  
14 to protect the security of activities of the Agency.

15 (c) The Agency is authorized, notwithstanding any other  
16 provision of law, to procure property, goods, or services in  
17 the name of the Department of Defense when public knowl-  
18 edge of the Agency's sponsorship of such procurement would  
19 inhibit or interfere with the secure conduct of an authorized  
20 Agency function. Any participation of the Department of De-  
21 fense in Agency procurement may also be concealed, in ac-  
22 cordance with section 139 of this Act but notwithstanding  
23 any other provision of law, when the Director finds such con-  
24 cealment necessary to protect the secure conduct of an au-  
25 thorized Agency function.



1 (b)(1) The Secretary of Defense may make funds availa-  
2 ble to the Agency for the purpose of meeting confidential,  
3 emergency, or extraordinary expenses of the Agency, but any  
4 funds made available to the Agency by the Secretary of De-  
5 fense for such a purpose may be made available only from  
6 funds appropriated to the Secretary of Defense for the spe-  
7 cific purpose of meeting confidential, emergency, or extraor-  
8 dinary expenses.

9 (2) Any funds made available to the Agency by the Sec-  
10 retary of Defense for meeting confidential, emergency, and  
11 extraordinary expenses may be used only to meet the ex-  
12 penses specified by the Secretary of Defense. The expendi-  
13 ture of such funds shall be accounted for solely on the certifi-  
14 cate of the Director and every such certificate shall be  
15 deemed a sufficient voucher for the amount certified therein,  
16 but such expenditures may be made only for activities author-  
17 ized by this title or other law.

18 PART D—TRAVEL AND OTHER EXPENSES; SPECIAL  
19 FACILITIES; RETIREMENT SYSTEM  
20 TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES  
21 FOR CERTAIN AGENCY PERSONNEL

22 SEC. 631. (a) As used in this section "employee" does  
23 not include, unless otherwise specifically indicated, any  
24 person working for the Agency under a contract or any  
25 person who when initially employed is a resident in or a citi-



1 zen of a foreign country in which the station at which such  
2 person is to be assigned to duty is located.

3 (b) Under such regulations as the Director, in consulta-  
4 tion with the Director of National Intelligence, may approve  
5 the Agency may, with respect to employees assigned to duty  
6 stations outside the United States, provide allowances and  
7 other benefits in the same manner and under the same cir-  
8 cumstances such allowances and other benefits are provided  
9 employees of the Foreign Service under title IX of the For-  
10 eign Service Act of 1946 (22 U.S.C. 1131-1160), and death  
11 gratuities in the same manner and under the same circum-  
12 stances such gratuities are provided employees of the Foreign  
13 Service under section 14 of the Act entitled "An Act to pro-  
14 vide certain basic authority for the Department of State",  
15 approved August 1, 1956 (22 U.S.C. 2679a).

16 (c) Whenever any provision of law relating to travel and  
17 related expenses or death gratuities of employees of the For-  
18 eign Service is enacted after the date of enactment of this  
19 Act, is not enacted as an amendment to one of the provisions  
20 referred to in subsection (b) of this section, and the Director  
21 determines that it would be appropriate for the purpose of  
22 maintaining conformity between provisions of law relating to  
23 travel and related expenses and death gratuities of the For-  
24 eign Service and provisions of law and the Central Intelli-  
25 gence Agency and provisions of law relating to travel and

1 related expenses and death gratuities of employees of the  
2 Agency, the President may, by Executive order, extend in  
3 whole or in part to employees of the Agency the allowances  
4 and benefits applicable to employees of the Foreign Service  
5 by such provision of law, where such allowances and benefits  
6 have been extended to employees of the Central Intelligence  
7 Agency by the Director of that Agency pursuant to section  
8 431(c) of this Act.

9 (d) Notwithstanding the provisions of subsections (b) and  
10 (c), and under such regulations as the Director, in consulta-  
11 tion with the Director of National Intelligence, shall approve,  
12 the Agency may pay expenses, benefits, and allowances  
13 equivalent to those specifically authorized in subsections (b)  
14 and (c) in any case in which the Director determines that, for  
15 reasons of operational necessity or security, the means or  
16 method of paying expenses, benefits, and allowances author-  
17 ized in such subsections should not be utilized.

18 COMMISSARY AND MESS SERVICES AND RECREATION

19 FACILITIES

20 SEC. 632. (a) The Director is authorized to establish  
21 and maintain emergency commissary and mess services in  
22 such places outside the United States and in Alaska where,  
23 in the Director's judgment, such services are necessary to  
24 ensure the effective and efficient performance of the duties  
25 and responsibilities of the Agency, but only if such services

1 are not otherwise available from other departments and agen-  
2 cies of the Government. An amount equal to the amount ex-  
3 pended for any such services shall be returned to the Treas-  
4 ury as miscellaneous receipts.

5 (b) The Director is authorized to assist in the establish-  
6 ment, maintenance, and operation, by officers and employees  
7 of the Agency, of non-Government operated commissary and  
8 mess services and recreation facilities at certain posts abroad,  
9 including the furnishing of space, utilities, and properties  
10 owned or leased by the United States for use by the Agency.  
11 Commissary and mess services and recreation facilities estab-  
12 lished pursuant to this subsection shall be made available,  
13 insofar as practicable, to officers and employees of other  
14 Government agencies, employees of Government contractors,  
15 and their families who are stationed outside the United  
16 States or in Alaska. Such services and facilities shall not be  
17 established in localities where another department or agency  
18 operates similar services or facilities unless the Director de-  
19 termines that such additional services or facilities are neces-  
20 sary.

21 (c) Notwithstanding any other provision of law, charges  
22 at any post outside the United States or in Alaska by a com-  
23 missary or mess service or recreation facility authorized or  
24 assisted under this section shall be at the same rate for all  
25 civilian and military personnel of the Government serviced

1 thereby, and all charges for supplies furnished to such a fa-  
2 cility by any department or agency shall be at the same rate  
3 as that charged by the furnishing department or agency to its  
4 civilian or military commissary or mess services or recreation  
5 facilities.

6 RETIREMENT SYSTEM

7 SEC. 633. Employees of the Agency shall participate in  
8 the regular Federal Civil Service Retirement System pro-  
9 vided for under subchapter III of chapter 83 of title 5, United  
10 States Code, except that title 5 of the United States Code is  
11 amended as follows to provide for the participation of certain  
12 Agency employees in such system under special conditions:

13 (a) Section 8334 of title 5, United States Code, is  
14 amended by adding at the end thereof the following:

15 “(i) The National Security Agency will annually reim-  
16 burse the fund for additional expenditures incurred as a result  
17 of retirement of employees under section 8336(i) of this  
18 title.”

19 (b) Section 8336 of title 5, United States Code, is  
20 amended by adding the following new subsection (h) and re-  
21 numbering present subsection (h) as subsection (i):

22 “(h) An employee of the National Security Agency who  
23 has completed 15 years of service outside the United States,  
24 or in training therefor, in duties determined by the Director,  
25 National Security Agency to be either hazardous to life or

1 health or so specialized because of security requirements as  
2 to be clearly distinguishable from normal Government em-  
3 ployment is entitled to an annuity after becoming 50 years of  
4 age and completing 20 years of service.”.

5 (c) Section 8339 of title 5, United States Code, is  
6 amended to add the following new subsection (q):

7 “(q) The annuity of an employee retiring under section  
8 8336(h) of this title is to be computed in accordance with  
9 section 221 of the Central Intelligence Agency Retirement  
10 Act of 1964, as amended.”.

11 (d) Section 8347(d) of title 5, United States Code, is  
12 amended to read as follows:

13 “(d) An administrative action or order affecting the  
14 rights or interests of an individual or of the United States  
15 under this subchapter may be appealed to the Commission  
16 under procedures prescribed by the Commission, except that  
17 any action affecting an employee who retires under section  
18 8336(i) of this title may be appealed only to the Secretary of  
19 Defense, whose decision is final and conclusive and is not  
20 subject to review.”.

1 PART E—SPECIAL DELEGATION OF AUTHORITY; PRES-  
2 ERVATION OF CERTAIN AUTHORITY AND RESPONSI-  
3 BILITY

4 SPECIAL DELEGATION AUTHORITY; MISCELLANEOUS  
5 PRESERVATION OF AUTHORITY AND RESPONSIBILITY

6 SEC. 641. (a) In exercising control over all signals intel-  
7 ligence activities of the United States, the Director shall  
8 make special provision for the delegation of operational con-  
9 trol of specified signals intelligence activities required to pro-  
10 vide signals intelligence direct support to military command-  
11 ers or the heads of other departments and agencies of the  
12 Government. Such special provision shall be made for such  
13 period and for such activities as the Director determines to be  
14 appropriate.

15 (b) Nothing in this title shall contravene the responsibil-  
16 ities of any department or agency for the final evaluation of  
17 signals intelligence, the synthesis of such intelligence with  
18 intelligence from other sources, or the dissemination of fin-  
19 ished intelligence to users in accordance with prescribed se-  
20 curity procedures.

21 (c) Nothing in this title shall contravene the authorized  
22 functions of any department or agency to organize and con-  
23 duct individual communications security activities other than  
24 the development of cryptographic systems, devices, equip-  
25 ment, and procedures. Each department and agency con-

1 cerned shall be responsible for implementing all measures re-  
2 quired to assure communications security in accordance with  
3 security rules, regulations, procedures, standards, and re-  
4 quirements prescribed by the Director under the authority of  
5 section 613(b) of this Act.

6 (d)(1) Nothing in this title shall contravene the authority  
7 of the Central Intelligence Agency to conduct, as approved  
8 by the Director of National Intelligence after review by the  
9 Director, clandestine signals intelligence operations in sup-  
10 port of clandestine activities; to conduct, in coordination with  
11 the Director, clandestine operations designed to achieve sig-  
12 nals intelligence objectives; and to prescribe unique commu-  
13 nications security methods and procedures, after review by  
14 the Director, in support of clandestine activities.

15 (2) Nothing in this title shall be construed to require the  
16 disclosure of information that reveals the operational details  
17 of any clandestine activities conducted by the Central Intelli-  
18 gence Agency, including any intelligence sources and meth-  
19 ods involved in such activities.

20 (e) All elements of the United States signals intelligence  
21 system shall conduct signals intelligence activities in re-  
22 sponse to operational tasks assigned by the Director and in  
23 accordance with directives issued by the Director. Except as  
24 authorized in subsection (a), no organization outside the  
25 United States signals intelligence system may engage in sig-

1 nals intelligence activities unless specifically authorized to do  
2 so by the National Security Council.

3 (f) Nothing in this title shall be construed as amending  
4 or superseding the provisions of the Act entitled "An Act to  
5 provide certain administrative authorities for the National  
6 Security Agency, and for other purposes", approved May 29,  
7 1959 (73 Stat. 63; 50 U.S.C. 402 note), section 24(a) of the  
8 Act of October 31, 1951 (65 Stat. 719; 18 U.S.C. 798); and  
9 of the Act entitled "Personnel security procedures in the Na-  
10 tional Security Agency", approved September 23, 1950 (78  
11 Stat. 168, 50 U.S.C. 831-835).

12 (g) The provisions of sections 2 and 3 of the Act entitled  
13 "An Act to fix the responsibilities of disbursing and certifying  
14 officers, and for other purposes", approved December 29,  
15 1941 (55 Stat. 875; 31 U.S.C. 82), shall apply to certifica-  
16 tions for payments and to payments made by or on behalf of  
17 the National Security Agency by certifying officers and em-  
18 ployees and by disbursing officers and employees under the  
19 jurisdiction of any military department, notwithstanding the  
20 provisions of section 4 of such Act (31 U.S.C. 82e).

21 PART F—TRANSFER OF PERSONNEL, PROPERTY, AND  
22 FUNCTIONS

23 TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

24 SEC. 651. (a) All positions established in and personnel  
25 employed by the National Security Agency, as in effect on



1 the day before the effective date of this title, and all obliga-  
2 tions, contracts, properties, and records employed, held, or  
3 used primarily in connection with any function to be per-  
4 formed by the Agency under this title, are transferred to the  
5 Director.

6 (b) All orders, determinations, rules, regulations, per-  
7 mits, contracts, certificates, licenses, and privileges which  
8 have become effective in the exercise of functions transferred  
9 under this title and which are in effect on the day before the  
10 effective date of this title, shall continue in effect until modi-  
11 fied, terminated, superseded, set aside, or repealed by the  
12 Director, or other appropriate Agency officials, by any court  
13 of competent jurisdiction, or by operation of law.

14 (c) The provisions of this title shall not affect any pro-  
15 ceedings pending before the National Security Agency as in  
16 effect prior to the effective date of this title.

17 (d) No suit, action, or other proceeding begun by or  
18 against any officer in that officer's official capacity in the  
19 National Security Agency, as in effect prior to the effective  
20 date of this title, shall abate by reason of enactment of this  
21 title.

22 (e) With respect to any function transferred by this title  
23 and exercised after the effective date of this title, reference in  
24 any other Federal law to any department, agency, office, or  
25 part thereof shall be deemed to refer to the department,

1 agency, or office in which such function is vested pursuant to  
2 this title.

3 TITLE VII—PROTECTION OF IDENTITIES OF  
4 CERTAIN UNDERCOVER INTELLIGENCE OF-  
5 FICERS, AGENTS, INFORMANTS, AND  
6 SOURCES

7 CRIMINAL PENALTY

8 SEC. 701. (a) Whoever, having or having had author-  
9 ized access to classified information that—

10 (1) identifies as an officer or employee of an intel-  
11 ligence agency, or as a member of the Armed Forces  
12 assigned to duty with an intelligence agency, any indi-  
13 vidual (A) who in fact is such an officer, employee, or  
14 member, (B) whose identity as such an officer, employ-  
15 ee, or member is classified information, and (C) who is  
16 serving outside the United States or has within the last  
17 five years served outside the United States; or

18 (2) identifies as being or having been an agent of,  
19 or informant or source of operational assistance to, an  
20 intelligence agency any individual (A) who in fact is or  
21 has been such an agent, informant, or source, and (B)  
22 whose identity as such an agent, informant, or source  
23 is classified information,

24 intentionally discloses to any individual not authorized to re-  
25 ceive classified information any information that identifies an

1 individual described in paragraph (1) or (2) as such an officer,  
2 employee, or member or as such an agent, informant, or  
3 source, knowing or having reason to know that the informa-  
4 tion disclosed so identifies such individual and that the United  
5 States is taking affirmative measures to conceal such individ-  
6 ual's intelligence relationship to the United States, shall be  
7 fined not more than \$50,000 or imprisoned not more than ten  
8 years, or both.

9 (b) It is a defense to a prosecution under subsection (a)  
10 of this section that before the commission of the offense with  
11 which the defendant is charged, the United States had public-  
12 ly acknowledged or revealed the intelligence relationship to  
13 the United States of the individual the disclosure of whose  
14 intelligence relationship to the United States is the basis for  
15 the prosecution.

16 (c) No person other than a person committing an offense  
17 under subsection (a) of this section shall be subject to pros-  
18 ecution under such subsection by virtue of section 2 or 4 of  
19 title 18, United States Code, or shall be subject to prosecu-  
20 tion for conspiracy to commit an offense under such subsec-  
21 tion.

22 (d) It shall not be an offense under subsection (a) of this  
23 section to transmit information described in such subsection  
24 directly to the House Permanent Select Committee on Intel-  
25 ligence or to the Senate Select Committee on Intelligence.

1 (e) There is jurisdiction over an offense under subsection  
2 (a) of this section committed outside the United States if the  
3 individual committing the offense is a citizen of the United  
4 States.

5 (f) Nothing in this section shall be construed as authori-  
6 ty to withhold information from Congress or from a commit-  
7 tee of either House of Congress.

8 (g) As used in this section—

9 (1) The term “classified information” means infor-  
10 mation or material designated and clearly marked or  
11 clearly represented, pursuant to the provisions of a  
12 statute or Executive order (or a regulation or order  
13 issued pursuant to a statute or Executive order), as re-  
14 quiring a specific degree of protection against unau-  
15 thorized disclosure for reasons of national security.

16 (2) The term “authorized”, when used with re-  
17 spect to access to classified information, means having  
18 authority, right, or permission pursuant to the provi-  
19 sions of a statute, Executive order, directive of the  
20 head of any department or agency engaged in foreign  
21 intelligence or counterintelligence activities, order of a  
22 United States district court, or provisions of any rule  
23 of the House of Representatives or resolution of the  
24 Senate which assigns responsibility within the respec-

1       tive House of Congress for the oversight of intelligence  
2       activities.

3           (3) The term "disclose" means to communicate,  
4       provide, impart, transmit, transfer, convey, publish, or  
5       otherwise make available.

6           (4) The term "intelligence agency" means the  
7       Central Intelligence Agency or any intelligence compo-  
8       nent of the Department of Defense.

9           (5) The term "informant" means any individual  
10      who furnishes or has furnished information to an intel-  
11      ligence agency in the course of a confidential relation-  
12      ship protecting the identity of such individual from  
13      public disclosure.

14          (6) The terms "agent", "informant", and "source  
15      of operational assistance" do not include individuals  
16      who are citizens of the United States residing within  
17      the United States.

18          (7) The terms "officer" and "employee" have the  
19      meanings given such terms by sections 2104 and 2105,  
20      respectively, of title 5, United States Code.

21          (8) The term "Armed Forces" means the Army,  
22      Navy, Air Force, Marine Corps, and Coast Guard.

23          (9) The term "United States" when used in a ge-  
24      ographic sense, means all areas under the territorial

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1 sovereignty of the United States and the Trust Terri-  
2 tory of the Pacific Islands.

3 PRESIDENTIAL RESPONSIBILITY

4 SEC. 702. The President shall ensure that each person  
5 who has authorized access to the types of classified informa-  
6 tion described in sections 701 (a)(1) and (a)(2) be informed of  
7 the provisions of section 701.

8 TITLE VIII—PHYSICAL SEARCHES WITHIN THE  
9 UNITED STATES

10 AMENDMENTS TO THE FOREIGN INTELLIGENCE

11 SURVEILLANCE ACT

12 SEC. 801. The Foreign Intelligence Surveillance Act of  
13 1978 (92 Stat. 1783) is amended as follows:

14 (1) The statement of purpose is amended by inserting  
15 “physical searches and” after “authorize”.

16 (2) The title is amended by inserting “SEARCH AND”  
17 before “SURVEILLANCE”.

18 (3) The table of contents is amended to read as follows:

“TITLE I—PHYSICAL SEARCH AND ELECTRONIC SURVEILLANCE  
WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE  
PURPOSES

“Sec. 101. Definitions.

“Sec. 102. Authorization for physical search and electronic surveillance for foreign  
intelligence purposes.

“Sec. 103. Designation of judges.

“Sec. 104. Application for an order.

“Sec. 105. Issuance of an order.

“Sec. 106. Use of information.

“Sec. 107. Report of physical search and electronic surveillance.

“Sec. 108. Congressional oversight.

“Sec. 109. Penalties.

“Sec. 110. Civil liability.

"Sec. 111. Authorization during time of war.

"TITLE II—CONFORMING AMENDMENTS

"Sec. 201. Amendments to chapter 119 of title 18, United States Code.

"TITLE III—EFFECTIVE DATE

"Sec. 301. Effective date."

1       (4) The title of title I is amended by inserting "PHYSI-  
2 CAL SEARCH AND" before "ELECTRONIC".

3       (5) Section 101(h) is amended by striking "with respect  
4 to electronic surveillance".

5       (6) Section 101(h)(1) is amended by inserting "search  
6 or" after "particular".

7       (7) Section 101(h)(4) is amended to read as follows:

8                “(4) notwithstanding paragraphs (1), (2), and  
9                (3), with respect to any physical search or elec-  
10               tronic surveillance approved pursuant to section  
11               102(a), procedures that require that, for a physical  
12               search, no information that concerns a United  
13               States person, and for a surveillance, no contents  
14               of any communication to which a United States  
15               person is a party, shall be disclosed, disseminated,  
16               or used for any purpose or retained for longer  
17               than twenty-four hours unless a court order under  
18               section 105 is obtained or unless the Attorney  
19               General determines that the information indicates  
20               a threat of death or serious bodily harm to any  
21               person.”.

1 (8) Section 101(k) is amended to read as follows:

2 “(k) ‘Aggrieved person’ means a person who is  
3 the target of physical search or electronic surveillance  
4 or any other person whose communications, activities,  
5 property, or mail were subject to physical search or  
6 electronic surveillance.”.

7 (9) Section 101 is amended by adding at the end thereof  
8 the following new provision:

9 “(p) ‘Physical search’ means any search of prop-  
10 erty that is located in the United States and any open-  
11 ing of mail in the United States or in United States  
12 postal channels, under circumstances in which a person  
13 has a reasonable expectation of privacy and a warrant  
14 would be required for law enforcement purposes.”.

15 (10) The title of section 102 is amended to read as fol-  
16 lows: “AUTHORIZATION FOR PHYSICAL SEARCH  
17 AND ELECTRONIC SURVEILLANCE FOR FOREIGN  
18 INTELLIGENCE PURPOSES”.

19 (11) Section 102(a)(1) is amended to read as follows:

20 “SEC. 102. (a)(1) Notwithstanding any other law, the  
21 President, through the Attorney General, may authorize  
22 physical search or electronic surveillance without a court  
23 order under this title to acquire foreign intelligence informa-  
24 tion for periods of up to one year if the Attorney General  
25 certifies in writing under oath that—



1           “(A) the physical search is directed solely at prop-  
2           erty or premises under the open and exclusive control  
3           of a foreign power, as defined in section 101(a) (1), (2),  
4           or (3), and no property or mail of a known United  
5           States person may be seized;

6           “(B) the electronic surveillance is solely directed  
7           at—

8                   “(i) the acquisition of the contents of commu-  
9                   nications transmitted by means of communications  
10                  used exclusively between or among foreign  
11                  powers, as defined in section 101(a) (1), (2), or  
12                  (3); or

13                  “(ii) the acquisition of technical intelligence,  
14                  other than the spoken communications of individ-  
15                  uals, from property or premises under the open  
16                  and exclusive control of a foreign power, as de-  
17                  fined in section 101(a) (1), (2), or (3);

18           “(C) there is no substantial likelihood that the  
19           search will involve the property or mail of a United  
20           States person or the surveillance will acquire the con-  
21           tents of any communication to which a United States  
22           person is a party; and

23           “(D) the proposed minimization procedures with  
24           respect to such search or surveillance meet the defini-

1           tion of minimization procedures under section 101(h);  
2           and  
3           if the Attorney General reports such minimization procedures  
4           and any changes thereto to the House Permanent Select  
5           Committee on Intelligence and the Senate Select Committee  
6           on Intelligence at least thirty days prior to their effective  
7           date, unless the Attorney General determines immediate  
8           action is required and notifies the committees immediately of  
9           such minimization procedures and the reason for their becom-  
10          ing effective immediately.”.

11          (12) Section 102(a)(2) is amended by striking “An elec-  
12          tronic surveillance” and inserting in lieu thereof “A physical  
13          search or electronic surveillance”.

14          (13) Section 102(a)(3)(B) is amended by inserting  
15          “search or” before “surveillance”.

16          (14) Section 102(a)(4) is amended by inserting “physical  
17          search or” after “With respect to”.

18          (15) Section 102(a)(4)(A) is amended by inserting  
19          “physical search or” before “electronic surveillance”.

20          (16) Section 102(a)(4)(B) is amended by inserting  
21          “search or” before “surveillance”.

22          (17) Section 102(a) is amended by adding a new subsec-  
23          tion as follows:

24          “(5) The Attorney General may authorize physical  
25          entry of property or premises under the open and exclusive

1 control of a foreign power, as defined in section 101(a) (1),  
2 (2), or (3), for the purpose of installing, repairing, or remov-  
3 ing any electronic, mechanical, or other surveillance device  
4 used in conjunction with an electronic surveillance authorized  
5 by this subsection.”.

6 (18) Section 102(b) is amended to read as follows:

7 “(b) Applications for a court order under this title are  
8 authorized if the President has, by written authorization, em-  
9 powered the Attorney General to approve applications to the  
10 court having jurisdiction under section 103, and a judge to  
11 whom an application is made may, notwithstanding any other  
12 law, grant an order in conformity with section 105, approv-  
13 ing physical search or electronic surveillance of a foreign  
14 power or an agent of a foreign power for the purpose of ob-  
15 taining foreign intelligence information, except that the court  
16 shall not have jurisdiction to grant any order approving phys-  
17 ical search or electronic surveillance directed solely as de-  
18 scribed in subsection (a) unless such physical search or sur-  
19 veillance may involve the property or acquisition of commu-  
20 nications of any United States person.”.

21 (19) Section 103(a) is amended by inserting “Physical  
22 search or” before all appearances of “electronic surveil-  
23 lance”.

24 (20) Section 104(a) is amended by inserting “Physical  
25 search or” after “approving” in the first sentence.

1 (21) Section 104(a)(3) is amended by inserting "or the  
2 property or mail subject to the physical search" after "sur-  
3 veillance".

4 (22) Section 104(a)(4)(A) is amended by inserting  
5 "physical search or" before "electronic surveillance".

6 (23) Section 104(a)(4)(B) is amended to read as follows:

7 (B) each of the facilities, places, or items of  
8 property or mail at which the physical search or  
9 electronic surveillance is directed is the property  
10 or mail of, or is being used by, or is about to be  
11 used by, a foreign power or an agent of a foreign  
12 power;".

13 (24) Section 104(a)(6) is amended by inserting "or the  
14 items of property or mail to be subjected to the search" after  
15 "surveillance".

16 (25) Section 104(a)(7)(B) is amended by inserting  
17 "search or" before "surveillance".

18 (26) Section 104(a)(8) is amended by inserting "search  
19 or" before both appearances of "surveillance".

20 (27) Section 104(a)(9) is amended by inserting "proper-  
21 ty," after "persons,".

22 (28) Section 104(a)(10) is amended to read as follows:

23 (10) a statement of the period of time which the  
24 physical search will encompass or for which the elec-  
25 tronic surveillance is required to be maintained, and if

1 the nature of the intelligence gathering is such that the  
2 approval of the use of physical search or electronic sur-  
3 veillance under this title should not automatically ter-  
4 minate when the described type of information has first  
5 been obtained, a description of facts supporting the  
6 belief that additional information of the same type will  
7 be obtained thereafter; and”.

8 (29) Section 104(b) is amended to read as follows:

9 “(b) Whenever the target of the physical search or elec-  
10 tronic surveillance is a foreign power, as defined in section  
11 101(a) (1), (2), or (3), and each of the facilities, places, or  
12 items of property at which the search or surveillance is di-  
13 rected is owned, leased, exclusively used, or openly and ex-  
14 clusively controlled by that foreign power, the application  
15 need not contain the information required by paragraphs (6),  
16 (7)(E), (8), and (11) of subsection (a), but shall state whether  
17 physical entry is required to effect the search or surveillance  
18 and shall contain such information about the search or sur-  
19 veillance techniques and communications or other information  
20 concerning United States persons likely to be obtained as  
21 may be necessary to assess the proposed minimization proce-  
22 dures.”.

23 (30) Section 105(a) is amended by striking “approving  
24 the electronic surveillance” and inserting in lieu thereof “ap-  
25 proving the physical search or electronic surveillance”.

1 (31) Section 105(a)(1) is amended by inserting “physical  
2 search or” before “electronic surveillance”.

3 (32) Section 105(a)(3)(A) is amended by inserting  
4 “physical search or” before “electronic surveillance”.

5 (33) Section 105(a)(3)(B) is amended to read as follows:

6 “(B) each of the facilities, places, or items of  
7 property or mail at which the physical search or  
8 electronic surveillance is directed is the property  
9 or mail of, is being used by, or is about to be used  
10 by, a foreign power or an agent of a foreign  
11 power;”.

12 (34) Section 105(b) is amended by inserting “physical  
13 search or” after “approving”.

14 (35) Section 105(b)(1)(A) is amended by inserting  
15 “physical search or” before “electronic surveillance”.

16 (36) Section 105(b)(1)(B) is amended by striking “at  
17 which the” and inserting in lieu thereof “or items of property  
18 or mail at which the physical search or”.

19 (37) Section 105(b)(1)(C) is amended to read as follows:

20 “(C) the type of information sought to be re-  
21 quired and the type of communications, activities,  
22 or property to be subjected to the search or sur-  
23 veillance;”.

24 (38) Section 105(b)(1)(D) is amended to read as follows:

1           “(D) the means by which the physical search  
2           or electronic surveillance will be effected and  
3           whether physical entry will be used to effect the  
4           search or surveillance: *Provided*, That no order  
5           shall authorize more than one unconsented physi-  
6           cal entry into real property except for entries to  
7           install, repair, or remove surveillance devices;”.

8           (39) Section 105(b)(1)(E) is amended by inserting  
9           “physical search or” before “electronic surveillance”.

10           (40) Section 105(b)(1) is amended by adding at the end  
11           thereof the following provision:

12                       “(G) whenever more than one search of  
13           property or the opening of more than one item of  
14           mail is to be conducted under the order, the au-  
15           thorized scope of the searches or opening of mail;  
16           and”.

17           (41) Section 105(b)(2) is amended by inserting “physical  
18           search or” before both appearances of “electronic surveil-  
19           lance” and by inserting “search or” before “surveillance or  
20           the aid”.

21           (42) Section 105(c) is amended to read as follows:

22                       “(c) Whenever the target of the physical search or elec-  
23           tronic surveillance is a foreign power, as defined in section  
24           101(a) (1), (2), or (3) and each of the facilities, places or items  
25           of property at which the search or surveillance is directed is

1 owned, leased, exclusively used or openly and exclusively  
2 controlled by that foreign power, the order need not contain  
3 the information required by subparagraphs (C), (D), and (F)  
4 of subsection (b)(1), but shall generally describe the informa-  
5 tion sought and the communications, activities or property to  
6 be subjected to the search or surveillance and for surveil-  
7 lances the type of electronic surveillance involved, including  
8 whether physical entry is required for the search or surveil-  
9 lance.”.

10 (43) Section 105(d)(1) is amended by inserting “physical  
11 search or” before the first appearance of “electronic”.

12 (44) Section 105(d)(3) is amended by inserting “physical  
13 search or” before “electronic surveillance”.

14 (45) Section 105(e)(1) is amended to read as follows:

15 “(1) an emergency situation exists with respect to  
16 the use of physical search or electronic surveillance to  
17 obtain foreign intelligence information before an order  
18 authorizing such search or surveillance can with due  
19 diligence be obtained; and”.

20 (46) Section 105(e)(2) is amended by inserting “search  
21 or” before all appearances of “surveillance” and by inserting  
22 “physical search or” before all appearances of “electronic  
23 surveillance”.

24 (47) Section 106(a) is amended by inserting “physical  
25 search or” before both appearances of “electronic”.



1       (48) Section 106(c) is amended by inserting “, or physi-  
2 cal search or the property or mail of,” after “electronic sur-  
3 veillance of”.

4       (49) Section 106(d) is amended by inserting “, or physi-  
5 cal search of the property or mail of,” after “electronic sur-  
6 veillance of”.

7       (50) Section 106 (e) through (g) are amended by insert-  
8 ing “physical search or” before all appearances of “electronic  
9 surveillance” and by inserting “search or” before all appear-  
10 ances of “surveillance”.

11       (51) Section 106(h) is amended by inserting “a physical  
12 search or an” before “electronic surveillance” and by insert-  
13 ing “search or” before “surveillance”.

14       (52) Section 106(j) is amended by inserting “physical  
15 search or” before both appearances of “electronic surveil-  
16 lance” and by inserting “search or” before “surveillance”.

17       (53) Section 107 is amended by inserting “physical  
18 search or” before “electronic surveillance”.

19       (54) Section 108(a) is amended by inserting “physical  
20 searches and” before “electronic surveillance”.

21       (55) Section 109 is amended by inserting “physical  
22 search or” before all appearances of “electronic surveil-  
23 lance”.

24       (56) Section 110 is amended by striking “or about  
25 whom information obtained by electronic surveillance of such

1 person” and inserting in lieu thereof “or whose property or  
2 mail has been the subject of a physical search or about whom  
3 information obtained by electronic surveillance of such person  
4 or physical search of such property or mail”.

5 (57) Section 111 is amended by inserting “physical  
6 search or” before “electronic surveillance”.

7 AMENDMENTS TO CHAPTER 119 OF TITLE 18, UNITED  
8 STATES CODE

9 SEC. 802. Chapter 119 of title 18, United States Code,  
10 is amended as follows:

11 (1) Section 2511(2)(a)(ii) is amended by inserting “or to  
12 engage in physical search” after “electronic surveillance”, by  
13 inserting “Search and” after “Intelligence”, and by inserting  
14 “or physical search” before “or the device used”.

15 (2) Section 2511(2) (e) and (f) are amended by inserting  
16 “Search and” after all appearances of “Intelligence”.

17 TITLE IX—MISCELLANEOUS AMENDMENTS AND  
18 EFFECTIVE DATE

19 AMENDMENTS TO TITLE 5, UNITED STATES CODE

20 SEC. 901. (a) Section 5313 of title 5, United States  
21 Code, is amended by adding at the end thereof the following:

22 “(25) Director of National Intelligence.”.

23 (b) Section 5313 of such title is amended by striking out

24 “(15) Director of Central Intelligence.”.

25 and inserting in lieu thereof

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1           “(15) Director of the Central Intelligence  
2           Agency.”.

3           (c)(1) Section 5314 of such title is amended by striking  
4           out

5           “(35) Deputy Director of Central Intelligence.”.  
6           and inserting in lieu thereof

7           “(35) Deputy Director of National Intelligence.”.

8           (2) Section 5314 of such title is further amended by  
9           adding at the end thereof the following:

10           “(70) Deputy Director of the Central Intelligence  
11           Agency.

12           “(71) Director of the National Security Agency.”.

13           (d) Section 5315 of such title is amended by adding at  
14           the end thereof the following:

15           “(128) Assistant Directors of National Intelli-  
16           gence (5).

17           “(129) Deputy Director of the National Security  
18           Agency.

19           “(130) General Counsel of the Central Intelli-  
20           gence Agency.

21           “(131) Inspector General of the Central Intelli-  
22           gence Agency.”.

23           (e) Section 5316 of such title is amended by adding at  
24           the end thereof the following:

