

THE NATIONAL INTELLIGENCE ACT OF 1980

TABLE OF CONTENTS

TITLE I--AUTHORIZATION FOR INTELLIGENCE ACTIVITIES

PART A--FINDINGS; PURPOSES; DEFINITIONS

- Sec. 101. Statement of Findings
- Sec. 102. Statement of Purposes
- Sec. 103. Definitions

PART B--GENERAL INTELLIGENCE AUTHORITIES

- Sec. 111. Authorization for Intelligence Activities
- Sec. 112. National Security Council

PART C--AUTHORIZATION AND PROCEDURES FOR SPECIAL  
ACTIVITIES AND OTHER SENSITIVE INTELLIGENCE  
ACTIVITIES

- Sec. 121. Purpose
- Sec. 122. Conduct of Special Activities
- Sec. 123. Authorization for Special Activities
- Sec. 124. Authorization for Other Sensitive  
Intelligence Activities
- Sec. 125. Congressional Notification

PART D--LIMITATIONS ON INTELLIGENCE AUTHORITIES

- Sec. 131. Prohibition on Assassination
- Sec. 132. Integrity of Private Institutions of the  
United States
- Sec. 133. Restrictions on Covert Domestic Publication
- Sec. 134. Restrictions on Contracting
- Sec. 135. Activities Undertaken Indirectly

PART E--OVERSIGHT AND ACCOUNTABILITY

- Sec. 141. Intelligence Oversight Board; Reporting on  
Violations; Disciplinary Procedures
- Sec. 142. Congressional Oversight
- Sec. 143. Congressional Committee Reports; Disclosure  
Provisions
- Sec. 144. Requirements Relating to Appropriations
- Sec. 145. Audits and Reviews by the Comptroller General

TITLE II--STANDARDS FOR INTELLIGENCE ACTIVITIES

PART A--PURPOSES AND DEFINITIONS

- Sec. 201. Statement of Purposes
- Sec. 202. Definitions

PART B--AUTHORITY AND STANDARDS FOR ACTIVITIES  
THAT CONCERN UNITED STATES PERSONS

- Sec. 211. Authority for Activities that Concern  
United States Persons
- Sec. 212. Procedures

On file NSC release instructions apply

- a -

- Sec. 213. Collection of Foreign Intelligence
- Sec. 214. Counterintelligence and Counterterrorism Intelligence Activities
- Sec. 215. Collection of Information Concerning Targets of Clandestine Intelligence Gathering Activity of Foreign Governments
- Sec. 216. Collection of Information Concerning Potential Sources of Intelligence or Operational Assistance
- Sec. 217. Collection of Information for Security Purposes
- Sec. 218. Review of Activities

PART C--STANDARDS FOR EXTRAORDINARY TECHNIQUES

- Sec. 221. Use of Extraordinary Techniques Outside the United States
- Sec. 222. Cooperative Arrangements
- Sec. 223. Emergency Procedures

PART D--REMEDIES AND SANCTIONS; OTHER PROVISIONS

- Sec. 231. Criminal Sanctions
- Sec. 232. Civil Liability and Jurisdiction
- Sec. 233. Protection of Privileged Communications
- Sec. 234. Administrative Rulemaking

TITLE III--THE INTELLIGENCE COMMUNITY

- Sec. 301. Purposes
- Sec. 302. Presidential Designation of National Intelligence Activities
- Sec. 303. Director and Deputy Director of National Intelligence
- Sec. 304. Duties and Authorities of the Director
- Sec. 305. Assistant Directors; General Counsel; Committees and Boards
- Sec. 306. Departmental Responsibility for Reporting National Intelligence
- Sec. 307. Annual Report of the Director
- Sec. 308. National Intelligence Program and Budget Authority; Information
- Sec. 309. Funds Appropriated to the Office of the Director

TITLE IV--CENTRAL INTELLIGENCE AGENCY

PART A--PURPOSES

- Sec. 401. Statement of Purposes

PART B--ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR GENERAL; FUNCTIONS

- Sec. 411. Establishment of Central Intelligence Agency
- Sec. 412. Duties of Director and Deputy Director
- Sec. 413. General Counsel and Inspector General
- Sec. 414. Functions

A BILL

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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.

That this Act may be cited as the  
"National Intelligence Act of 1980".

TITLE I--AUTHORIZATION FOR INTELLIGENCE ACTIVITIES

PART A

FINDINGS; PURPOSES; DEFINITIONS

STATEMENT OF FINDINGS

Sec. 101. The Congress hereby makes the following findings:

(1) Intelligence activities should provide timely, accurate, and relevant information and analysis necessary for the conduct of the foreign relations and the protection of the national security of the United States.

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

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

STATEMENT OF PURPOSES

Sec. 102. It is the purpose of this Act--

(1) to authorize the intelligence activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to replace the provisions of the National Security Act of 1947 governing intelligence activities;

(3) to ensure that the intelligence activities of the United States are conducted in a manner consistent with United States defense and foreign policy interests and are properly and effectively directed, regulated, coordinated, and administered;

(4) to ensure that the Government of the United States is provided, in the most efficient manner, with accurate, relevant, and timely information and analysis so that sound and informed decisions may be made regarding the security and vital interests of the United States and so that the United States may be protected against foreign intelligence activities, international terrorist activities, and other forms of hostile action by foreign powers, organizations, or their agents, or by international terrorists, directed against the United States; and

(5) to ensure that the entities of the intelligence community are accountable to the President, the Congress, and the people of the United States and that the intelligence activities of the United States are conducted in a manner consistent with the Constitution and laws of the United States.

#### DEFINITIONS

Sec. 103. As used in this title--

(1) The term "communications security" means the protection resulting from any measure taken to deny unauthorized persons information derived from the telecommunications of the United States related to the national security, or from any measure taken to ensure the authenticity of such telecommunications.

PART C--AUTHORITIES OF THE AGENCY; AUTHORIZATION  
FOR APPROPRIATIONS

- Sec. 421. General Authorities of the Agency
- Sec. 422. Procurement
- Sec. 423. Proprietaries
- Sec. 424. Relationships with Other Entities
- Sec. 425. Admission of Essential Aliens
- Sec. 426. Authorization for Appropriations and Expenditures

PART D--TRAVEL AND OTHER ALLOWANCES; RELATED EXPENSES;  
RETIREMENT SYSTEM; DEATH GRATUITIES

- Sec. 431. Travel and Other Allowances; Related Expenses;  
Death Gratuities
- Sec. 432. Retirement System

PART E--TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;  
STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW;  
CRIMINAL PENALTY

- Sec. 441. Transfer of Personnel, Property, and Functions
- Sec. 442. Statutes Repealed; Effect of Subsequent Law
- Sec. 443. Criminal Penalties

TITLE V--FEDERAL BUREAU OF INVESTIGATION

- Sec. 501. Statement of Purposes
- Sec. 502. Supervision and Control
- Sec. 503. Duties of the Director of the Federal Bureau  
of Investigation
- Sec. 504. Counterintelligence and Counterterrorism  
Intelligence Functions
- Sec. 505. Foreign Intelligence Functions
- Sec. 506. Cooperation with Foreign Governments
- Sec. 507. General and Special Authorities

TITLE VI--NATIONAL SECURITY AGENCY

PART A--PURPOSES AND DEFINITIONS

- Sec. 601. Statement of Purposes
- Sec. 602. Definitions

PART B--ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY  
DIRECTOR; GENERAL COUNSEL; INSPECTOR GENERAL;  
DUTIES

- Sec. 611. Establishment of National Security Agency;  
Function
- Sec. 612. Director and Deputy Director
- Sec. 613. Duties of the Director
- Sec. 614. General Counsel; Inspector General

PART C--GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY;  
AUTHORIZATION FOR APPROPRIATIONS

- Sec. 621. General Authorities of the Agency
- Sec. 622. Procurement Authority
- Sec. 623. Printing and Binding
- Sec. 624. Education and Training
- Sec. 625. Authorization for Appropriations and Expenditures

PART D--TRAVEL AND OTHER EXPENSES; SPECIAL FACILITIES;  
RETIREMENT SYSTEM

- Sec. 631. Travel, Related Expenses, and Death Gratuities  
for Certain Agency Personnel
- Sec. 632. Commissary and Mess Services and Recreation  
Facilities
- Sec. 633. Retirement System

PART E--SPECIAL DELEGATION OF AUTHORITY; PRESERVATION  
OF CERTAIN AUTHORITY AND RESPONSIBILITY

- Sec. 641. Special Delegation Authority; Miscellaneous  
Preservation of Authority and Responsibility

PART F--TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

- Sec. 651. Transfer of Personnel, Property, and Functions

TITLE VII--PROTECTION OF IDENTITIES OF CERTAIN UNDERCOVER  
INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND  
SOURCES

- Sec. 701. Criminal Penalty
- Sec. 702. Presidential Responsibility

TITLE VIII--PHYSICAL SEARCHES WITHIN THE UNITED STATES

- Sec. 801. Amendments to the Foreign Intelligence  
Surveillance Act
- Sec. 802. Amendments to Chapter 119 of Title 18,  
United States Code

TITLE IX--MISCELLANEOUS AMENDMENTS AND EFFECTIVE DATE

- Sec. 901. Amendments to Title 5, United States Code
- Sec. 902. Repeal of Section 2422, Title 22, United  
States Code
- Sec. 903. Amendment to the Federal Advisory Committee  
Act to Eliminate Exemption for the Central  
Intelligence Agency
- Sec. 904. Effective Date.

(2) The term "counterintelligence" means information pertaining to the capabilities, intentions, or activities of any foreign power, organization, or person in the fields of espionage, other clandestine intelligence activity, covert action, assassination, or sabotage.

(3) The term "counterintelligence activity" means--

(A) the collection, retention, processing, analysis, and dissemination of counterintelligence; and

(B) any other activity, except for personnel, document, physical and communications security programs, undertaken to counter or protect against the espionage, other clandestine intelligence activity, covert action, assassination, or sabotage, or similar activities of a foreign government.

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

(5) The term "counterterrorism intelligence activity" means--

(A) the collection, retention, processing, analysis, or dissemination of counterterrorism intelligence; and

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

(6) The term "cover" means any means by which the true identity or relationship with an entity of the intelligence community of any activity, officer, employee, or agent of such entity, or of a related corporation or organization, is disguised or concealed.

(7) The terms "departments and agencies" and "department or agency" mean any department, agency, bureau, independent establishment, or wholly owned corporation of the Government of the United States.

(8) The term "foreign intelligence" means information pertaining to the capabilities, intentions or activities of any foreign state, government, organization, association, or individual, or information on the foreign aspects of narcotics production and trafficking, but does not include counterintelligence, counterterrorism intelligence, or tactical intelligence.

(9) The term "foreign intelligence activity" means the collection, retention, processing, analysis, or dissemination of foreign intelligence.

(10) The term "intelligence" means foreign intelligence, counterintelligence, counterterrorism intelligence, and information relating to or resulting from any intelligence activity.

(11) The term "intelligence activity" means--

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

(12) The terms "intelligence community" and "entity of the intelligence community" mean--

- (A) the Office of the Director of National Intelligence;
- (B) the Central Intelligence Agency;
- (C) the Defense Intelligence Agency;
- (D) the National Security Agency;
- (E) the offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;
- (F) the intelligence components of the military services;
- (G) the intelligence components of the Federal Bureau of Investigation;
- (H) the Bureau of Intelligence and Research of the Department of State;
- (I) the foreign intelligence components of the Department of the Treasury;
- (J) the foreign intelligence components of the Department of Energy;



(K) the successor to any of the agencies, offices, components, or bureaus named in clauses (A) through (J); and

(L) such other components of the departments and agencies, to the extent determined by the President, as may be engaged in intelligence activities.

(13) The term "international terrorist activity" means any activity which--

(A) involves--

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

(ii) violent destruction of property;

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

(B) appears intended to endanger a protectee of the Secret Service or the Department of State, or to further political, social, or economic goals by--

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

(ii) influencing the policy of a government or international organization by intimidation or coercion; or

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

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

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

(ii) the civilian population, government, or international organization it appears intended to coerce or intimidate, or

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

(14) The term "national intelligence" means foreign intelligence which is collected, retained, processed, or disseminated by the entities of the intelligence community for use in the formulation and direction of national policy.

(15) The term "national intelligence activity" means (A) any special activity, (B) any foreign intelligence activity the primary purpose of which is to collect or produce national intelligence, and (C) any foreign intelligence activity designated by the President as a national intelligence activity.

(16) The term "national intelligence budget" means the budget prepared by the Director of National Intelligence pursuant to section 308 of this Act and includes all funds for--

(A) the programs of the Central Intelligence Agency and of the Office of the Director of National Intelligence;

(B) the Consolidated Cryptologic Program, the programs of the offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs, and the General Defense Intelligence Program, except such elements of these programs as the Director of National Intelligence and the Secretary of Defense agree should be excluded; and

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

(17) The term "proprietary" means a sole proprietorship, partnership, corporation, other commercial entity organized in the United States, or other entity organized abroad that is owned or controlled by an entity of the intelligence community but whose relationship to that entity is not officially acknowledged.

(18) The term "special activity" means an activity conducted abroad which is (A) designed to further official United States programs and policies abroad, and (B) planned

is not apparent or acknowledged publicly. Such term does not include any counterintelligence or counterterrorism intelligence activity or the collection, retention, processing, dissemination and analysis of intelligence or related support functions, nor any diplomatic activity of the United States.

(19) The term "tactical intelligence" means information pertaining to the capabilities, intentions, or activities of any foreign state, government organization, association, or individual required by the armed forces of the United States to maintain their readiness for combat operations and to support the planning and conduct of combat operations by the United States.

(20) The term "United States", when used in a geographical sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

(21) The term "United States person" means--

(A) a citizen of the United States;

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

(C) any unincorporated association organized in the United States or a substantial number of whose members are citizens of the United States or aliens lawfully admitted for permanent residence and which is not openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments, except that an unincorporated association outside the United States may be presumed not to be a United States

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person until information is obtained which indicates  
the contrary; or

(D) any corporation which is incorporated in the United States and which is not openly acknowledged by a foreign government or governments to be directed and controlled by such government or governments, except that a corporation or corporate subsidiary incorporated abroad or controlled by a foreign power abroad is not a United States person.

## PART B

### GENERAL INTELLIGENCE AUTHORITIES

#### AUTHORIZATION FOR INTELLIGENCE ACTIVITIES

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

(b) Nothing in this title shall be construed to prohibit any department or agency from collecting, retaining, processing, analyzing, or disseminating information if such department or agency is otherwise authorized to do so.

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

(d) Except as expressly provided, nothing in this Act is intended to affect or alter existing responsibilities under law, including those established under 22 U.S.C. 2680a.

(e) Nothing in this Act shall be construed to authorize any entity of the intelligence community to conduct any activity for the purpose of depriving any person of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

Sec. 112. (a) The National Security Council shall provide the highest level review of, guidance for, and direction to the conduct of all intelligence activities. The responsibilities of the National Security Council, or such committees of the National Security Council as may be established by the President, shall be to--

- (1) establish requirements and priorities for national intelligence;
- (2) review the responsiveness of program and budget proposals to intelligence requirements and priorities;
- (3) review the quality of national intelligence products and develop appropriate policy guidance;
- (4) develop policy, standards, and doctrine for the conduct of counterintelligence and counterterrorism intelligence activities;
- (5) advise and assist the President in the formulation of policy with respect to communications security, including the relationship between the communications security and intelligence activities of the United States;
- (6) perform its responsibilities under Part C of this title and under Sec. 213 of this Act,

(b) The President may--

- (1) establish such committees of the National Security Council as may be necessary to discharge its responsibilities under this Act;
- (2) determine the membership of such committees, consistent with this Act, including designation of a chairman and requirements for attendance of members;
- (3) prescribe such other standards, procedures, and specific duties as may be necessary and appropriate for the National Security Council and such committees thereof to discharge their responsibilities under this Act.

PART C

AUTHORIZATION AND PROCEDURES FOR  
SPECIAL ACTIVITIES AND OTHER SENSITIVE INTELLIGENCE ACTIVITIES

PURPOSE

Sec. 121. The purpose of this Part is to ensure that special activities are undertaken only in support of important national security interests of the United States when overt or less sensitive alternatives would not be likely to achieve the intended objective; when such activities are consistent with the aims, values, and policies of the United States; and when the anticipated benefits of such activities justify the foreseeable risks and likely consequences.

CONDUCT OF SPECIAL ACTIVITIES

Sec. 122. (a) Special activities may be conducted only by the Central Intelligence Agency. The Department of Defense may also conduct special activities in accordance with section 123(e). Any department or agency may conduct special activities when the President determines that the intended United States objective is more likely to be achieved.

(b) Support for any special activity may be provided by any department or agency if the President determines for activities involving substantial resources, risks, or consequences, or if the National Security Council or a committee thereof determines for other activities, that such support is necessary.

AUTHORIZATION FOR SPECIAL ACTIVITIES

Sec. 123. Special activities shall be authorized only as follows:

(a) Special activities shall be authorized by the President.

(1) Authorization for any special activity that involves substantial resources, risks, or consequences shall require a finding by the President that each such special activity is important to the national security of the United States and consistent with the purposes of this Part.

(2) Authorization for any other special activities may be by category and shall require a finding by the President that such category of special activities is important to the national security of the United States and consistent with the purposes of this Part. The National Security Council or a committee thereof designated by the President for that purpose shall be responsible for the supervision of each such activity and shall ensure that it is consistent with the Presidential finding.

(b) Authorization by the President for special activities shall be preceded by a review by the National Security Council or a committee thereof designated by the President for that purpose. Such review shall include an assessment and a recommendation as to whether the activity or category of activities is consistent with the purposes of this Part.

Such recommendation shall include the views of any member who disagrees with the majority of the Council or committee thereof.

(c) No decision or recommendation to the President relating to a special activity may be made by the National Security Council or a committee thereof unless the following officers, or if unavailable their representatives, were present: The Secretary of Defense, the Secretary of State, the Attorney General, and the Director of National Intelligence.

(d) Any special activity which lasts more than a year or which is substantially changed in form or purpose must be reaffirmed by the President under subsection (a) and reviewed by the National Security Council or a committee thereof under subsection (b).

(e) The President may delegate presidential authorities and responsibilities under this section to the Secretary of Defense with respect to special activities conducted by the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution, 87 Stat. 555, to the extent necessary to carry out the activity that is the subject of the report.

AUTHORIZATION FOR OTHER SENSITIVE INTELLIGENCE ACTIVITIES

Sec. 124. The President shall establish procedures for the approval of sensitive foreign intelligence, counterintelligence, or counterterrorism intelligence activities which may require review or findings by the President, the National Security Council, a committee thereof, the Director of National Intelligence, the head of an entity of the intelligence community, or any other designated official.

CONGRESSIONAL NOTIFICATION

Sec. 125. Each special activity authorized under section 123(a)(1) and each category of special activities authorized under section 123(a)(2) shall be considered significant anticipated intelligence activities for the purposes of the requirement of section 142 of this Act, except that such prior notice may be limited for a period of forty-eight hours to the chairman and ranking minority members of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate if the President determines it is essential to meet extraordinary circumstances affecting vital interests of the United States. Such committees shall be fully informed under section 142 of this Act upon expiration of the forty-eight hour period.



PART D

LIMITATIONS ON INTELLIGENCE AUTHORITIES

PROHIBITION ON ASSASSINATION

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

INTEGRITY OF PRIVATE INSTITUTIONS OF THE UNITED STATES

Sec. 132. (a) The President shall establish public guidelines for the intelligence activities of the entities of the intelligence community to protect the integrity and independence of private institutions of the United States in accordance with constitutional principles.

(b) No entity of the intelligence community may use, for the purpose of establishing or maintaining cover for any officer of that entity to engage in foreign intelligence activities or special activities, any affiliation, real or ostensible, with any United States religious organization, United States media organization, United States educational institution, the Peace Corps, or any United States Government program designed to promote education, the arts, humanities, or cultural affairs through international exchanges.

(c) Nothing in this section shall be construed to prohibit voluntary contacts or the voluntary exchange of information between any person and any entity of the intelligence community.

(d) The President may waive any or all of the provisions of this section during any period in which the United States is engaged in war declared by Act of Congress, or during any period covered by a report from the President to the Congress under the War Powers Resolution, 87 Stat. 555, to the extent necessary to carry out the activity that is the subject of the report. The President shall notify the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence in a timely manner of such a waiver and inform those committees of the facts and circumstances requiring such a waiver.

RESTRICTIONS ON COVERT DOMESTIC PUBLICATIONS

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

RESTRICTIONS ON CONTRACTING

Sec. 134. Entity sponsorship of a contract or arrangement for the provision of goods or services with any United States organization may be concealed from such organization if--

(a) the contract or arrangement is a routine service contract, procurement contract, or transaction carried out under the Economy Act, 38 Stat.1084; or

(b) the organization is not an educational institution and it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary for intelligence activities authorized by this Act.

ACTIVITIES UNDERTAKEN INDIRECTLY

Sec. 135. No entity of the intelligence community and no employee of an entity of the intelligence community may request or otherwise knowingly encourage, directly or indirectly, an individual, organization, or foreign government to engage in any activity on behalf of the United States Government in which such entity of the intelligence community is prohibited by this Act from engaging; provided however that this restriction shall not prohibit any entity of the intelligence community from requesting a department or agency of the United States Government to engage in an activity that is within the authorized functions of the department or agency to which the request is made.

OVERSIGHT AND ACCOUNTABILITY

INTELLIGENCE OVERSIGHT BOARD;  
REPORTING ON VIOLATIONS; DISCIPLINARY PROCEDURES

Sec. 141. (a) The President shall appoint a board to be known as the Intelligence Oversight Board (hereinafter referred to as the "Board") whose members shall be selected from outside the Government.

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

(c) As prescribed by the President, the Board shall--

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

(2) be given access to all information relevant to its functions which is in the possession, custody or control of any entity of the intelligence community; and

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

(d) Each entity of the intelligence community shall have a general counsel or a person designated to fulfill the responsibilities of a general counsel who shall serve as legal advisor to the head of that entity and shall have the responsibility to--

(1) review activities of that entity to determine whether such activities are in conformity with the Constitution and laws of the United States, Executive orders, Presidential directives and memoranda, and the rules, regulations, and policies of that entity;

(2) review all rules and regulations of that entity, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that such rules and regulations are in conformity with the

Constitution and laws of the United States, Executive orders, and Presidential directives and memoranda;

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

(4) perform such additional duties as the head of that entity may prescribe, consistent with the provisions of this Act.

(e) Each entity of the intelligence community shall have an inspector general or a person designated to fulfill the responsibilities of an inspector general who shall have the responsibility to--

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

(2) advise the head of that entity and, with respect to matters of legality, the general counsel of that entity of findings regarding activities of that entity;

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

(4) perform such other investigations as the head of that entity deems necessary, consistent with the provisions of this Act.

(f) The Attorney General or a designee shall--

(1) report, in a timely manner, to the Board any intelligence activity that involves a question as to whether there has been a significant violation of law and which has not been previously reported to the Attorney General by the Board;

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

(3) report to the President, the Board, and the heads of the appropriate entities of the intelligence community, in a timely manner, decisions made or actions

taken in response to reports from such entities concerning intelligence activities; and

(4) keep the Board and general counsels of entities of the intelligence community informed regarding legal opinions of the Department of Justice affecting the operations of the intelligence community.

(g) The head of each entity of the intelligence community shall--

(1) ensure that the inspector general and the general counsel of that entity have access to any information necessary to perform their functions under this Act;

(2) provide to the Attorney General, in accordance with applicable law, any information required by the Attorney General to fulfill the Attorney General's responsibilities under this Act;

(3) report to the Attorney General, pursuant to section 535 of title 28, United States Code, immediately upon discovery, evidence of possible violation of Federal criminal law by any person employed by, assigned to, or acting for, such entity; and

(4) report to the Attorney General evidence of possible violations by any other person of those Federal criminal laws specified in guidelines adopted by the Attorney General.

(h) All officers and employees of each entity of the intelligence community shall cooperate fully with the Board, the inspector general and general counsel of that entity, and the Attorney General in the conduct of their authorized functions, and in the reporting of any possible violation of law to the head of the entity and the inspector general or general counsel of that entity or the Board. The head of each entity of the intelligence community shall ensure such full cooperation. No officer or employee who so reports in good faith or so cooperates shall be subject to adverse personnel action solely on account of such reporting or cooperation.

(i) (1) The head of each entity of the intelligence community shall be empowered to take disciplinary action against any person employed by that entity for any action or omission that violates the provisions of this Act or any guidelines, procedures, or regulations established pursuant to this Act, including any regulation, procedure, or obligation to provide for personnel, document, communications, or physical security or to protect intelligence sources and methods from unauthorized disclosure. Notwithstanding any other provision of law, such action may include--

(A) suspension from employment without pay for a period not to exceed 180 days;

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

(C) dismissal from employment; or

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

(2) Before such disciplinary action is taken under this subsection against persons employed by or assigned to an entity of the intelligence community, such persons shall have the opportunity to present evidence on their behalf.

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

#### CONGRESSIONAL OVERSIGHT

Sec. 142. (a) Consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches, the head of each entity of the intelligence community shall--

(1) keep the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence fully and currently informed of all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, that entity of the

intelligence activity; but the foregoing provision shall not require approval of such committees as a condition precedent to the initiation of any such anticipated intelligence activity;

(2) furnish any information or material concerning intelligence activities in the possession, custody, or control of the head of the relevant entity of the intelligence community or in the possession, custody, or control of any person paid by such entity whenever requested by the House Permanent Select Committee on Intelligence or the Senate Select Committee on Intelligence; and

(3) report in a timely fashion to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned.

(b) The head of each entity of the intelligence community shall maintain a complete record of all legal authorities, published regulations, and published instructions pertaining to the intelligence activities of that entity.

(c) The head of each entity of the intelligence community shall establish procedures to ensure that a record is maintained and preserved of each authorization or approval required by law, regulation or procedures under section 204 with respect to any intelligence activity.

(d) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate shall be furnished copies of all record schedules, which the entities of the intelligence community are required by law to furnish to the Archivist of the United States, including any modifications, amendments or supplements, at such time as these schedules, modifications, amendments, or supplements are submitted to the Archivist for approval.

(e) The President may establish such procedures as the President determines may be necessary to carry out the provisions of this section.

CONGRESSIONAL COMMITTEE REPORTS;  
DISCLOSURE PROVISIONS

Sec. 143. (a) The House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence shall report, at least annually, to their respective Houses on the nature and extent of the intelligence activities of the United States. Each committee shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities which requires or should have the attention of such House or such committee or committees. In making such reports, the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence shall do so in a manner consistent with the protection of the national security interests of the United States.

(b) No information or material provided to the House Permanent Select Committee on Intelligence or the Senate Select Committee on Intelligence relating to the intelligence activities of any department or agency that has been classified under established security procedures or that was submitted by the Executive Branch with the request that such information or material be kept confidential shall be made public by the House Permanent Select Committee on Intelligence or the Senate Select Committee on Intelligence or any member thereof, except in accordance with the provisions of House Resolution 658 of the Ninety-Fifth Congress in the case of the House Permanent Select Committee on Intelligence and its members, or in accordance with the provisions of Senate Resolution 400 of the Ninety-Fourth Congress in the case of the Senate Select Committee on Intelligence and its members.

(c) (1) The House Permanent Select Committee on Intelligence may, under such regulations as that committee shall prescribe, make any information described in subsection (a) or (b) available to any other committee or any other Member of



the House . Whenever the House Permanent Select Committee on Intelligence makes such information available, that committee shall keep a written record showing which committee or which Members of the House received such information. No Member of the House who, and no committee which, receives such information under this paragraph shall disclose such information except in accordance with the provisions of House Resolution 658 of the Ninety-Fifth Congress.

(2) The Senate Select Committee on Intelligence may, under such regulations as that committee shall prescribe to protect the confidentiality of such information, make any information described in subsection (a) or (b) available to any other committee or any other Member of the Senate

. Whenever the Senate Select Committee on Intelligence makes such information available, the committee shall keep a written record showing which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this paragraph, shall disclose such information except in accordance with the provisions of Senate Resolution 400 of the Ninety-Fourth Congress.

(d) No employee of the House Permanent Select Committee on Intelligence or the Senate Select Committee on Intelligence, or of any committee to which information is provided pursuant to subsection (c), or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the House or the Senate, as the case may be, and of such committees as to the security of such information during and after the period of his employment or contractual agreement with such committees; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committees in

consultation with the Director of National Intelligence be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committees.

(e) The provisions of subsections (a), (b), and (c) are enacted by the Congress--

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

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

REQUIREMENTS RELATING TO APPROPRIATIONS FOR  
NATIONAL INTELLIGENCE,  
COUNTERINTELLIGENCE, AND COUNTERTERRORISM INTELLIGENCE ACTIVITIES

Sec. 144. No funds may be appropriated for any fiscal year beginning after September 30, 1980, for the purpose of carrying out any national intelligence activity, counter-intelligence activity, or counterterrorism intelligence activity by any entity of the intelligence community unless funds for such activity have been previously authorized by legislation enacted during the same fiscal year or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution or required by pay raises.

AUDITS AND REVIEWS BY THE COMPTROLLER GENERAL

Sec. 145. (a) All funds appropriated to the Office of the Director, all funds appropriated to entities of the intelligence community, and all intelligence activities conducted by entities of the intelligence community, and information and materials relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States, upon the request of the House Permanent Select

Intelligence.

(b) Any other committee of the Congress may request financial and program management audits and reviews by the Comptroller General of the United States of any intelligence activity over which such committee has legislative jurisdiction, but only through and with the approval of the House Permanent Select Committee on Intelligence or the Senate Select Committee on Intelligence. The results of any such audit or review shall be submitted to (1) the House Permanent Select Committee on Intelligence, in the case of any audit or review requested by a committee of the House of Representatives, and shall be made available by such select committee, in accordance with and subject to the provisions of section 143 of this Act , to the committee of the House of Representatives which requested such audit or review, and (2) the Senate Select Committee on Intelligence in the case of any audit or review requested by a committee of the Senate, and shall be made available by such select committee, in accordance with and subject to the provisions of section 143 of this Act , to the committee of the Senate which requested such audit or review.

(c) Any audit or review of any intelligence activity authorized in subsection (a) or (b) above shall be conducted in accordance with such security standards as may be prescribed by the Director.

(d) Notwithstanding the foregoing provisions of this subsection, the Director may exempt from any such audit and review any funds expended for a particular intelligence activity, and the activity for which such funds are expended, if the Director (1) determines such exemption to be essential to protect the security of the United States, and (2) notifies the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence of such exemption.

TITLE II--STANDARDS FOR INTELLIGENCE ACTIVITIES

PART A

PURPOSES AND DEFINITIONS

STATEMENT OF PURPOSES

Sec. 201. It is the purpose of this title--

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

(b) to establish statutory standards for such activities and effective means to ensure that such activities are conducted in accordance with those standards; and

(c) to delineate responsibilities of government officials for ensuring that such activities are conducted in accordance with the Constitution and laws of the United States.

DEFINITIONS

Sec. 202. (a) The definitions in title I of this Act shall apply to this title. References to law within this title are to the laws of the United States.

(b) As used in this title--

(1) "Collecting agency" means, with respect to information, the department or agency that collects the information.

(2) "Covert technique" means any extraordinary technique and any other category or type of collection activity that is designated by the President for the purpose of protecting privacy and constitutional rights from significant intrusion.

(3) "Directed collection" means obtaining information that concerns a United States person by requesting or directing any person to acquire such information through exploiting or developing a relationship with a United States person without disclosing that the information will be conveyed to an

intelligence entity. This term does not include placing of employees under section 214(b).

(4) "Employee" means a person employed by, assigned to, or acting for an entity of the intelligence community.

(5) "Extraordinary technique" means foreign electronic surveillance and foreign physical search and any other technique directed against a United States person for which a warrant would be required if undertaken for law enforcement purposes in the United States, but does not include electronic surveillance or physical search under the Foreign Intelligence Search and Surveillance Act, 92 Stat. 1783, as amended.

(6) "Foreign electronic surveillance" means the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire, oral, or radio communication of a particular, known United States person who is outside the United States, if the contents are acquired by intentionally targeting that United States person, or the use of an electronic, mechanical, or other surveillance device to monitor the activities of a particular, known United States person who is outside the United States, in circumstances in which a court order would be required under the Foreign Intelligence Search and Surveillance Act, 92 Stat. 1783, as amended, if undertaken within the United States, but does not include electronic surveillance as defined in that Act.

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

(8) "Foreign power" means--

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

(B) a faction of a foreign nation or nations not substantially composed of United States persons;

(C) an entity that is known to be directed and controlled by a foreign government or governments;

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

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

(9) "Mail cover" means systematic and deliberate inspection and recording of information appearing on the exterior of envelopes in the mails.

(10) "Minimization procedures", with respect to extraordinary techniques, means specific procedures which shall be adopted by the Attorney General in consultation with the head of an entity of the intelligence community and the Director of National Intelligence--

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

(B) under which foreign intelligence that is not publicly available may be disseminated in a manner that identifies a United States person, without such person's consent, only if such person's identity is necessary to understand that foreign intelligence or to assess its importance, provided that information that is evidence of a crime may be disseminated for law enforcement purposes.

(11) "Physical surveillance" means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat, through any means not involving electronic surveillance.

PART B

AUTHORITY AND STANDARDS FOR ACTIVITIES  
THAT CONCERN UNITED STATES PERSONS

AUTHORITY FOR ACTIVITIES THAT CONCERN UNITED STATES PERSONS

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

(1) collection, retention, or dissemination of intelligence concerning United States persons;

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

(3) collection, retention, or dissemination of information concerning United States persons who are targets of clandestine intelligence gathering activities of a foreign government;

(4) collection, retention, or dissemination of information concerning United States persons to determine the suitability or credibility of potential sources of intelligence or operational assistance;

(5) collection, retention, or dissemination of information concerning United States persons to provide personnel, document, communications or physical security for intelligence activities.

(b) Information concerning any United States person may be collected, retained and disseminated, and intelligence activities may be directed against any United States person, by an entity of the intelligence community using any technique, with the consent of that person.



(c) Publicly available information concerning any United States person may be collected by an entity of the intelligence community when such information is relevant to a lawful function of that entity, and may be retained and disseminated for lawful governmental purposes.

(d) Information concerning any United States person may be retained and disseminated by an entity of the intelligence community if the information does not identify that person.

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

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

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

(3) is required by law to be retained or disseminated for any administrative, civil or criminal proceeding of which the collecting agency has prior notice, provided that dissemination is limited to that necessary for such proceeding.

(f) Nothing in this Act shall affect the use by an entity of the intelligence community of security guards, access controls, requirements for identification credentials, or inspection of material carried by persons entering or leaving its installations as measures to protect the security of its personnel, installations, activities, equipment or classified information.

(g) Nothing in this Act shall be construed to prohibit voluntary provision of information to an entity of the intelligence community by any person not employed by or assigned to that entity.

(h) Nothing in this Part shall prohibit, limit, or otherwise affect activities of any department or agency other than activities described in subsection (a).

#### PROCEDURES

Sec. 212. (a) Except as authorized by subsections 211(b) through (d) of this title, activities described in subsection 211(a) may not be conducted by an entity of the intelligence community unless permitted by procedures established by the head of that entity and approved by the Attorney General. Those procedures shall--

- (1) protect constitutional rights and privacy;
- (2) designate officials authorized to initiate or approve particular activities, provide for periodic review of activities at timely intervals by designated officials, and ensure that records are maintained of all approvals required by such procedures and this title for particular activities;
- (3) be reasonably designed in light of the purpose of a particular technique to minimize the acquisition and retention and to prohibit the dissemination of information concerning United States persons, consistent with the need of the United States to obtain, produce and disseminate information for lawful governmental purposes;
- (4) prohibit dissemination of foreign intelligence in a manner that identifies a United States person unless such person's identity is necessary to understand that intelligence or assess its importance, provided that information that is evidence of a crime may be disseminated for law enforcement purposes;

(5) prescribe reasonable requirements for the scope, intensity and duration of particular types of activities taking into account the nature and quality of information on which the activity is based and the importance of the intended United States objective;

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

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

(8) govern the conduct of employees under cover engaged in activities within the United States or directed against United States persons abroad.

(b) The head of the entity shall make such procedures and any changes thereto available to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence a reasonable time prior to their effective date, unless the Attorney General determines immediate action is required and notifies the committees immediately of such procedures and the reason for their becoming effective immediately.

#### COLLECTION OF FOREIGN INTELLIGENCE

Sec. 213. (a) Collection of foreign intelligence by means of covert techniques shall not be directed against United States persons, except in the course of collection of counterintelligence or counterterrorism intelligence, or in extraordinary cases when authorized in accordance with this section.

(b) (1) Except as provided in subsection (c), approval for any collection of foreign intelligence by means of covert techniques directed against a United States person shall be based on a finding by the President that extraordinary circumstances require such collection to acquire foreign intelligence that is essential to the national security of the United States and that cannot reasonably be acquired by other means.

(2) Approval for any such collection shall be preceded by a review by the National Security Council or a committee thereof designated by the President for that purpose. No recommendation to the President relating to any such collection may be made unless the following officers, or if unavailable their representatives, were present: the Secretary of State, the Secretary of Defense, the Attorney General, and the Director of National Intelligence.

(3) Any collection under this subsection which lasts more than a year or which is substantially changed in purpose must be reaffirmed by the President under paragraph (1) and reviewed by the National Security Council or a committee thereof under paragraph (2).

(c) (1) Approval for collection of foreign intelligence involving covert techniques directed against a United States person may be based on a finding by an official designated by the President that the target is a senior official of a foreign power, an unincorporated association substantially composed of United States citizens or permanent resident aliens directed and controlled by a foreign government or governments, or any other entity directed and controlled by a foreign power and that unusual circumstances require such collection to acquire foreign intelligence that is important to the national security of the United States and that cannot reasonably be acquired by other means.

(2) The Attorney General shall be advised of any collection conducted under this subsection, and the National Security Council or the committee thereof designated by the President under subsection (b) shall review periodically any collection conducted under this subsection.

(d) Foreign intelligence may be collected within the United States by clandestine means directed against unconsenting United States persons who are within the United States only by the Federal Bureau of Investigation, with notice to the Attorney General or a designee, by components of the military

services when directed against persons subject to the Uniform Code of Military Justice, 10 U.S.C. 803, Art. 2, (1) through (10); by the National Security Agency when directed at foreign communications, as defined in section 460(b)(5); or, when collection is authorized under subsection (c) and approved by the Attorney General, by the Central Intelligence Agency through established sources and pretext interviews.

COUNTERINTELLIGENCE AND COUNTERTERRORISM  
INTELLIGENCE ACTIVITIES

Sec. 214. (a) Counterintelligence and counterterrorism intelligence activities may be directed against United States persons without the consent of the United States person concerned only on the basis of facts or circumstances which reasonably indicate that the person is or may be engaged in clandestine intelligence activities on behalf of a foreign power or international terrorist activity.

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

(1) a designated senior official of the entity makes a written finding that such participation is necessary to achieve significant intelligence objectives and meets the requirements of the procedures established under section 212; and

(2) independent means are created in the procedures and established under section 212 for audit and inspection of such participation.

(c) Counterintelligence and counterterrorism intelligence may be collected through the use against a United States person of mail covers, physical surveillance for purposes other than identification, recruitment of persons to engage

in directed collection, or access to the records of a financial institution, as defined in section 1101 of the Right to Financial Privacy Act of 1978, only if an official designated pursuant to the procedures established under section 212 makes a written finding that the use of such technique or techniques is necessary to achieve authorized intelligence objectives and meets the requirements of the procedures established pursuant to section 212.

(d) The Attorney General or a designee shall be notified of findings under subsections (b) and (c) with respect to counterintelligence or counterterrorism intelligence activities which the entity, based on guidelines established by the Attorney General, concludes may involve significant collection of information concerning political or religious activity.

COLLECTION OF INFORMATION CONCERNING TARGETS OF CLANDESTINE INTELLIGENCE GATHERING ACTIVITY OF FOREIGN GOVERNMENTS

Sec. 215. Information concerning United States persons may be collected without the consent of the United States person concerned if an official designated pursuant to the procedures established under section 212 makes a written finding with notice to the Attorney General or a designee that the person is the target of clandestine intelligence gathering activity of a foreign government and such collection is necessary for counterintelligence purposes and meets the requirements of the procedures established pursuant to section 212. Covert techniques and mail covers may not be directed against unconsenting United States persons for collection under this section.

COLLECTION OF INFORMATION CONCERNING POTENTIAL SOURCES OF INTELLIGENCE OR OPERATIONAL ASSISTANCE

Sec. 216. Information concerning persons who are under consideration as potential sources of intelligence or operational assistance may be collected, without the consent of a United States person against whom such collection is directed, only in accordance with procedures established under section 212 which shall limit the

scope, intensity and duration of such collection to that necessary to determine in a timely manner the suitability or credibility of the potential source. Such collection shall be limited to interviews, physical surveillance for purposes of identification, checks of federal, state, or local government records, and other techniques approved by the head of the collecting agency or a designee with notice to the Attorney General or a designee, except that covert techniques and mail covers may not be directed against unconsenting United States persons for such collection.

#### COLLECTION OF INFORMATION FOR SECURITY PURPOSES

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

(1) to determine the suitability or trustworthiness of employees, contractors and contractor employees who will perform work in connection with an agency contract, applicants for contractor status, persons employed by proprietaries, or applicants for employment or for access to classified information or facilities, consultants, or persons detailed or assigned to an entity, when requesting the consent of the person against whom the collection is directed would jeopardize the security of an intelligence activity;

(2) to protect against breaches of security regulations or contractual obligations applicable to persons described in paragraph (1), except that such collection shall be limited to that necessary to refer the matter to the Department of Justice;

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

(4) to determine whether proposed intelligence activity sites meet appropriate physical security requirements.

(b) Covert techniques and mail covers may not be directed against unconsenting United States persons for collection under this section. Information may be collected under this section by clandestine means directed against unconsenting United States persons only if an official designated pursuant to the procedures established under section 212 makes a written finding that the use of such means is necessary for authorized security purposes and meets the requirements of the procedures established pursuant to section 212.

#### REVIEW OF ACTIVITIES

Sec. 218. Activities directed against particular United States persons that are authorized pursuant to sections 213 through 217 of this part for longer than one year shall be reviewed at least annually by the head of the entity or a designee. Except for collection of information under section 217 concerning employees of an entity, a report of such review shall be submitted to the Attorney General or a designee or, for activities by components of the military services directed against persons subject to the Uniform Code of Military Justice, 10 U.S.C. 803, Art. 2 (1) through (10), to the appropriate Service Secretary or a designee.

#### PART C

##### STANDARDS FOR EXTRAORDINARY TECHNIQUES

##### USE OF EXTRAORDINARY TECHNIQUES OUTSIDE THE UNITED STATES

Sec. 221. (a) Extraordinary techniques may not be directed against a United States person outside the United States for the purposes of collecting intelligence, except pursuant to court order.

(b) Applications for an order from the court established pursuant to the Foreign Intelligence Search and Surveillance Act, 92 Stat. 1783, as amended,



are authorized and, notwithstanding any other law, a judge to whom an application is made pursuant to this section may grant an order approving the use of an extraordinary technique directed against a United States person outside the United States to collect intelligence.

(c) An order approving the use of an extraordinary technique pursuant to this section to collect foreign intelligence shall be granted if the court finds that--

(1) the Attorney General has certified in writing that the proposed use of an extraordinary technique against the United States person has been approved in accordance with section 213 of this title to collect foreign intelligence;

(2) the information sought is foreign intelligence;

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

(4) less intrusive means cannot reasonably be expected to acquire intelligence of the nature, reliability and timeliness that is required; and

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

(d) An order approving the use of an extraordinary technique pursuant to this section to collect counterintelligence or counterterrorism intelligence shall be granted if the court finds that--

(1) significant counterintelligence or counterterrorism intelligence is likely to be obtained from the proposed use of an extraordinary technique against the United States person;

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

(3) less intrusive means cannot reasonably be expected to acquire intelligence of the nature, reliability and timeliness that is required; and

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

(e) The order of the court approving such use of an extraordinary technique shall be in writing and shall--

(1) specify the identity, if known, or a description of the United States person against whom the extraordinary technique is to be directed;

(2) specify the nature and location of the property, communications or activity to be the subject of the use of the extraordinary technique and state whether physical entry may be involved;

(3) specify a reasonable period, not to exceed 90 days, during which the use of an extraordinary technique is authorized, provided that no order shall authorize more than one unconsented entry into real property except for entries to install, repair, or remove surveillance devices; and

(4) direct that minimization procedures be followed.

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

(g) The procedural, administrative, and security provisions established under the Foreign Intelligence Search and Surveillance Act, 92 Stat. 1783, as amended, shall be observed by the court considering applications for use of extraordinary techniques under this section. The provisions of that Act with respect to use of information, wartime authority, and congressional oversight shall apply to the use of extraordinary techniques under this section.

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

(i) Use of extraordinary techniques by military components directed against United States persons outside the United States who are subject to the Uniform Code of Military Justice, 10 U.S.C. 802, Art. 2, (1) through (10), may be authorized pursuant to an order issued in conformance with subsections (c) through (f) of this section by a military judge appointed under the Uniform Code of Military Justice and designated by the Secretary of Defense. The Attorney General shall be informed in a timely manner of all applications and orders under this subsection. The procedural, administrative, and security provisions established under the Foreign Intelligence Search and Surveillance Act, 92 Stat. 1783, as amended, shall be observed by a military judge considering applications for use of extraordinary techniques under this section, except that security measures may be established by the Secretary of Defense.

#### COOPERATIVE ARRANGEMENTS

Sec. 222. (a) Notwithstanding the provisions of this title, no agency, federal officer or employee may be required in connection with any proceeding under section 221 to disclose to a court information concerning any cooperative or liaison relationship that any agency of the United States Government may have with any foreign government or component thereof, provided that the Director of National Intelligence has determined that such disclosure would jeopardize such relationship.

(b) In any case in which a determination of facts related to a finding of probable cause under section 221(c)(3) or (d)(2) would require disclosure of information protected by this section, the Attorney General may submit a certification of facts to the court based on a determination by the Attorney General that the information reliably supports such certification of facts and is protected from disclosure by this section. The court may require disclosure of any information relating to a finding of probable cause under section 221(c)(3) or (d)(2) which does not disclose information protected by this section. In any case in which the Attorney General has submitted such a certification of facts, the court shall base its finding of probable cause under section 221(c)(3) or (d)(2) on such certification of facts and on any other information relating to the finding which is not protected by this section. The court shall not refuse to make a finding of probable cause under section 221(c)(3) or (d)(2) because information protected by this section has been withheld.

#### EMERGENCY PROCEDURES

Sec. 223. Activities that require approval under section 213 or a court order under section 221 of this title may be conducted without such approval or court order for a period not longer than 72 hours, provided that--

(a) The head of the entity of the intelligence community, or the senior agency official, or the senior military officer authorized to act in such cases, in the country in which the activity is to be conducted, approves the activity and determines that--

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

(2) the factual basis for such approval or court order exists.

(b) An application for such approval or court order shall be made within 72 hours of the initiation of the activity.

(c) The activity shall be terminated when the information sought is obtained; when the application for such approval or court order is denied; or upon the expiration of the 72-hour period without such approval or issuance of a court order, whichever occurs first; and

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

#### PART D

##### REMEDIES AND SANCTIONS; OTHER PROVISIONS

##### CRIMINAL SANCTIONS

Sec. 231. (a) Any employee of the United States who intentionally--

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

(2) discloses or uses information obtained under color of law by foreign electronic surveillance or foreign physical search knowing or having reason to

know the information was obtained through foreign electronic surveillance or foreign physical search engaged in by any employee of the United States and not authorized by statute, shall be guilty of an offense under this Act.

(b) It is a defense to a prosecution under subsection (a) that the defendant was an employee of the United States engaged in the course of official duties and the foreign electronic surveillance or foreign physical search was authorized by and conducted pursuant to a court order or search warrant issued by a court of competent jurisdiction. It is also a defense to prosecution that, at the time of the activity, the defendant was a law enforcement officer engaged in the course of official duties and there was no statute or established judicial procedure governing authorizations for the type of surveillance or search involved.

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

(d) There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.

#### CIVIL LIABILITY AND JURISDICTION

Sec. 232. (a) Any aggrieved person, other than a foreign power, as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978, or an agent of a foreign power, as defined in section 101(b)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 but regardless of whether the agency occurs within or outside of the United States, who has been subjected to a foreign electronic surveillance or whose property has been the subject of a foreign physical search, or about whom information obtained by foreign electronic surveillance of such person or foreign

physical search of such property has been disclosed or used, in violation of section 231 shall have a cause of action against any person who committed such violation and shall be entitled to recover--

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

(2) punitive damages; and

(3) reasonable attorney's fees and other investigation and litigation costs reasonably incurred.

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

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

(d) Except as provided in this section, <sup>and section 221(g),</sup> nothing in this Act or in any guidelines or procedures established pursuant to this Act creates any substantive or procedural right and no court has jurisdiction over a claim in any proceeding, including a motion to quash a subpoena, suppress evidence, or dismiss an indictment based solely on an alleged failure to follow a provision of this Act or of guidelines or procedures established pursuant to this Act.

#### PROTECTION OF PRIVILEGED COMMUNICATIONS

Sec. 233. No otherwise privileged communications or information shall lose its privileged character as a consequence of this Act.

ADMINISTRATIVE RULEMAKING

Sec. 234. The Director of National Intelligence and the head of each entity of the intelligence community shall, in appropriate consultation with the Attorney General, promulgate regulations necessary to carry out the provisions of this Act. Any promulgation of a standard, rule, regulation or procedure to implement this title shall be exempt from the provisions of section 553 of title 5, United States Code.



TITLE III -- THE INTELLIGENCE COMMUNITY

PURPOSES

Sec. 301. It is the purpose of this title--

(a) to provide for the appointment of a Director of National Intelligence, to delineate the responsibilities of such Director, and to confer on such Director the authority necessary to fulfill those responsibilities;

(b) to ensure that the national intelligence activities of the entities of the intelligence community are properly and effectively directed, regulated, coordinated, and administered, and

(c) to ensure that the Director of National Intelligence is accountable to the President, the Congress, and the people of the United States, and that the national intelligence activities of the entities of the intelligence community are conducted in a manner consistent with the Constitution and laws of the United States.

PRESIDENTIAL DESIGNATION OF  
NATIONAL INTELLIGENCE ACTIVITIES

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

DIRECTOR AND DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

Sec. 303. (a) There is established in the executive branch of the Government an independent establishment to be

known as the "Office of the Director of National Intelligence" (hereinafter in this title referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National Intelligence (hereinafter in this part referred to as the "Director"). There shall be a Deputy Director of National Intelligence (hereinafter in this part referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director for more than ten years or as Deputy Director for more than ten years.

(c) At no time shall the two offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status.

(d)(1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then--

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition of the Department of Defense, the military departments, or the armed forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director or Deputy Director) with respect to the Department of Defense, the military departments, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

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

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

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

(g) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director. The Director shall provide by regulation which Assistant Director of National Intelligence shall, whenever there is no Deputy Director, act in the place of the Director during the absence or disability of the Director or during any

temporary vacancy in the office of the Director and which Assistant Director of National Intelligence shall act in the place of the Deputy Director during the absence or disability of the Deputy Director or during any temporary vacancy in the office of the Deputy Director, or while the Deputy Director is acting as Director.

DUTIES AND AUTHORITIES OF THE DIRECTOR

Sec. 304. (a) The Director shall serve, under the direction of the National Security Council, as the principal foreign intelligence officer of the United States.

(b) The Director shall be responsible for--

(1) the coordination of national intelligence activities of the entities of the intelligence community;

(2) the coordination of counterintelligence activities of the entities of the intelligence community that are conducted abroad; and

(3) the coordination of counterterrorism intelligence activities conducted abroad by the entities of the intelligence community and the coordination of those activities with similar activities abroad by other departments and agencies.

(c) The Director shall be responsible for evaluating the quality of the national intelligence that is collected, produced and disseminated by entities of the intelligence community and shall, on a continuing basis, review all current and proposed national intelligence activities in order to ensure that those activities are properly, efficiently, and effectively directed, regulated, coordinated and administered.

(d) The Director shall coordinate and direct the collection of national intelligence by the entities of the intelligence community by--

(1) developing such specific collection objectives and targets for the entities of the intelligence community as are necessary to meet the intelligence requirements and priorities established by the National Security Council;

(2) establishing procedures, in coordination with the heads of departments and agencies not within the intelligence community, to increase, insofar as is possible, the national intelligence contribution made by those departments and agencies without adversely affecting the performance of their other authorized duties; and

(3) coordinating all clandestine collection of intelligence outside the United States including all clandestine collection of intelligence outside the United States utilizing human sources.

(e) The Director shall be responsible for the production of national intelligence, including national intelligence estimates and other intelligence community-coordinated analyses, and shall--

(1) ensure that in the production of national intelligence estimates or other intelligence community-coordinated analysis any diverse points of view are presented fully and considered carefully, and that differences of judgment within the intelligence community are expressed clearly for policymakers; and

(2) have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations.

(f) The Director shall be responsible for the dissemination, under appropriate security procedures, of national intelligence, and shall--

(1) ensure that departments and agencies and appropriate operational commanders of the armed forces of the United States are furnished such national intelligence as is relevant to their respective duties and responsibilities;

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

(3) ensure access of each entity of the intelligence community to national intelligence relevant to that entity's authorized activities which has been collected or produced by any other entity of the intelligence community.

(g) The Director shall ensure the appropriate implementation of special activities and sensitive foreign intelligence, counterintelligence, and counterterrorism intelligence activities outside the United States designated under section 133 of this Act.

(h) The Director shall--

(1) formulate policies with respect to intelligence arrangements with foreign governments, in consultation with the Secretary of State; and

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

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

(j) The Director shall be responsible for the protection from unauthorized disclosure of intelligence sources and methods and shall establish for departments and agencies minimum security standards for the management and handling of information and material relating to intelligence sources and methods.

(k) No provision of law shall be construed to require the Director or any other officer or employee of the United States to disclose the organization, function, name, official title, salary, or affiliation with the Office of the Director of National Intelligence of any person employed by the Office, or the numbers of persons employed by the Office.

(l) The Director may appoint and separate such civilian personnel or contract for such personal services as the Director deems advisable to perform the functions of the Office of

the Director, without regard to the provisions of any other law, including, but not limited to, provisions which place limitations on types of persons to be employed, and fix the compensation of such personnel without regard to chapter 51 and subchapter III and IV of chapter 53 of title V, United States Code, relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate authorized under other provisions of law.

(m) Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Office of the Director or, with the concurrence of the head of the department or agency concerned, the security clearance of any contractor of any entity of the intelligence community whenever the Director considers such termination necessary or advisable in the interests of the United States.

(n) Any officer or employee of the Office of the Director including those separated under subsection (l) or whose employment has been terminated under subsection (m) may seek or accept employment in any other department or agency of the Government; if declared eligible for such employment by the Office of Personnel Management; and that Office shall consider such officer or employee for positions in the competitive civil service in the same manner as if transferring between two positions in the competitive service, but only if such officer or employee has served with the Office of the Director or any other entity of the intelligence community for a total of at least one year continuously immediately preceding separation or termination.

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

(p) In order to carry out the Director's duties under this title, the Director is authorized to review all research

and development activities which support the intelligence activities of the Government and may review all the intelligence activities of the Government.

ASSISTANT DIRECTOR; GENERAL COUNSEL; COMMITTEES AND BOARDS

Sec. 305. (a) The President is authorized to appoint up to five Assistant Directors of National Intelligence to assist the Director in carrying out the responsibilities of the Director under this Act. At no time shall more than two of the positions of Assistant Director of National Intelligence be occupied by commissioned officers of the armed forces, whether in active or retired status. If a commissioned officer of the armed forces serves as an Assistant Director of National Intelligence, the provisions of section 303 (d)-(f) shall apply to such officer.

(b) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the intelligence community with respect to that entity, is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this Act.

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

(d) (1) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the intelligence community with respect to that entity, are authorized to establish such advisory



committees as may be necessary to provide expert advice regarding the administration of this Act.

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

DEPARTMENTAL RESPONSIBILITY FOR  
REPORTING NATIONAL INTELLIGENCE

Sec. 306. It shall be the responsibility of the heads of departments and agencies to ensure that all national intelligence obtained by such departments and agencies is promptly furnished to the Director or to the entity of the intelligence community designated by the Director to receive such intelligence.

ANNUAL REPORT OF THE DIRECTOR

Sec. 307 The Director shall make available to the public an unclassified annual report on the national intelligence, counterintelligence, and counterterrorism activities conducted by entities of the intelligence community. Nothing in this subsection shall be construed as requiring the public disclosure, in any such report made available to the public, of the names of individuals engaged in such activities for the United States or the divulging of classified information which requires protection from disclosure by law.

NATIONAL INTELLIGENCE PROGRAM AND BUDGET  
AUTHORITY; INFORMATION

Sec. 308. . The Director shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the national intelligence budget submitted to the President. Pursuant to this authority--

(a) The Director shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the national intelligence budget shall ensure timely development and submission to the Director of proposed national programs and budgets, in the format designated by the Director, by the program managers and heads of component activities, and shall also ensure that the Director is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(c) The Director shall review and evaluate the national program and budget submissions and, with the advice of the departments and agencies concerned, develop the national intelligence budget and present it to the President through the Office of Management and Budget;

(d) The Director shall present and justify the national intelligence budget to the Congress;

(e) The Director shall have full and exclusive authority for reprogramming national intelligence budget funds, in accordance with guidelines established by the Office of Management and Budget and after consultation with the head of the department or agency affected. The implementation of the overall budget by the departments and agencies that include entities of the intelligence community shall have no significant predictable adverse effect on the implementation of the national intelligence budget.

FUNDS APPROPRIATED TO THE OFFICE OF THE DIRECTOR

Sec. 309. Whenever the Director determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated to the Office of the Director for authorized activities shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but funds expended for such purposes may be expended only for activities authorized by law.

TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

PURPOSES

STATEMENT OF PURPOSES

Sec. 401. It is the purpose of this title --

- (1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;
- (2) to authorize the Central Intelligence Agency to perform intelligence activities that are necessary for the conduct of the foreign relations and the protection of the national security of the United States;
- (3) to ensure that the intelligence activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and
- (4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States.

PART B

ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR;  
GENERAL COUNSEL; INSPECTOR GENERAL; FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

Sec. 411. There is established in the Executive branch of the government an independent establishment to be known as the Central Intelligence Agency (hereinafter in this title referred to as "the Agency"), which shall perform its functions under the direction of the National Security Council and subject to intelligence plans, objectives, and requirements established by the Director of National Intelligence.

DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

Sec. 412. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director of the Agency") who shall be

appointed by the President, with the advice and consent of the Senate. The Director of National Intelligence shall serve as Director of the Agency. The President is authorized to appoint the Deputy Director of National Intelligence or an Assistant Director of National Intelligence as the Director of the Agency or to transfer any of the duties and authorities of the Director of the Agency to such Deputy Director or Assistant Director, provided that such appointment or transfer receives the advice and consent of the Senate. No person may serve as the Director of the Agency for more than ten years.

(b) There shall be a Deputy Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Deputy Director") who shall be appointed by the President, with the advice and consent of the Senate, and who shall assist in carrying out the functions of the Director of the Agency and who shall exercise all the duties of the Director of the Agency in the absence of the Director of the Agency.

(c) At no time shall the offices of Director of the Agency and Deputy Director be occupied simultaneously by commissioned officers of the Armed Forces, whether in an active or retired status.

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

(A) in the performance of the duties of Director of the Agency or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director of the Agency or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States

or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director of the Agency or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director of the Agency or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director of the Agency or Deputy Director.

(e) It shall be the duty of the Director of the Agency to--

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

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered;

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

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

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

#### GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 413. (a) There shall be a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall discharge the responsibilities of general counsel under this

Act for the Office of the Director of National Intelligence and for the Agency. In the temporary absence of the General Counsel, the Deputy General Counsel is authorized to exercise all the functions of the General Counsel.

(b) There shall be an Inspector General appointed by the Director of the Agency who shall discharge the responsibilities of inspector general under this Act for the Office of the Director of National Intelligence and for the Agency.

#### FUNCTIONS

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

(b) The Agency shall--

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

(2) conduct counterintelligence and counterterrorism intelligence activities including activities by clandestine means;

(3) conduct special activities;

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

(5) produce, publish, and disseminate intelligence to meet the needs of the President, the National Security Council, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinated with other entities of the intelligence community;

(6) develop, conduct, and provide support for technical, reconnaissance, and other programs, including the conduct of signals intelligence activities in accordance with subsection 641(d) of this Act, to collect intelligence outside the United States;

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

(8) under the direction of the Director of National Intelligence conduct liaison with and provide assistance to foreign governmental agencies and act as the agent of the Director of National Intelligence in the coordination of such relationships by any other entity of the intelligence community;

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

(A) monitoring of foreign public radio and television broadcasts and foreign press services, collection of intelligence from cooperating sources in the United States, acquisition and translation of foreign publications, and photographic interpretation; and

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

(10) coordinate the overt collection of foreign intelligence by entities of the intelligence community from witting and voluntary sources within the United States;

(11) conduct or contract for research, development, and procurement of systems and devices relating to its authorized functions;

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

(13) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the intelligence community.

(c) Within the United States the Agency may collect foreign intelligence by clandestine means only in coordination with the Federal Bureau of Investigation, in accordance with standards and

60



procedures agreed upon by the Director of National Intelligence and the Attorney General, and may direct such collection against unconsenting United States persons only as permitted by section 213(d) of this Act.

(d) Within the United States the Agency may conduct counterintelligence and counterterrorism intelligence activities by clandestine means only with the approval of the Director of the Federal Bureau of Investigation or a designee, made or confirmed in writing, and shall keep the Federal Bureau of Investigation fully and currently informed of any such activities, in accordance with section 504(d) of this Act.

### PART C

#### AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

##### GENERAL AUTHORITIES OF THE AGENCY

Sec. 421. (a) In carrying out its functions under this Act, the Agency is authorized to--

- (1) exchange funds, and transfer to and receive from other departments and agencies such sums of money as may be approved by the Director of the Office of Management and Budget for the purpose of carrying out authorized functions, and sums so transferred to or from the Agency may be expended without regard to any limitation on appropriations from which transferred;
- (2) reimburse or be reimbursed by other departments and agencies in connection with the detail or assignment of personnel to or from the Agency;
- (3) rent any premises within or outside the United States as appropriate to carry out any authorized function of the Agency; lease property, supplies, services, equipment, buildings or facilities; acquire, construct, or alter buildings and facilities, or contract for such purposes; repair, operate, and maintain buildings, utilities, facilities, and appurtenances; and exercise exclusive jurisdiction, control, and custody over all facilities and properties owned or utilized by the Agency;

(4) maintain and operate full-scale printing facilities for the production of intelligence and intelligence-related materials and lease or purchase and operate computer and communications equipment as appropriate to carry out authorized functions;

(5) conduct background investigations in accordance with section 217 of this Act to determine the suitability and trustworthiness of employees, contractors and contractor employees who will perform work in connection with an Agency contract, applicants for contractor status, persons employed by Agency proprietaries, or applicants for employment or for access to facilities or classified Agency information, consultants, persons detailed or assigned to the Agency, and persons similarly associated with the Office of the Director of National Intelligence;

(6) acquire, establish, maintain, and operate secure communications systems in support of Agency operations and in support of the Office of the Director of National Intelligence, and, when authorized by the Director of the Agency, in support of any other department or agency;

(7) in addition to the authority provided under 31 U.S.C. 686, provide to any department or agency such services, supplies, or equipment as the Agency may be in a position to render, supply, or obtain by contract, and place orders with departments or agencies that may be in a position to render, supply, or obtain services, supplies, or equipment by contract or otherwise;

(8) protect Agency personnel, installations, equipment and information by lawful security procedures, including, but not limited to, inspections of persons and items entering or leaving facilities and grounds owned or utilized by the Agency;

(9) provide transportation, in accordance with regulations approved by the Director of the Agency, for officers, employees and contractors of the Agency and the Office of the Director of National Intelligence, or their dependents, when other means of transportation are unsafe or inadequate;

(10) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with

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the terms and conditions by which claims are settled and paid  
under the Military Personnel and Civilian Employees' Claims Act  
of 1964, as amended (31 U.S.C. 240-243);

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

(12) provide or pay expenses of training to support  
authorized Agency functions, and, as appropriate, provide  
training for personnel of other departments and agencies;

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

(14) perform such additional functions as are otherwise  
authorized by this Act to be performed by each entity of the  
intelligence community.

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

(c) Any department or agency is authorized to assign or  
detail to the Agency any officer or employee of such department or  
agency to assist the Agency in carrying out any authorized function  
and the Agency may similarly assign or detail personnel to any other  
department or agency.

(d) No provision of law shall be construed to require the  
Director of the Agency or any other officer or employee of the  
United States to disclose information concerning the organization or  
functions of the Agency, including the name, official title, salary,  
or affiliation with the Agency of any person employed by, or  
otherwise associated with the Agency, or the number of persons  
employed by the Agency. In addition, the Agency shall also be  
exempted from the provisions of any law which require the  
publication or disclosure, or the search or review in connection  
therewith, of information in files specifically designated to be

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concerned with: the design, function, deployment, exploitation or  
utilization of scientific or technical systems for the collection of  
intelligence; special activities and intelligence operations;  
investigations conducted to determine the suitability of potential  
intelligence sources; intelligence and security liaison arrangements  
or information exchanges with foreign governments or their  
intelligence or security services; except that requests by United  
States citizens and permanent resident aliens for information con-  
cerning themselves, made pursuant to Sections 552 and 552a of  
title 5, shall be processed in accordance with those sections.

(e) The Agency is authorized to establish, administer, and  
maintain methods to conceal and protect the relationship between the  
Agency and any of its officers, employees, sources, and activities,  
and for personnel and activities of the Office of the Director of  
National Intelligence, and for defectors from foreign countries.

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

(g) The Director of the Agency may employ or contract for  
security officers to police and protect the security of Agency  
personnel, installations and grounds owned or utilized by the Agency  
or the Office of the Director of National Intelligence, and such  
security officers shall have the same powers as sheriffs and  
constables for the protection of persons and property, to prevent  
breaches of the peace, to suppress affrays or unlawful assemblies,  
and to enforce any rule or regulation the Director of the Agency may  
promulgate for the protection of such installations and grounds.  
The jurisdiction and police powers of such security officers shall  
not, however, extend to the service of civil process.

(h) Under such regulations as the Director of the Agency  
shall prescribe, Agency personnel may carry and use firearms while  
in the discharge of their official duties: Provided, that within  
the United States, such official duties shall include only the  
protection of (1) information concerning intelligence sources and  
methods and classified documents and material; (2) facilities,

property, monies and other valuable assets owned or utilized by the Agency or the Office of the Director of National Intelligence; (3) personnel of the Agency or the Office of the Director of National Intelligence as may be designated by the Director of the Agency; and (4) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, that such duties shall include the transportation and utilization of firearms for authorized training.

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

(2) The Director of the Agency may, in the discretion of the Director of the Agency, terminate the employment of any officer or employee of the Central Intelligence Agency, or the access of any individual, including contractors of the Agency or any employee of any such contractor, to information relating to intelligence activities whenever the Director of the Agency considers such termination necessary or advisable.

(3) Any Agency officer or employee, including any officer or employee who has been separated under paragraph (1), or whose employment has been terminated under paragraph (2), may seek or accept employment in the competitive service of the Government if declared eligible for such employment by the Office of Personnel Management; and that Office shall consider such officer or employee for positions in the competitive civil service in the same manner as if transferring between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency or the Office of the Director of National Intelligence for a total of at least one year continuously immediately preceding separation or termination.

(j) The Director of the Agency is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for artistic or general employee or dependent welfare,

educational, recreational or like purpose, whenever the Director of the Agency determines that it would be in the interests of the Agency to do so. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Director of the Agency. Property accepted pursuant to this provision, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For purposes of federal, income, estate, or gift taxes, gifts or property accepted under this subsection shall be accepted as a gift, devise, or bequest to the United States.

(k) Except as otherwise provided in this Act, the authorities contained in subsections (a) through (e) and (i) of this section may be exercised notwithstanding any other provision of law.

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

#### PROCUREMENT

Sec. 422. (a) Except as otherwise provided in this Act, the Agency is authorized to procure, use, and dispose of such real and personal property, supplies, services, equipment and facilities without regard to any other provision of law, whenever deemed necessary to carry out authorized functions.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, as amended, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of chapter 137 of title 10, except that the Director of the Agency may specify by regulation when any or all of the provisions of chapters

137 and 139 of title 10 may be waived for the effective performance of authorized functions.

(c) In accordance with regulations promulgated by the Director of the Agency, the Agency is authorized to enter into contracts and amendments of contracts, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary for the effective performance of authorized functions.

(d) Except as otherwise provided in this Act, the Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property without regard to any other provision of law, in accordance with regulations approved by the Director of the Agency, whenever such action is found necessary for the effective performance of authorized functions in accordance with regulations established by the Director of the Agency.

#### PROPRIETARIES

Sec. 423. (a) The Agency is authorized to establish and operate proprietaries in support of Agency operations and, with the approval of the Director of National Intelligence, in support of other entities of the intelligence community. In addition, any such proprietaries may be operated on a commercial basis to the extent necessary to provide effective cover.

(b) Appropriated funds and funds generated by an Agency proprietary or otherwise received may be deposited in banks or other financial institutions and expended as necessary to accomplish the same or closely related operational purposes except that funds in excess of amounts necessary for such purposes shall be deposited into miscellaneous receipts of the Treasury.

(c) Proceeds from the liquidation, sale, or other disposition of any Agency proprietary may be expended to establish and operate other proprietaries in furtherance of the same or closely related operational purposes. Any such proceeds not so expended shall be deposited into miscellaneous receipts of the Treasury, except for amounts deemed necessary or required by law to be retained for the purpose of satisfying claims or obligations.

(d) Whenever any Agency proprietary, or operationally related group of proprietaries, whose net value exceeds \$150,000 is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition as practicable, report the circumstances of the intended liquidation, sale, or other disposition to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

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

#### RELATIONSHIPS WITH OTHER ENTITIES

Sec. 424. In addition to those activities of the Agency that relate to other departments and agencies and that are authorized in other provisions of this Act, the Agency is further authorized--

- (1) to request other entities of the intelligence community to undertake authorized intelligence activities;
- (2) to receive assistance from federal, state and local law enforcement agencies in the conduct of authorized functions;
- (3) to provide and receive technical guidance, training, and equipment, and, under regulations established by the Director of the Agency, the services of expert personnel, to or from any other federal agency or foreign government, and, when not readily available from another federal agency, to or from state or local governments;
- (4) to provide and receive technical information or assistance to or from the Passport Office of the Department of State and the Immigration and Naturalization Service of the Department of Justice to assist in carrying out authorized functions; and



(5) when the Internal Revenue Service is performing an audit of an Agency proprietary or any other organization or individual whose relationship with the Agency is concealed or protected, to notify the Internal Revenue Service of such relationship in order that it not be disclosed publicly in connection with the audit.

#### ADMISSION OF ESSENTIAL ALIENS

Sec. 425. (a) Whenever the Director of the Agency, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of particular aliens into the United States for permanent residence is in the interest of national security or essential to intelligence activities, such aliens and their immediate families shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year. The Agency is authorized to process, debrief, and provide relocation assistance to such individuals, as necessary and appropriate under regulations established by the Director of the Agency.

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

#### AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

Sec. 426. (a) Notwithstanding any other provision of law, sums available to the Agency by appropriation or otherwise received may be expended to carry out the authorized functions of the Agency.

AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

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

(b) Whenever the Director of the Agency determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated to or otherwise received by the Agency shall be accounted for solely on the certificate of the Director of the Agency and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

(c) There is established and the Director of the Agency is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to the Reserve Fund monies specifically appropriated to the Central Intelligence Agency for such fund and unused balances of funds previously withdrawn from the Reserve Fund.

(d) The Director of the Agency is authorized to expend monies from the Reserve Fund for the payment of expenses incurred in connection with any authorized intelligence activity if--

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

(2) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence have been notified of the purpose of such withdrawal at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the

Director of the Agency may authorize the withdrawal of funds from the Reserve Fund without prior notification to the appropriate committees of the Congress if the Director of the Agency notifies such committees within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity;

(3) the monies from the Reserve Fund are used solely for the purpose of meeting needs that were not anticipated at the time the President's budget was submitted to the Congress for the fiscal year in which the withdrawal is authorized, and the activities to be funded require protection from unauthorized disclosure; and

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

(e) Monies from the Reserve Fund may be expended only for the purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended or to be expended for the purpose for which approved shall be returned to the Reserve Fund.

PART D

TRAVEL AND OTHER ALLOWANCES; RELATED EXPENSES;  
RETIREMENT SYSTEM; AND DEATH GRATUITIES

Sec. 431. (a) As used in this section "employee" means an "employee" as defined in 5 U.S.C. 2105, but does not include, unless otherwise specifically provided in accordance with regulations issued by the Director of the Agency, any person working for the Agency under a contract or any person who, when initially employed, is a resident in or a citizen of the foreign country in which such person is to be assigned to duty.

(b) Under regulations issued by the Director of the Agency the Agency may pay--

(1) travel, transportation, and subsistence expenses as provided for in chapters 57 and 59 of title 5, United States Code;

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

(3) educational travel benefits for dependents in the same manner and under the same circumstances as such benefits are provided under 5 U.S.C. 5924 (4)(A) and (B) for dependents of employees of the Department of State; and

(4) (A) a gratuity to the surviving dependents of officers or employees who die as a result of injuries (excluding disease) sustained outside the United States, in an amount equal to one year's salary at the time of death. Such payment shall be made only upon determination of the Director of the Agency or his designee that the death: (1) resulted from hostile or terrorist activity; or, (2) occurred in connection with an intelligence activity having a substantial element of risk. Any payment made under this subsection shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

(B) A death gratuity payment under this subsection shall be made as follows:

"[1] First, to the widow or widower.

"[2] Second, to the child, or children in equal shares, if there is no widow or widower.

"[3] Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child. If there is no survivor entitled to payment no payment shall be made.

"(C) As used in this subsection--

"[1] each of the terms 'widow', 'widower', 'child', and 'parent' shall have the same meaning given each such term by section 8101 of title 5, United States Code; and

"[2] the term 'United States' means the several States and the District of Columbia.

"(D) the provisions of this subsection shall apply with respect to deaths occurring on or after July 1, 1979."

(c) Whenever any provision of law relating to expenses, allowances, benefits or death gratuities of Foreign Service employees or dependents is enacted after the date of enactment of this Act in a form other than as an amendment to one of the provisions referred to in subsection (b) and the Director of the Agency determines that it would be appropriate for the purpose of promoting the effective performance of authorized functions, the Director of the Agency may, by regulation authorize payment, in whole or in part to Agency employees or dependents of such expenses, allowances, benefits and gratuities.

(d) Notwithstanding the provisions of subsections (b) and (c), and under regulations issued by the Director of the Agency, the Agency may pay expenses, allowances, benefits, and gratuities similar to those specifically authorized in those subsections in any case in which the Director of the Agency determines that such expenses, allowances, benefits or gratuities are necessary for the effective performance of authorized functions or that, for reasons of operational necessity or security, the means of paying expenses, allowances, benefits, and gratuities authorized in subsections (b) and (c), should not be utilized, and may pay special expenses, allowances, benefits, and gratuities when necessary to sustain particular Agency activities.

RETIREMENT SYSTEM

Sec. 432. The "Central Intelligence Agency" in section 111(1) of the Central Intelligence Agency Retirement Act, and the "Director of Central Intelligence" in section 112 of that Act, shall be deemed to refer to the "Central Intelligence Agency" and the "Director of the Agency" as established under this title. With the exception of the foregoing sentence, nothing in this Act shall affect the entitlement of Agency employees and former Agency employees to participate in the retirement system established by the Central Intelligence Agency Retirement Act or the retirement system established by chapter 83 of title 5, United States Code.

PART E

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;  
STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 441. (a) All positions, except those of the Director of Central Intelligence and the Deputy Director of Central Intelligence, established in and personnel employed by the Central Intelligence Agency on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used by the Agency are transferred to the Agency.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, entitlements, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director of the Agency or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title, and reference in any other Federal law to a provision of law replaced by similar provisions in this title shall be deemed to refer to the provisions in this title.

STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

Sec. 442 (a) No provision of this Act shall be construed to limit or deny to the Agency any authority which may be exercised by the Agency under any other provision of applicable law existing on the date of the enactment of this Act, or as amended subsequent to the date of the enactment of this Act.

(b) No law enacted after the date of the enactment of this Act shall be held, considered or construed as amending, limiting, superseding or otherwise modifying sections 421(a)(3), 421(d), 421(i), 422, 423, 425, and 426 of this title unless such law does so by specifically and explicitly amending, limiting, or superseding such provision.

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

PART F

CRIMINAL PENALTY

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

"S. 716. Misuse of the name, initials, or seal of the Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of

such name, initials, or seal in connection with any solicitation or impersonation for other than authorized purposes or in connection with any commercial enterprise, including any merchandise, advertisement, book, circular, pamphlet, play, motion picture, broadcast, telecast, or other publication or production in a manner intended to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency shall be fined not more than \$10,000 or imprisoned not more than one year, or both."

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

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



TITLE V -- FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF PURPOSE

Sec. 501. It is the purpose of this Act--

(1) to authorize the Federal Bureau of Investigation, subject to the supervision and control of the Attorney General, to perform certain intelligence activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

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

(3) to ensure that the intelligence activities of the Federal Bureau of Investigation are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that in the conduct of its intelligence activities the Federal Bureau of Investigation is accountable to the Attorney General, the President, the Congress, and the people of the United States and that those activities are conducted in a manner consistent with the Constitution and laws of the United States.

SUPERVISION AND CONTROL

Sec. 502. (a) All authorities, duties, and responsibilities of the Federal Bureau of Investigation (hereinafter in this title referred to as the "Bureau") for the conduct of intelligence activities, including law enforcement aspects of intelligence activities, shall be exercised in accordance with this Act.

(b) All intelligence functions of the Bureau shall be performed under the supervision and control of the Attorney General. In exercising such supervision and control, the Attorney General shall be guided by policies and priorities established by the National Security Council and shall be responsive to foreign intelligence collection objectives, requirements, and plans promulgated by the Director of National Intelligence.

(c) The Attorney General and the Director of the Federal Bureau of Investigation (hereinafter in this title referred to as the "Director") shall review at least annually the intelligence

activities conducted or coordinated by the Bureau to determine whether those activities have been conducted in accordance with the requirements of this Act and procedures approved by the Attorney General pursuant to this Act.

(d) The Attorney General and the Director shall publicly designate officials who shall discharge the responsibilities of general counsel and inspector general with respect to the activities of the Bureau under this Act.

DUTIES OF THE DIRECTOR OF THE  
FEDERAL BUREAU OF INVESTIGATION

Sec. 503. (a) It shall be the duty of the Director, under the supervision and control of the Attorney General, to--

(1) serve as the principal officer of the Government for the conduct and coordination of counterintelligence activities and counterterrorism intelligence activities within the United States;

(2) ensure that intelligence activities conducted or coordinated by the Bureau are carried out in conformity with the provisions of this Act and with the Constitution and laws of the United States and that such activities do not abridge any right protected by the Constitution or laws of the United States;

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

(4) keep the Attorney General fully and currently informed of all intelligence activities conducted or coordinated by the Bureau and provide the Attorney General with any information the Attorney General may request concerning such activities;

(5) advise the Attorney General and the National Security Council regarding the objectives, priorities, direction, conduct, and effectiveness of counterintelligence

and counterterrorism intelligence activities within the United States;

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

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

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

COUNTERINTELLIGENCE AND COUNTERTERRORISM  
INTELLIGENCE FUNCTIONS

Sec. 504. (a) The Bureau shall, in accordance with procedures approved by the Attorney General--

(1) collect, produce, analyze, publish, and disseminate counterintelligence and counterterrorism intelligence;

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

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

(b) All Bureau counterintelligence and counterterrorism intelligence activities outside the United States shall be conducted in coordination with the Central Intelligence Agency and with the approval of a properly designated official of such agency. All requests for such approval shall be made or confirmed in writing. Any such activities that are not related directly to the responsibilities of the Bureau for the conduct of

counterintelligence or counterterrorism intelligence activities within the United States shall be conducted only with the approval of the Attorney General or a designee, made or confirmed in writing.

(c) (1) The Bureau shall be responsible for the coordination of all counterintelligence and counterterrorism intelligence activities conducted within the United States by any other entity of the intelligence community.

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

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

(B) describes the activity to be conducted; and

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

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

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

(5) The requirements of paragraphs (2) through (4) of this subsection shall not apply to counterintelligence or counterterrorism intelligence activities of the military services directed against persons subject to the Uniform Code of Military Justice, 10 United States Code 802, Art. 2, (1) through (10), except for activities conducted by clandestine means outside military installations.

#### FOREIGN INTELLIGENCE FUNCTIONS

Sec. 505. (a) The Bureau may, in accordance with procedures approved by the Attorney General, --

(1) collect foreign intelligence within the United States in the course of authorized collection of counterintelligence or counterterrorism intelligence;

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

(3) produce, analyze, and disseminate foreign intelligence in coordination with the Director of National Intelligence.

(b) Any Bureau collection of foreign intelligence upon the request of another entity of the intelligence community, or any Bureau activity in support of the foreign intelligence collection programs of another entity of the intelligence community, shall be conducted only upon the request, made or confirmed in writing, of an official of an entity of the intelligence community who has been designated by the President to make such requests. The Bureau may not comply with any such request unless such request--

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

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

(3) sets forth the reasons why the Bureau is being requested to collect the information or conduct the support activity.

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

(c) The Bureau shall be responsible, in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence, for the coordination of all collection of foreign intelligence by clandestine means within the United States by any other entity of the intelligence community.

(d) Within the United States foreign intelligence may be collected by clandestine means directed against unconsenting United

States persons only by the Bureau, with notice to the Attorney General or a designee, except as otherwise permitted by section (d) of this Act.

#### COOPERATION WITH FOREIGN GOVERNMENTS

Sec. 506. (a) The Bureau may, in accordance with procedures approved by the Attorney General, collect counterintelligence and counterterrorism intelligence within the United States upon the written request of any law enforcement, intelligence, or security agency of a foreign government, and provide assistance to any officer of such agency who is collecting intelligence within the United States. The Bureau may not comply with any such request unless such request specifies the purposes for which the intelligence or assistance is sought and--

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

(2) the collection of the intelligence or the provision of assistance pertains to foreign persons and is approved by the Attorney General or a designee after a written finding that, as a matter of comity, such collection or assistance is in the interests of the United States.

(b) The Bureau shall keep the Attorney General or a designee fully and currently informed of all intelligence collection within the United States by officers or agencies of foreign governments in which information or assistance is furnished by the Bureau.

(c) The authority provided in subsection (a) of this section is subject to the procedures, prohibitions, and restrictions contained in title II of this Act.

#### GENERAL AND SPECIAL AUTHORITIES

Sec. 507. (a) In carrying out its functions under this title, the Bureau is authorized to--

(1) procure or lease such property, supplies, services, equipment, buildings, and facilities, and construct or alter such buildings and facilities, as may be necessary to carry out its authorized intelligence functions;

(2) establish, furnish, and maintain secure cover for Bureau officers, employees, and sources when necessary to carry out its authorized intelligence functions, in accordance with procedures approved by the Attorney General;

(3) establish and operate proprietaries when necessary to support Bureau intelligence activities, in accordance with procedures approved by the Attorney General;

(4) deposit public moneys in banks or other financial institutions when necessary to carry out its authorized intelligence functions;

(5) conduct or contract for research, development, and procurement of technical systems and devices relating to its authorized intelligence functions;

(6) protect from unauthorized disclosure, in accordance with standards established by the Director of National Intelligence under section 114, intelligence sources and methods; and

(7) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the intelligence community.

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

(2) Whenever any Bureau proprietary whose net value exceeds \$150,000 is to be liquidated, sold, or otherwise disposed of, the Bureau shall, as much in advance of the liquidation, sale, or other disposition of the proprietary as practicable report the circumstances of the intended liquidation, sale, or other

disposition to the Attorney General and to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. Any proceeds from any liquidation, sale, or other disposition of any Bureau proprietary, in whatever amount, after all obligations of the proprietary have been met, shall be deposited by the Director into miscellaneous receipts of the Treasury.

(c) The Bureau is authorized, in accordance with procedures approved by the Attorney General, to procure or lease property, goods, or services for its own use in such a manner that the role of the Bureau is not apparent or publicly acknowledged when public knowledge could inhibit or interfere with the secure conduct of an authorized intelligence function of the Bureau.

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



PART A

PURPOSES  
AND DEFINITIONS

STATEMENT OF PURPOSES

Sec. 601. It is the purpose of this title--

(1) to authorize, and provide guidance for, those signals intelligence and communications security activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to ensure that signals intelligence and communications security activities are properly and effectively directed, regulated, coordinated and administered, and are organized and conducted so as to meet, in the most efficient manner, the signals intelligence and communications security needs of the United States;

(3) to establish by law the National Security Agency, to provide for the appointment of a director of that Agency, to delineate the responsibilities of such director, and to confer upon such director the authorities necessary to fulfill those responsibilities;

(4) to ensure that the National Security Agency is accountable to the President, the Congress, and the people of the United States and that the signals intelligence activities and communications security activities of the United States are conducted in a manner consistent with the Constitution and laws of the United States.

DEFINITIONS

Sec. 602. (a) Except as otherwise provided in this section, the definitions in title I shall apply to this title.

(b) As used in this title--

(1) The term "communications intelligence" means technical and intelligence information derived from foreign electromagnetic communications by other than the intended recipients.

85

(2) The term "cryptographic system" includes any code, cipher, and any manual, mechanical or electrical device or method used for the purpose of disguising, concealing, or authenticating the contents, significance, or meanings of communications.

(3) The term "cryptology" encompasses both signals intelligence and communications security.

(4) The term "electronics intelligence" means technical and intelligence information derived from foreign electromagnetic radiations emanating from other than communications, nuclear detonations, or radioactive sources.

(5) The term "foreign electromagnetic communication" means a communication that has at least one communicant outside of the United States or that is entirely among foreign powers or between a foreign power and officials of a foreign power (but not including communications intercepted by electronic surveillance directed at premises used exclusively for residential purposes).

(6) The term "foreign instrumentation signals intelligence" means technical and intelligence information derived from the collection and processing of foreign telemetry, beaconry, and associated signals.

(7) The term "signals intelligence" includes, either individually or in combination, communications intelligence, electronics intelligence, foreign instrumentation signals intelligence, and information derived from the collection and processing of non-imagery infrared and coherent light signals, but does not include electronic surveillance activities conducted by the Federal Bureau of Investigation on its own behalf.

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

(9) The term "United States signals intelligence system" means an entity that is comprised of (A) the National Security Agency (including assigned military personnel); (B) those elements of the military departments and the Central Intelligence Agency performing signals intelligence activities; (C) those elements of any other department or agency which may from time to time be authorized by the National Security Council to perform signals intelligence activities during the time when such elements are authorized to perform such activities.

PART B

ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR;  
GENERAL COUNSEL; INSPECTOR GENERAL; DUTIES

ESTABLISHMENT OF NATIONAL SECURITY AGENCY; FUNCTION

Sec. 611. (a) There is established within the Department of Defense an agency to be known as the National Security Agency (hereinafter in this title referred to as the "Agency").

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

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

(2) In exercising supervision and control over the Agency, the Secretary of Defense shall comply with intelligence policies, needs, and priorities established by the National Security Council and with intelligence objectives and requirements established by the Director of National Intelligence.

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

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

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and Deputy Director shall each serve at the pleasure of the President. Either the Director or Deputy Director shall be a person with cryptologic experience. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to that same office may serve in that office under such appointment or reappointment for a term of more than six years. In no event may any person serve in either or both offices for more than a total of 12 years.

(c) At no time shall the two offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status.

(d) (1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then--

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition of the military departments, or the armed forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than such as that officer possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the Department of Defense, the military departments, or the armed

forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

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

(e) The Director and Deputy Director, whether civilian or military, shall be compensated while serving as Director or Deputy Director only from funds appropriated to the Department of Defense.

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

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

Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director.

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

#### DUTIES OF THE DIRECTOR

Sec. 613. (a) It shall be the duty of the Director to--

(1) serve as the principal signals intelligence officer of the Government and the executive head of the National Security Agency;

(2) ensure that the signals intelligence activities of the United States Government are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States;

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

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

(5) in accordance with intelligence policies, needs, and priorities established by the National Security Council and with intelligence requirements and objectives promulgated by the Director of National Intelligence, supervise, and formulate and promulgate operational plans, policies, and procedures for the conduct and control of, all signals intelligence collection, processing, reporting, and dissemination activities of the United States Government;

(6) ensure that signals intelligence is disseminated promptly and under appropriate security safeguards only to departments and agencies that require such intelligence for their lawful functions and have been authorized by the President to receive such intelligence;

(7) serve, under the Secretary of Defense, as the principal communications security officer of the United States Government and ensure that the communications security activities of the United States Government are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States;

(8) fulfill the communications security requirements of all departments and agencies based upon policy guidance from the National Security Council operating pursuant to section 142 of this Act;

(9) consolidate, as necessary, the signals intelligence and the communications security functions of the United States Government for the purpose of achieving overall efficiency, economy, and effectiveness;

(10) conduct such research and development in support of signals intelligence and communications security activities as may be necessary to meet the needs of departments and agencies authorized to receive signals intelligence or which require communications security assistance, or delegate responsibility for such research and development to other departments or agencies, and review research and development conducted by any department or agency in support of signals intelligence and communications security, except for such research and development in support of the clandestine activities of the Central Intelligence Agency;

(11) determine the manpower resources and administrative support needed by the Agency to conduct effectively its signals intelligence activities and, in accordance with such terms and conditions as shall be mutually agreed upon by the Director of National Intelligence and the Secretary of Defense, enter into agreements with other departments and agencies for the provision of such manpower resources and administrative support;

(12) determine the manpower resources and administrative support needed by the Agency to conduct effectively its communications security activities, and, based upon guidance from the Secretary of Defense, enter into agreements with other

departments and agencies for the provision of such manpower resources and administrative support;

(13) review all proposed budgets, programs, and resource allocations for the signals intelligence activities of the United States, prepare a proposed consolidated United States signals intelligence program and budget for each fiscal year based upon program and budget guidance from the Secretary of Defense, and with respect to national intelligence activities on program and budget guidance from the Director of National Intelligence, and submit each such proposed budget to the Director of National Intelligence and the Secretary of Defense;

(14) review all proposed programs, budgets, and resource allocations for the communications security activities of the United States Government, prepare a proposed consolidated Department of Defense communications security program and budget for each fiscal year, and submit each such proposed program and budget to the Secretary of Defense;

(15) establish appropriate controls for funds made available to the Agency to carry out its authorized activities;

(16) ensure that cryptologic information is classified in accordance with applicable law and Executive orders;

(17) conduct liaison on cryptologic matters with foreign governments and, when such matters involve the responsibilities of the Director of National Intelligence under sec. 115(h), conduct such liaison in coordination with the Director of National Intelligence;

(18) provide for such communications support and facilities as may be necessary to (A) conduct signals intelligence activities in a timely and secure manner, and (B) ensure the expeditious handling of critical information for the United States Government;

(19) prescribe all cryptographic systems and techniques, other than secret writing systems and covert agent communications systems of the Central Intelligence Agency, to be used in any manner by or on behalf of the United States Government and provide for the centralized production and control of such cryptographic systems and materials to be used by the United States Government;



(20) evaluate, based, as appropriate, upon guidance from the Attorney General, the vulnerability of United States communications to interception and exploitation by unintended recipients and, under the supervision of the Secretary of Defense and in accordance with policy guidance from the National Security Council operating pursuant to section 142 of this Act, institute appropriate measures to ensure the confidentiality of such communications;

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

(22) develop plans to ensure the responsiveness of the United States signals intelligence system to the needs of the Department of Defense, including the delegation of such tasking authority as may be appropriate;

(23) provide the Director of National Intelligence with such information on the activities of the Agency as the Director of National Intelligence requires to fulfill his statutory responsibilities;

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

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

(26) perform with respect to the Agency the duties assigned elsewhere in this Act to the head of each entity of the Intelligence Community.

(b) It shall also be the duty of the Director to provide signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of systems for national intelligence collection, these systems will be tasked within existing guidance from the Director of National Intelligence.

(c) ~~Approved For Release 2005/06/22 : CIA-RDP85-00988R000200160009-5~~ It shall be the duty of the Director to prescribe and enforce for the United States signals intelligence system and for the communications security activities of the United States Government security rules, regulations, procedures, standards, and requirements with respect to personnel security clearances, authorizations for access to facilities and information, physical security of facilities, equipment, and information, and the transmission, processing, and reporting of information, in order to protect signals intelligence and communications security information from unauthorized disclosure. All such rules, regulations, procedures, standards, and requirements shall be in accord with applicable law and with policy guidance from the Director of National Intelligence with respect to signals intelligence activities and the Secretary of Defense with respect to communications security activities. Enforcement of all such rules, regulations, procedures, standards, and requirements shall be coordinated with the head of each concerned department or agency.

(d) To assist the Director in the fulfillment of his responsibilities under this section, the heads of all departments and agencies shall furnish the Director, upon request and in accordance with applicable law, such data as the Director may require and the Director shall take appropriate steps to maintain the confidentiality of any information which is so provided.

#### GENERAL COUNSEL; INSPECTOR GENERAL

Sec. 614. (a) There shall be a General Counsel of the National Security Agency appointed by the President, by and with the advice and consent of the Senate, who shall discharge the responsibilities of general counsel under this Act for the Agency.

(b) There shall be an Inspector General of the National Security Agency, appointed by the Director, who shall discharge the responsibilities of inspector general under this Act for the Agency.

PART C

GENERAL AND SPECIAL AUTHORITIES  
OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

GENERAL AUTHORITIES OF THE AGENCY

Sec. 621. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) transfer to and receive from other departments and agencies funds for the sole purpose of carrying out functions authorized by this title, subject to the approval of the Director of the Office of Management and Budget;

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

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

(4) rent any premises within or outside the United States necessary to carry out any function of the Agency authorized under this title, and make such alterations, improvements, and repairs to the premises of, or rented by, the Agency as may be necessary without regard to any limitation prescribed by law if the Director makes a written finding that waiver of such limitation otherwise applicable to the renting, alteration, improvement, or repair, as the case may be, is necessary to the successful performance of the Agency's functions or the security of its activities;

(5) lease buildings to the Government without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a) or the provisions of section 2675 of title 10, United States Code;

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

(7) repair, operate, and maintain buildings, utilities, facilities, and appurtenances;

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

(9) in accordance with regulations approved by the Director, transport officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment where such personnel are engaged in work that makes such transportation necessary, and transport in such equipment, to and from school, children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available;

(10) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240-243);

(11) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit to the conduct of the work of the Agency;

(12) establish, furnish, and maintain, in coordination with the Director of National Intelligence, secure cover for Agency officers, employees, agents and activities;

(13) direct the transfer or disposal, on a non-reimbursable basis and after coordination with the head of the department or agency involved, and in cases involving the responsibilities of the Director of National Intelligence under Sec.304 (h), the Director of National Intelligence, of such cryptologic and cryptologic-related equipment and supplies among entities of the Intelligence Community and between entities of the

Intelligence Community and departments and agencies as may be necessary for performance of the functions authorized by this title, and the loan, transfer, or disposal of such equipment and supplies to foreign countries for cryptologic support, and pay expenses of arrangements with foreign countries for cryptologic support;

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

(15) protect, in accordance with standards established by the Director of National Intelligence under section 114 of this Act and with any other applicable statute or executive order, materials and information related to intelligence sources and methods;

(16) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community;

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

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

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

(c) Notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628) any department or agency may transfer to or receive from the Agency any sum of money approved by

the Director of National Intelligence and the Director of the Office of Management and Budget for use in support of foreign cryptologic liaison and support functions authorized by this title.

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

(e) The Director may employ, contract, or arrange with another government agency for the assignment of security officers to police the installations and grounds under the control of or used by the Agency, and to perform courier escort duties and such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the civil process.

(f) The Director may authorize Agency personnel to carry firearms within the United States for courier protection purposes, for the protection of the Director and Deputy Director, and in exigent circumstances, such officials of the Agency as the Director may designate, and for the protection of any foreign person visiting the United States under Agency auspices.

(g) (1) The Agency may appoint, promote, and separate such personnel or contract for such personnel services as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments to, promotions in, and separations from the civil service, and without regard to the limitations on types of persons to be employed, and fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III and IV of chapter 53 of that title, relating to classification and General Schedule pay rates, but at rates not in excess of the maximum pay authorized senior executive service by subchapter VIII of Chapter 53 of title 5, United States Code.

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

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

#### PROCUREMENT AUTHORITY

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

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, shall apply to the procurement of property, services, and research and development services by the Agency in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of such title, except that the Director is authorized, with the approval of the Secretary of Defense and, in the case of any national intelligence activity, the Director of National Intelligence, to waive the application of any or all of the provisions of chapters 137 and 139 of such title when the Director deems such action necessary to the successful performance of any function of the Agency or to protect the security of activities of the Agency.

Agency is authorized, notwithstanding any other provision of law, to procure property, goods, or services in the name of the Department of Defense when public knowledge of the Agency's sponsorship of such procurement would inhibit or interfere with the secure conduct of an authorized Agency function. Any participation of the Department of Defense in Agency procurement may also be concealed, in accordance with section 139 of this Act but notwithstanding any other provision of law, when the Director finds such concealment necessary to protect the secure conduct of an authorized Agency function.

#### EDUCATION AND TRAINING

Sec. 623. The Director is authorized to establish and insure compliance with standards for training necessary to accomplish the cryptologic missions of the Government and to arrange for, fund, or provide training as may be necessary to accomplish the lawful functions of the Agency. The provisions of chapter 41 of title 5, United States Code, shall be applicable in the conduct of such training, except that the Director is authorized to waive the application of any or all such provisions if the Director deems such action necessary because of the unique mission and function of the Agency.



Sec. 624. (a) Notwithstanding any other provision of law, funds made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency. No funds may be appropriated for any fiscal year beginning after September 30, 1980 for the purpose of carrying out any activity of the Agency unless funds for such activity have been authorized by legislation enacted during the same or one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution or required by pay raises.

(b) (1) The Secretary of Defense may make funds available to the Agency for the purpose of meeting confidential, emergency, or extraordinary expenses of the Agency, but any funds made available to the Agency by the Secretary of Defense for such a purpose may be made available only from funds appropriated to the Secretary of Defense for the specific purpose of meeting confidential, emergency, or extraordinary expenses.

(2) Any funds made available to the Agency by the Secretary of Defense for meeting confidential, emergency, and extraordinary expenses may be used only to meet the expenses specified by the Secretary of Defense. The expenditure of such funds shall be

accounted for solely on the certificate of disbursement and every  
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such certificate shall be deemed a sufficient voucher for the amount  
certified therein, but such expenditures may be made only for  
activities authorized by this title or other law.

PART D

TRAVEL AND OTHER EXPENSES;  
SPECIAL FACILITIES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES  
FOR CERTAIN AGENCY PERSONNEL

Sec. 631. (a) As used in this section "employee" does not include, unless otherwise specifically indicated, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located.

(b) Under such regulations as the Director, in consultation with the Director of National Intelligence, may approve the Agency may, with respect to employees assigned to duty stations outside the United States, provide allowances and other benefits in the same manner and under the same circumstances such allowances and other benefits are provided employees of the Foreign Service under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131-1160), and death gratuities in the same manner and under the same circumstances such gratuities are provided employees of the Foreign Service under section 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a).

(c) Whenever any provision of law relating to travel and related expenses or death gratuities of employees of the Foreign Service is enacted after the date of enactment of this Act, is not enacted as an amendment to one of the provisions referred to in subsection (b) of this section, and the Director determines that it would be appropriate for the purpose of maintaining conformity between provisions of law relating to travel and related expenses and death gratuities of the Foreign Service and the Central Intelligence Agency and provisions of law

relating to ~~Approved For Release 2005/06/22 : CIA-RDP85-00988R000200160009-5~~ expenses and recreation facilities of employees of the Agency, the President may, by executive order, extend in whole or in part to employees of the Agency the allowances and benefits applicable to employees of the Foreign Service by such provision of law, where such allowances and benefits have been extended to employees of the Central Intelligence Agency by the Director of that Agency pursuant to section 431(c) of this Act.

(d) Notwithstanding the provisions of subsections (b) and (c), and under such regulations as the Director, in consultation with the Director of National Intelligence, shall approve, the Agency may pay expenses, benefits, and allowances equivalent to those specifically authorized in subsections (b) and (c) in any case in which the Director determines that, for reasons of operational necessity or security, the means or method of paying expenses, benefits, and allowances authorized in such subsections should not be utilized.

COMMISSARY AND MESS SERVICES  
AND RECREATION FACILITIES

103

Sec. 632. (a) The Director is authorized to establish and maintain emergency commissary and mess services in such places outside the United States and in Alaska where, in the Director's judgment, such services are necessary to ensure the effective and efficient performance of the duties and responsibilities of the Agency, but only if such services are not otherwise available from other departments and agencies of the Government. An amount equal to the amount expended for any such services shall be returned to the Treasury as miscellaneous receipts.

(b) The Director is authorized to assist in the establishment, maintenance, and operation, by officers and employees of the Agency, of non-Government operated commissary and mess services and recreation facilities at certain posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by the Agency. Commissary and mess services and recreation facilities established pursuant to this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies, employees of Government contractors, and their families who are stationed outside the United States or in Alaska. Such services and facilities shall not be established in localities where another department or agency operates similar services or facilities unless the Director determines that such additional services or facilities are necessary.

(c) Notwithstanding any other provision of law, charges at any post outside the United States or in Alaska by a commissary or mess service or recreation facility authorized or assisted under this section shall be at the same rate for all civilian and military personnel of the Government serviced thereby, and all charges for supplies furnished to such a facility by any department or agency shall be at the same rate as that charged by the furnishing department or agency to its civilian or military commissary or mess services or recreation facilities.

RETIREMENT SYSTEM

104

Sec. 633. Employees of the Agency shall participate in the regular Federal Civil Service Retirement System provided for under subchapter III of chapter 83 of title 5, United States Code, except that title 5 of the United States Code is amended as follows to provide for the participation of certain Agency employees in such system under special conditions:

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

"(i) The National Security Agency will annually reimburse the fund for additional expenditures incurred as a result of retirement of employees under section 8336(i) of this title."

(b) Section 8336 of title 5, United States Code, is amended by adding the following new subsection (h) and renumbering present subsection (h) as subsection (i):

"(h) An employee of the National Security Agency who has completed 15 years of service outside the United States, or in training therefor, in duties determined by the Director, National Security Agency to be either hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal government employment is entitled to an annuity after becoming 50 years of age and completing 20 years of service."

(c) Section 8339 of title 5, U.S.C., is amended to add the following new subsection (q):

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

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

"(d) An administrative action or order affecting the rights or interests of an individual or of the United States under

this subchapter may be appealed to the Commission under procedures prescribed by the Commission, except that any action affecting an employee who retires under section 8336 (i) of this title may be appealed only to the Secretary of Defense, whose decision is final and conclusive and is not subject to review."

PART E

SPECIAL DELEGATION OF AUTHORITY;  
PRESERVATION OF CERTAIN AUTHORITY AND RESPONSIBILITY

SPECIAL DELEGATION AUTHORITY;  
MISCELLANEOUS PRESERVATION OF AUTHORITY AND RESPONSIBILITY

Sec. 641. (a) In exercising control over all signals intelligence activities of the United States, the Director shall make special provision for the delegation of operational control of specified signals intelligence activities required to provide signals intelligence direct support to military commanders or the heads of other departments and agencies of the Government. Such special provision shall be made for such period and for such activities as the Director determines to be appropriate.

(b) Nothing in this title shall contravene the responsibilities of any department or agency for the final evaluation of signals intelligence, the synthesis of such intelligence with intelligence from other sources, or the dissemination of finished intelligence to users in accordance with prescribed security procedures.

(c) Nothing in this title shall contravene the authorized functions of any department or agency to organize and conduct individual communications security activities other than the development of cryptographic systems, devices, equipment, and procedures. Each department and agency concerned shall be responsible for implementing all measures required to assure communications security in accordance with security rules, regulations, procedures, standards, and requirements prescribed by the Director under the authority of section 613(b) of this Act.

(d)(1) Nothing in this title shall contravene the authority of the Central Intelligence Agency to conduct, as approved by the Director of National Intelligence after review by the Director, clandestine signals intelligence operations in support of clandestine activities; to conduct, in coordination with the Director, clandestine operations designed to achieve signals intelligence objectives; and to prescribe unique communications security methods and procedures, after review by the Director, in support of clandestine activities.

(2) Nothing in this title shall be construed to require the disclosure of information that reveals the operational details of any clandestine activities conducted by the Central Intelligence Agency, including any intelligence sources and methods involved in such activities

(e) All elements of the United States signals intelligence system shall conduct signals intelligence activities in response to operational tasks assigned by the Director and in accordance with directives issued by the Director. Except as authorized in subsection (a), no organization outside the United States signals intelligence system may engage in signals intelligence activities unless specifically authorized to do so by the National Security Council.

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

(g) The provisions of sections 2 and 3 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (55 Stat. 875; 31 U.S.C. 82), shall apply to certifications for payments and to payments made by or on behalf of the National Security Agency

by certifying officers and employees and by disbursing officers and employees under the jurisdiction of any military department, notwithstanding the provisions of section 4 of such Act (31 U. S. C. 82e).

PART F

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 651. (a) All positions established in and personnel employed by the National Security Agency, as in effect on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used primarily in connection with any function to be performed by the Agency under this title, are transferred to the Director.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the day before the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director, or other appropriate Agency officials, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the National Security Agency as in effect prior to the effective date of this title.

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

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof



shall be ~~delegated to~~ ~~the~~ ~~Department~~ ~~of~~ ~~State~~ ~~in~~ ~~which~~ ~~such~~ ~~function~~ ~~is~~ ~~vested~~ ~~pursuant~~ ~~to~~ ~~this~~ ~~title~~.  
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TITLE VII -- PROTECTION OF IDENTITIES OF CERTAIN UNDERCOVER  
INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES

CRIMINAL PENALTY

Sec. 701. (a) Whoever, having or having had authorized access to classified information that--

(1) identifies as an officer or employee of an intelligence agency, or as a member of the Armed Forces assigned to duty with an intelligence agency, any individual (A) who in fact is such an officer, employee, or member, (B) whose identity as such an officer, employee, or member is classified information, and (C) who is serving outside the United States or has within the last five years served outside the United States; or

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

intentionally discloses to any individual not authorized to receive classified information any information that identifies an individual described in paragraph (1) or (2) as such an officer, employee, or member or as such an agent, informant, or source, knowing or having reason to know that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's intelligence relationship to the United States, shall be fined not more than \$50,000 or imprisoned not more than ten years, or both.

(b) It is a defense to a prosecution under subsection (a) of this section that before the commission of the offense with which the defendant is charged, the United States had publicly acknowledged or revealed the intelligence relationship to the United States of the individual the disclosure of whose intelligence relationship to the United States is the basis for the prosecution.

(c) No person other than a person committing an offense under subsection (a) of this section shall be subject to prosecution under such subsection by virtue of section 2 or 4 of title 18, United States Code, or shall be subject to prosecution for conspiracy to commit an offense under such subsection.

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

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

(f) Nothing in this section shall be construed as authority to withhold information from Congress or from a committee of either House of Congress.

(g) As used in this section--

(1) "Classified information" means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

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(2) "Authorized", when used with respect to access to classified information, means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or agency engaged in foreign intelligence or counterintelligence activities, order of a United States district court, or provisions of any Rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

(3) "Disclose" means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

(4) "Intelligence agency" means the Central Intelligence Agency or any intelligence component of the Department of Defense.

(5) "Informant" means any individual who furnishes or has furnished information to an intelligence agency in the course of a confidential relationship protecting the identity of such individual from public disclosure.

(6) "Agent," "informant," and "source of operational assistance" do not include individuals who are citizens of the United States residing within the United States.

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

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

(9) "United States" when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

**PRESIDENTIAL RESPONSIBILITY**

Sec. 702. The President shall ensure that each person who has authorized access to the types of classified information described in section 701(a)(1) and (a)(2) be informed of the provisions of section 701.

TITLE VIII -- PHYSICAL SEARCHES WITHIN THE UNITED STATES

AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

Sec. 301. The Foreign Intelligence Surveillance Act of 1978, 92 Stat. 1783, is amended as follows:

- (1) The statement of purpose is amended by inserting "physical searches and" after "authorize".
- (2) The title is amended by inserting "SEARCH AND" before "SURVEILLANCE".

(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."

(4) The title of Title I is amended by inserting "PHYSICAL SEARCH AND" before "ELECTRONIC".

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

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

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

"(4) notwithstanding paragraphs (1), (2), and (3), with respect to any physical search or electronic surveillance approved pursuant to section 102(a), procedures that require that, for a physical search, no information that concerns a United States person, and for a surveillance, no contents of any communication to which a United States person is a party, shall be disclosed,

disseminated, or used for any purpose or retained for longer than twenty-four hours unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person."

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

"(k) 'Aggrieved person' means a person who is the target of physical search or electronic surveillance or any other person whose communications, activities, property, or mail were subject to physical search or electronic surveillance."

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

"(p) 'Physical search' means any search of property that is located in the United States and any opening of mail in the United States or in United States postal channels, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes."

(10) The title of section 102 is amended to read as follows: "AUTHORIZATION FOR PHYSICAL SEARCH AND ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES".

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

"(a)(1) Notwithstanding any other law, the President, through the Attorney General, may authorize physical search or electronic surveillance without a court order under this title to acquire foreign intelligence information for periods of up to one year if the Attorney General certifies in writing under oath that--

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

"(B) the electronic surveillance is solely directed at--

"(i) the acquisition of the contents of communications transmitted by means of communications used exclusively between or among foreign powers, as defined in section 101 (a) (1), (2), or (3); or

"(ii) the acquisition of technical intelligence, other than the spoken communications of individuals, from property or premises under the open and exclusive control of a foreign power, as defined in section 101(a) (1), (2), or (3);

"(C) there is no substantial likelihood that the search will involve the property or mail of a United States person or the surveillance will acquire the contents of any communication to which a United States person is a party; and

"(D) the proposed minimization procedures with respect to such search or surveillance meet the definition of minimization procedures under section 101(h); and

if the Attorney General reports such minimization procedures and any changes thereto to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence at least thirty days prior to their effective date, unless the Attorney General determines immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately."

(12) Section 102(a) (2) is amended by striking "An electronic surveillance" and inserting in lieu thereof "A physical search or electronic surveillance".

(13) Section 102(a) (3) (B) is amended by inserting "search or" before "surveillance".

(14) Section 102(a) (4) is amended by inserting "physical search or" after "With respect to".



(15) Section 102(a)(4)(A) is amended by inserting "physical search or" before "electronic surveillance".

(16) Section 102(a)(4)(B) is amended by inserting "search or" before "surveillance".

(17) Section 102(a) is amended by adding a new subsection as follows:

"(5) The Attorney General may authorize physical entry of property or premises under the open and exclusive control of a foreign power, as defined in section 101(a)(1), (2), or (3), for the purpose of installing, repairing, or removing any electronic, mechanical, or other surveillance device used in conjunction with an electronic surveillance authorized by this subsection."

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

"(b) Applications for a court order under this title are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the court having jurisdiction under section 103, and a judge to whom an application is made may, notwithstanding any other law, grant an order in conformity with section 105, approving physical search or electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information, except that the court shall not have jurisdiction to grant any order approving physical search or electronic surveillance directed solely as described in subsection (a) unless such physical search or surveillance may involve the property or acquisition of communications of any United States person."

(19) Section 103(a) is amended by inserting "physical search or" before all appearances of "electronic surveillance".

(20) Section 104(a) is amended by inserting "physical search or" after "approving" in the first sentence.

(21) Section 104(a)(3) is amended by inserting "or the property or mail subject to the physical search" after "surveillance".

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

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

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

(24) Section 104(a)(5) is amended by inserting "or the items of property or mail to be subjected to the search" after "surveillance".

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

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

(27) Section 104(a)(9) is amended by inserting "property," after "persons,".

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

"(10) a statement of the period of time which the physical search will encompass or for which the electronic surveillance is required to be maintained, and if the nature of the intelligence gathering is such that the approval of the use of physical search or electronic surveillance under this title should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter; and".

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

"(b) Whenever the target of the physical search or electronic surveillance is a foreign power, as defined in section 101(a)(1), (2), or (3), and each of the facilities, places or items of property at which the search or surveillance is directed is owned, leased, exclusively used, or openly and exclusively controlled by that foreign power, the application need not contain the information required by paragraphs (6), (7)(E), (8),

and (11) of subsection (a), but shall state whether physical entry is required to effect the search or surveillance and shall contain such information about the search or surveillance techniques and communications or other information concerning United States persons likely to be obtained as may be necessary to assess the proposed minimization procedures."

(30) Section 105(a) is amended by striking "approving the electronic surveillance" and inserting in lieu thereof "approving the physical search or electronic surveillance".

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

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

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

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

(34) Section 105(b) is amended by inserting "physical search or" after "approving".

(35) Section 105(b)(1)(A) is amended by inserting "physical search or" before "electronic surveillance".

(36) Section 105(b)(1)(B) is amended by striking "at which the" and inserting in lieu thereof "or items of property or mail at which the physical search or".

(37) Section 105(b)(1)(C) is amended to read as follows:

"(C) the type of information sought to be acquired and the type of communications, activities or property to be subjected to the search or surveillance;"

(38) Section 105(b)(1)(D) is amended to read as follows:

"(D) the means by which the physical search or electronic surveillance will be effected and whether physical entry will be used to effect the search or surveillance: Provided, That no order shall authorize

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more than one unconsented physical entry into real  
property except for entries to install, repair or  
remove surveillance devices;".

(39) Section 105(b)(1)(E) is amended by inserting "physical search or" before "electronic surveillance".

(40) Section 105(b)(1) is amended by adding at the end thereof the following provision:

"(G) whenever more than one search of property or the opening of more than one item of mail is to be conducted under the order, the authorized scope of the searches or opening of mail; and".

(41) Section 105(b)(2) is amended by inserting "physical search or" before both appearances of "electronic surveillance" and by inserting "search or" before "surveillance or the aid".

(42) Section 105(c) is amended to read as follows:

"(c) Whenever the target of the physical search or electronic surveillance is a foreign power, as defined in section 101(a)(1), (2), or (3) and each of the facilities, places or items of property at which the search or surveillance is directed is owned, leased, exclusively used or openly and exclusively controlled by that foreign power, the order need not contain the information required by subparagraphs (C), (D), and (F) of subsection (b)(1), but shall generally describe the information sought and the communications, activities or property to be subjected to the search or surveillance and for surveillances the type of electronic surveillance involved, including whether physical entry is required for the search or surveillance."

(43) Section 105(d)(1) is amended by inserting "physical search or" before the first appearance of "electronic".

(44) Section 105(d)(3) is amended by inserting "physical search or" before "electronic surveillance".

(45) Section 105(e)(1) is amended to read as follows:

"(1) an emergency situation exists with respect to the use of physical search or electronic surveillance to obtain foreign intelligence information before an order

authorizing such search or surveillance can with due diligence be obtained; and".

(46) Section 105(e)(2) is amended by inserting "search or" before all appearances of "surveillance" and by inserting "physical search or" before all appearances of "electronic surveillance".

(47) Section 106(a) is amended by inserting "physical search or" before both appearances of "electronic".

(48) Section 106(c) is amended by inserting ", or physical search or the property or mail of," after "electronic surveillance of".

(49) Section 106(d) is amended by inserting ", or physical search of the property or mail of," after "electronic surveillance of".

(50) Section 106(e) through (g) are amended by inserting "physical search or" before all appearances of "electronic surveillance" and by inserting "search or" before all appearances of "surveillance".

(51) Section 106(h) is amended by inserting "a physical search or an" before "electronic surveillance" and by inserting "search or" before "surveillance".

(52) Section 106(j) is amended by inserting "physical search or" before both appearances of "electronic surveillance" and by inserting "search or" before "surveillance".

(53) Section 107 is amended by inserting "physical search or" before "electronic surveillance".

(54) Section 108(a) is amended by inserting "physical searches and" before "electronic surveillance".

(55) Section 109 is amended by inserting "physical search or" before all appearances of "electronic surveillance".

(56) Section 110 is amended by striking "or about whom information obtained by electronic surveillance of such person" and inserting in lieu thereof "or whose property or mail has been the subject of a physical search or about whom information obtained by electronic surveillance of such person or physical search of such property or mail".

(57) Section 111 is amended by inserting "physical search or" before "electronic surveillance".

AMENDMENTS TO CHAPTER 119 OF TITLE 18, UNITED STATES CODE

Sec. 802. Chapter 119 of title 18, United States Code, is amended as follows:

(1) Section 2511(2)(a)(ii) is amended by inserting "or to engage in physical search" after "electronic surveillance", by inserting "Search and" after "Intelligence", and by inserting "or physical search" before "or the device used".

(2) Section 2511(2)(e) and (f) are amended by inserting "Search and" after all appearances of "Intelligence".

TITLE IX-- MISCELLANEOUS AMENDMENTS AND EFFECTIVE DATE  
AMENDMENTS TO TITLE 5, UNITED STATES CODE

Sec. 501. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(25) Director of National Intelligence."

(b) Section 5313 of such title is amended by striking out

"(15) Director of Central Intelligence."

and inserting in lieu thereof

"(15) Director of the Central Intelligence Agency."

(c) (1) Section 5314 of such title is amended by striking out

"(35) Deputy Director of Central Intelligence."

and inserting in lieu thereof

"(35) Deputy Director of National Intelligence."

(2) Section 5314 of such title is further amended by adding at the end thereof the following:

"(70) Deputy Director of the Central Intelligence Agency."

"(71) Director of the National Security Agency."

(d) Section 5315 of such title is amended by adding at the end thereof the following:

"(128) Assistant Directors of National Intelligence (5)."

"(129) Deputy Director of the National Security Agency."

"(130) General Counsel of the Central Intelligence Agency."

"(131) Inspector General of the Central Intelligence Agency."

(e) Section 5316 of such title is amended by adding at the end thereof the following:

"(152) General Counsel of the National Security Agency."

"(153) Inspector General of the National Security Agency."

REPEAL OF SECTION 2422, TITLE 22, UNITED STATES CODE

Sec. 502. Section 2422 of Title 22, United States Code, is repealed.

AMENDMENT TO THE FEDERAL ADVISORY COMMITTEE ACT TO  
ELIMINATE EXEMPTION FOR THE CENTRAL INTELLIGENCE AGENCY

Sec. 503. Section 4(b) of the Federal Advisory Committee Act (86 Stat. 770) is amended to read as follows:

"(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by the Federal Reserve System."

EFFECTIVE DATE

Sec. 504. This Act shall become effective on the first day of the third calendar month following the month in which it is enacted.