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DAC 00-04730

DAC-05064-00

FN: s/OCA [redacted] 01 signing statement  
letter4 (26 Oct 2000) OCA 2000-1473

(b)(3)

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DAC-04764-02

Central Intelligence Agency



Washington, D.C. 20505

OCA 2000-1473

31 October 2000

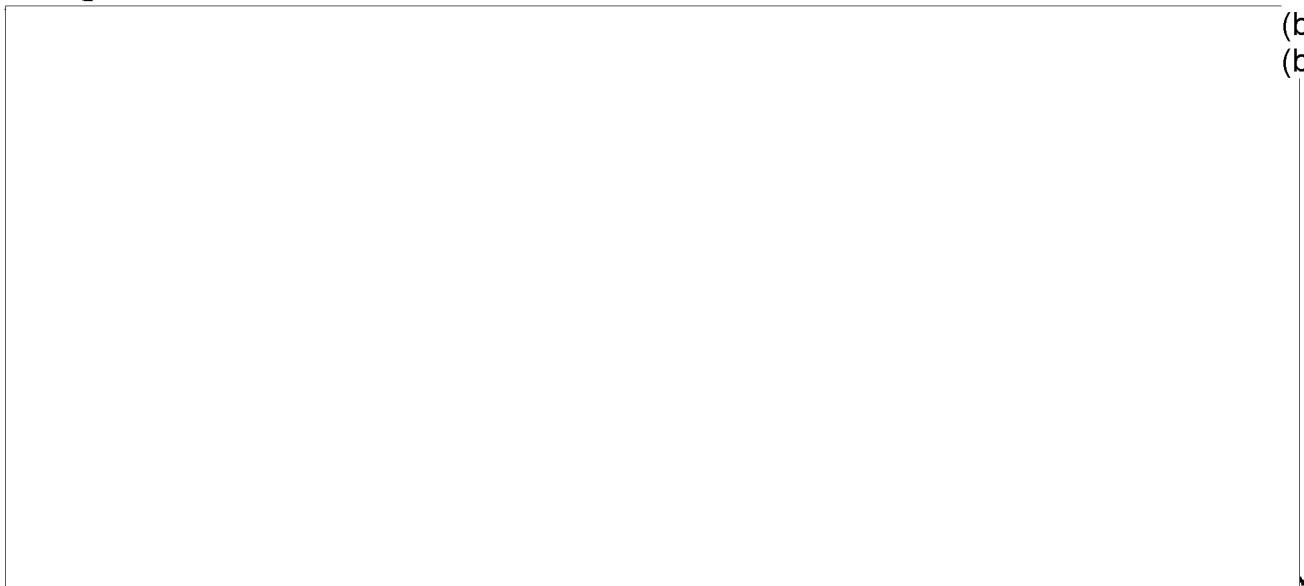
The Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Washington, DC 20503

re Intelligence Authorization Act for FY 2001

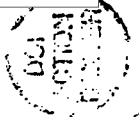
Dear Mr. Lew:

The Central Intelligence Agency (CIA) submits the following comments for the President's consideration on the above-referenced bill. CIA supports this bill and recommends that the President sign it.

CIA concurs with the Department of Justice's comments on Section 304 ("Leaks") of the enrolled bill. We believe that the law as drafted is narrowly tailored to close an existing statutory gap and that recent press accounts and concerns expressed by members of Congress misunderstand the intent and scope of this provision. Therefore we join with DoJ and recommend that the President issue his signing statement incorporating DoJ's language, forwarded to you separately.



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[Redacted]

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[Redacted] we will propose corrective legislation in the coming year.

Thank you for the opportunity to express our views on this important piece of legislation.

Sincerely,

(b)(3)

[Redacted]

[Redacted] John E. McLaughlin  
Deputy Director of Central Intelligence

(b)(3)

DAC-04730-00

CLASSIFICATION

EXECUTIVE CORRESPONDENCE ROUTING SHEET

1. CONTROL NUMBER: OCA 2000-1473 2. SUSPENSE DATE: 10/30/00

3. SUBJECT: CIA Comments for the President's Consideration on the FY 2001 Intel Act

4. ORIGATION OFFICE: C/OCA/ 5. DATE: 30 October 2000 (b)(3)

6. PURPOSE: Comments to be submitted to OMB for the President's consideration.

7. SUMMARY:

8. COORDINATION: Coordinated with DDCI, in draft (b)(3)

9. RECOMMENDATION: DEXDIR sign the enclosed letter.

10. DATE IN	11. ROUTE TO	12. ACTION (Check a Box)	13. NONCONCUR REASON	14. DATE OUT
10/30/00	TITLE D/OCA SIGNATURE	<input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI		10/30/00
	TITLE DDA SIGNATURE <i>coordinated in draft</i>	<input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI		
	TITLE GC SIGNATURE <i>coordinated in draft</i>	<input type="checkbox"/> SIGNATURE <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> FYI		
OCT 30 2000	TITLE DAC SIGNATURE	<input type="checkbox"/> SIGNATURE <input type="checkbox"/> CONCUR <input type="checkbox"/> FYI		OCT 30 2000
	TITLE DEXDIR SIGNATURE	<input checked="" type="checkbox"/> SIGNATURE <input type="checkbox"/> CONCUR <input type="checkbox"/> FYI		
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FORM 8/96 4468

CLASSIFICATION

# REFERENCE

OCA Registry  
OCA 00-0167  
OCA 00-00353

Central Intelligence Agency



Washington, D.C. 20505

14 March 2000

The Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Lew:

Consistent with Office of Management and Budget Circular No. A-19 (revised), I am submitting our proposed Intelligence Authorization Act for FY 2001 for your advice as to whether it is in accordance with the President's program. Ten copies of the bill are enclosed. Also, we have reviewed this proposed legislation as required under section 3 of Executive Order 12988 ("Civil Justice Reform") and believe the bill satisfies the applicable standards in subsections (a) and (b) of that section.

In order to ensure favorable action, we need to transmit the enclosed bill to Congress immediately. Accordingly, we ask for receipt of your advice as quickly as possible.

Your cooperation is most appreciated.

Sincerely,  
  
George J. Tenet

Enclosures

cc: Mr. John D. Burnim  
Ms. Margaret E. Evans



L-1403A

The Honorable Jacob J. Lew

OCA/ [redacted] (18 Feb 2000)  
OCA 00-0167 [redacted]

(b)(3)  
(b)(3)

Distribution:

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A BILL

To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001."

1                                   **TITLE I -- INTELLIGENCE ACTIVITIES**

2

3   **SEC. 101. Authorization of Appropriations.**

4           Funds are hereby authorized to be appropriated for  
5   fiscal year 2001 for the conduct of the intelligence and  
6   intelligence-related activities of the following elements of  
7   the United States Government:

8

- 9           (1) The Central Intelligence Agency.  
10          (2) The Department of Defense.  
11          (3) The Defense Intelligence Agency.  
12          (4) The National Security Agency.  
13          (5) The Department of the Army, the Department  
14             of the Navy, and the Department of the Air  
15             Force.  
16          (6) The Department of State.  
17          (7) The Department of the Treasury.



- 1 (8) The Department of Energy.
- 2 (9) The Federal Bureau of Investigation.
- 3 (10) The National Reconnaissance Office.
- 4 (11) The National Imagery and Mapping Agency.
- 5

6 **SEC. 102. Classified Schedule of Authorizations.**

7 (a) *Specifications of Amounts and Personnel*  
8 *Ceilings.*--The amounts authorized to be appropriated under  
9 section 101, and the authorized personnel ceilings as of  
10 September 30, 2001, for the conduct of the intelligence and  
11 intelligence-related activities of the elements listed in  
12 such section, are those specified in the classified Schedule  
13 of Authorizations prepared to accompany the conference  
14 report on the bill \_\_\_\_\_ of the One Hundred and Sixth  
15 Congress.

16  
17 (b) *Availability of Classified Schedule of*  
18 *Authorizations.*--The Schedule of Authorizations shall be  
19 made available to the Committees on Appropriations of the  
20 Senate and House of Representatives and to the President.  
21 The President shall provide for suitable distribution of  
22 the Schedule, or of appropriate portions of the Schedule,  
23 within the Executive Branch.

1    **SEC. 103. Personnel Ceiling Adjustments.**

2           (a) *Authority for Adjustments.*-- With the approval of  
3 the Director of the Office of Management and Budget, the  
4 Director of Central Intelligence may authorize employment  
5 of civilian personnel in excess of the number authorized  
6 for fiscal year 2001 under section 102 when the Director of  
7 Central Intelligence determines that such action is  
8 necessary to the performance of important intelligence  
9 functions, except that the number of personnel employed in  
10 excess of the number authorized under such section may not,  
11 for any element of the Intelligence Community, exceed two  
12 percent of the number of civilian personnel authorized  
13 under such section for such element.

14  
15           (b) *Notice to Intelligence Committees.*--The Director  
16 of Central Intelligence shall promptly notify the Permanent  
17 Select Committee on Intelligence of the House of  
18 Representatives and the Select Committee on Intelligence of  
19 the Senate whenever he exercises the authority granted by  
20 this section.

21  
22    **SEC. 104. Community Management Account.**

23           (a) *Authorization of Appropriations.*--There is  
24 authorized to be appropriated for the Community Management  
25 Account of the Director of Central Intelligence for fiscal  
26 year 2001 the sum of \$\_\_\_\_\_. Within such amount,

1 funds identified in the classified Schedule of  
2 Authorizations referred to in section 102(a) for the  
3 Advanced Research and Development Committee shall remain  
4 available until September 30, 2001.

5  
6 (b) *Authorized Personnel Levels.*--The elements within  
7 the Community Management Account of the Director of Central  
8 Intelligence are authorized a total of \_\_\_\_\_ full-time  
9 personnel as of September 30, 2001. Personnel serving in  
10 such elements may be permanent employees of the Community  
11 Management Account element or personnel detailed from other  
12 elements of the United States Government.

13  
14 (c) *Classified Authorizations.*--(1) Authorization of  
15 Appropriations.--In addition to amounts authorized to be  
16 appropriated for the Community Management Account by  
17 subsection (a), there is also authorized to be appropriated  
18 for the Community Management Account for fiscal year 2001  
19 such additional amounts as are specified in the classified  
20 Schedule of Authorizations referred to in section 102(a).

21  
22 (2) *Authorization of Personnel.*--In addition to the  
23 personnel authorized by subsection (b) for elements of the  
24 Community Management Account as of September 30, 2001,  
25 there is hereby authorized such additional personnel for

1 such elements as of that date as is specified in the  
2 classified Schedule of Authorizations.

3  
4 (d) *Reimbursement.*--Except as provided in section 113  
5 of the National Security Act of 1947, during fiscal  
6 year 2001, any officer or employee of the United States or  
7 member of the Armed Forces who is detailed to the staff of  
8 an element within the Community Management Account from  
9 another element of the United States Government shall be  
10 detailed on a reimbursable basis, except that any such  
11 officer, employee or member may be detailed on a  
12 nonreimbursable basis for a period of less than one year  
13 for the performance of temporary functions as required by  
14 the Director of Central Intelligence.

15  
16 (e) *National Drug Intelligence Center.*--

17  
18 (1) *In General.*--Of the amount authorized to be  
19 appropriated in subsection (a), \$\_\_\_\_\_ shall be  
20 available for the National Drug Intelligence Center. Within  
21 such amount, funds provided for research, development, test,  
22 and evaluation purposes shall remain available until  
23 September 30, 2002, and funds provided for procurement  
24 purposes shall remain available until September 30, 2003.

25

1           (2) Transfer of Funds.--The Director of Central  
2 Intelligence shall transfer to the Attorney General funds  
3 available for the National Drug Intelligence Center under  
4 paragraph (1). The Attorney General shall utilize funds so  
5 transferred for the activities of the National Drug  
6 Intelligence Center.

7  
8           (3) Limitation.--Amounts available for the Center may  
9 not be used in contravention of the provisions of section  
10 103(d)(1) of the National Security Act of 1947 (50 U.S.C.  
11 403-3(d)(1)).

12  
13           (4) Authority.--Notwithstanding any other provision of  
14 law, the Attorney General shall retain full authority over  
15 the operations of the Center.

16

17                   **TITLE II -- CENTRAL INTELLIGENCE AGENCY**

18                           **RETIREMENT AND DISABILITY SYSTEM**

19

20           **SEC. 201. Authorization of Appropriations.**

21           There is authorized to be appropriated for the Central  
22 Intelligence Agency Retirement and Disability Fund for  
23 fiscal year 2001 the sum of \_\_\_\_\_.

24

25                           **TITLE III--GENERAL PROVISIONS**

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**SEC. 301. Increase in Employee Compensation and Benefits  
Authorized by Law.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

**SEC. 302. Restriction on Conduct of Intelligence  
Activities.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

**SEC. 303. Unauthorized Disclosures of Classified  
Information.**

(a) Chapter 37 of Title 18, United States code is amended by adding at the beginning thereof the following new section:

"791. Unauthorized disclosures

1 (a) whoever, being an officer or employee of the  
2 United States, or a person with authorized access to  
3 classified information, or a former or retired officer or  
4 employee of the United States, willfully discloses, or  
5 attempts to disclose, any classified information to a person  
6 who is not an officer or employee of the United States and  
7 who is not authorized to receive it shall be fined not more  
8 than \$10,000, or imprisoned not more than three years, or  
9 both.

10

11 (b) As used in this section—

12

13 (i) the term "classified information" means  
14 information or material designated and clearly marked or  
15 represented, or that the person knows or has reason to  
16 believe has been determined by appropriate authorities,  
17 pursuant to the provisions of a statute or Executive Order,  
18 as requiring protection against unauthorized disclosure for  
19 reasons of national security.

20

21 (ii) the term "officer or employee of the United  
22 States" means civil officers and employees (as defined in  
23 sections 2104 and 2105 of Title 5) and officers and enlisted  
24 members of the armed forces (as defined in section 1010 of  
25 Title 10); and

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(iii) the term "authorized" means having authority or permission pursuant to the provisions of a statute, Executive Order, regulation or directive of the head of any department or agency who is empowered to classify information, order of any United States court, or provisions of any Rule of the House of Representatives or Resolution of the Senate which governs release of classified information by the respective House of Congress.

(c) Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to:

(i) any justice or judge of a court of the United States established pursuant to Article III of the Constitution of the United States; or

(ii) the Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

(d) Whoever provides information leading to the identification of an officer or employee, who disclosed or attempted to disclose classified information without authorization in violation of this section, that results in



1 administrative, civil or criminal sanctions shall be awarded  
2 the sum of \$10,000."

3

4 (b) The table of contents of Chapter 37 of Title 18,  
5 United States Code is amended to include the following  
6 caption:

7

8 "791. Unauthorized disclosures".

9

10 **SEC. 304. Foreign Cooperative Agreements.**

11 For fiscal year 2001 and hereafter, whenever the  
12 Federal Bureau of Investigation participates in a  
13 cooperative project with a friendly foreign country on a  
14 cost-sharing basis, any contributions received by the  
15 Federal Bureau of Investigation from that foreign country to  
16 meet its share of the project may be credited to appropriate  
17 appropriations available to the Federal Bureau of  
18 Investigation, as determined by the Director of the Federal  
19 Bureau of Investigation. The amount of a contribution  
20 credited to an appropriation account pursuant to this  
21 authority shall be available only for payment of the share  
22 of the project expenses allocated to the participating  
23 foreign country.

1

2 **SEC. 305. Assertion of state secrets privilege over**  
3 **Intelligence Community Information.**

4 Section 103 of the National Security Act of 1947  
5 (50 U.S.C. 403-3) is amended -

6

7 (1) by renumbering subsection 103(c)(7) to subsection  
8 "103(c)(8)"; and

9

10 (2) creating new subsection 103(c)(7): "have the  
11 authority to assert the state secrets privilege over  
12 information revealing intelligence activities, or  
13 intelligence sources and methods, regardless of the  
14 intelligence community element conducting the activity or  
15 originating the information."

16

17 **SEC. 306. Application of Sanctions Laws to Intelligence**  
18 **Activities.**

19 Section 905 of the National Security Act of 1947  
20 (50 U.S.C. 441d) is amended by striking out "January 6,  
21 2000" and inserting in lieu thereof "January 6, 2003".

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**SEC. 307. Reports on Acquisition of Technology Relating to  
Weapons of Mass Destruction and Advanced  
Conventional Munitions.**

Section 721(a) of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) (Public Law 104-293, 110 Stat. 3474) is amended—

- (1) by striking "Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter" and inserting "Not later than March 1, 2001, and every 12 months thereafter,"; and
- (2) in paragraph (1), by striking "6 months" and inserting "calendar year".

**SEC. 308. Application of United States Law Implementing  
Certain International Legal Instruments to  
United States Government Activities.**

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following:

"Title X--Application of United States Law Implementing  
Certain International Legal Instruments to United States  
Government Activities.

1

2           SEC. 1001. Unless expressly provided to the contrary,  
3 no United States law enacted after the date of enactment of  
4 this section that implements a treaty or other international  
5 agreement shall be construed as making unlawful the  
6 otherwise lawful and authorized intelligence activities of  
7 the United States Government or its employees, or other  
8 persons acting at their direction to the extent such persons  
9 are carrying out such activities on behalf of the United  
10 States. Activities are lawful and authorized within the  
11 meaning of this section if they are authorized by  
12 appropriate officials of the United States Government,  
13 acting within the scope of their official duties and in  
14 compliance with other United States laws and any applicable  
15 presidential directives, and such authorization is reflected  
16 in the records of the appropriate department or agency."

17

18   **Sec. 309. PLACEHOLDER**

19

20                   **TITLE IV--CENTRAL INTELLIGENCE AGENCY**

21

22   **SEC. 401. Technical Corrections.**

23           Section 17(d)(1)(E) of the Central Intelligence Agency  
24 Act of 1949 (50 U.S.C. section 403q(d)(1)(E)) is struck in  
25 its entirety, and current section 403q(d)(1)(F) is  
26 renumbered as section 403q(d)(1)(E) accordingly.

1

2 Section 17(e)(5)(B) of the Central Intelligence Agency  
3 Act of 1949 (50 U.S.C. section 403q(e)(5)(B)) is amended by  
4 striking "Government" and inserting in lieu thereof  
5 "Federal".

6

7 Section 17(e)(5)(E) of the Central Intelligence Agency Act  
8 of 1949 (50 U.S.C. section 403q(e)(5)(E)) is struck in its  
9 entirety, and a new section 403q(d)(1)(F) is inserted "a  
10 report on the Inspector General's exercise of his subpoena  
11 authority during the preceding six months."

12

13 **SEC. 402. Land Purchases.**

14 During the current fiscal year and thereafter, funds  
15 appropriated for construction projects and land purchases of  
16 the Central Intelligence Agency, which are transferred to  
17 another Agency for execution, shall remain available until  
18 expended.

19

20 **SEC. 403. Designation of Additional Employees Eligible for**  
21 **Reimbursement for Professional Liability**  
22 **Insurance.**

23 The Director of Central Intelligence may designate  
24 additional categories of qualified employees eligible for  
25 reimbursement for up to one-half of the cost of professional

1 liability insurance, beyond those authorized in Public Law  
2 104-208, note preceding 5 U.S.C. 5941.

3

4 **SEC. 404. Modifications to Central Intelligence Agency's**  
5 **Central Services Program.**

6 Section 21 of the Central Intelligence Agency Act of  
7 1949 (50 U.S.C. 403u) is amended:

8

9 (1) by striking the text of paragraph (b) (2) and  
10 inserting, "The Director shall notify the Director of the  
11 Office of Management and Budget in advance of the  
12 designation of elements and the specification of items and  
13 services under paragraph (1).";

14

15 (2) by re-designating subparagraph (c) (2) (F) to  
16 subparagraph (G);

17

18 (3) by inserting after (c) (2) (E), as amended, the  
19 following new subparagraph (F): "(F) Receipts from utility  
20 and meal reimbursements from individuals and cash receipts  
21 from the rental of property and equipment to employees and  
22 detailees.";

23

24 (4) in subsection (d), by striking "by" after  
25 "advance" and inserting "in a notification provided by the

1 Director of Central Intelligence to" before "the Director of  
2 the Office of Management and Budget";

3  
4 (5) in subparagraph (f)(2)(B), by striking all that  
5 follows "specified in subparagraph (A)" and inserting  
6 "unless the Director submits notice of the proposed  
7 expenditure to the Director of the Office of Management and  
8 Budget, the Permanent Select Committee on Intelligence of  
9 the House of Representatives, and the Select Committee on  
10 Intelligence of the Senate.";

11  
12 (6) in paragraph (g)(2), by striking "The Director of  
13 the Office of Management and Budget shall determine the form  
14 and content of annual audits under paragraph (1). Such  
15 audits" and inserting "The annual audits under paragraph  
16 (1)"; and

17  
18 (7) in paragraph (h)(1), by striking out "2002" and  
19 inserting "2005".

20  
21 (8) Creates a new paragraph (i) "The Central  
22 Intelligence Agency may request the Secretary of the  
23 Treasury to invest excess moneys from the Agency's Working  
24 Capital Fund. Such investments shall be in public debt  
25 securities with maturities suitable to the needs of the CIA  
26 Central Services Program Working Capital Fund as determined

1 by the Director, and bearing interest at rates determined by  
2 the Secretary of the Treasury, taking into consideration  
3 current market yields on outstanding marketable obligations  
4 of the United States of comparable maturities."

5

6 **SEC. 405. Details to NRO**

7 Section 5 of the CIA Act is amended to add a new  
8 subsection 4 and the remaining subsections are numbered  
9 accordingly.

10 "The Director of Central Intelligence may detail  
11 personnel of the Central Intelligence Agency indefinitely to  
12 the National Reconnaissance Office without regard to any  
13 limitation on the duration of interagency details of Federal  
14 government personnel and may hire personnel for purpose of  
15 such details."

16

17 **TITLE V--DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

18

19 **SEC. 501. Operation Of Nuclear Test Monitoring Equipment**

20 (a) IN GENERAL. -Subchapter II of chapter 138, title  
21 50, United States Code, is amended by adding at the end the  
22 following new section:

23

24 **"§23501. Nuclear test monitoring equipment**

25



1           (a) AUTHORITY TO ACCEPT FUNDING. - The Secretary of  
2 Defense, or a designee authorized in subsection (d), may  
3 accept funds, services and property from a foreign  
4 government, an international organization, or other entity,  
5 for development, procurement, installation, operation,  
6 including communications, repair and maintenance of nuclear  
7 weapons test explosion monitoring equipment for operation on  
8 U.S. territory, foreign soil, including Antarctica, or in  
9 foreign or international waters. Funds accepted under this  
10 section shall be placed in an account established by the  
11 Department for such purposes and shall be available to  
12 officials in the Department of Defense authorized by the  
13 Secretary of Defense, or a designee authorized in  
14 subsection (d), for contracts, grants, or other procurement  
15 instruments. Any funds placed in the account established  
16 under this subsection shall remain available until expended  
17 for the purposes specified in this subsection.

18  
19           (b) AUTHORITY TO CONVEY MONITORING EQUIPMENT. - Subject  
20 to subsection (c), in order to satisfy U.S. monitoring  
21 requirements, the Secretary, or a designee authorized in  
22 subsection (d), may provide or convey to a foreign  
23 government or international organization, for nuclear  
24 weapons test explosion monitoring purposes, monitoring and  
25 associated equipment and may install such equipment on  
26 foreign territory or in international waters.

1

2 (c) CONDITIONS OF TRANSFER. - Any nuclear weapons test  
3 monitoring equipment provided or conveyed under the  
4 authority of subsection (b) shall be accompanied by an  
5 international agreement in which the recipient of the  
6 monitoring equipment agrees to provide the Secretary, or a  
7 designee, timely access to data produced, collected or  
8 generated by the equipment and access to the equipment for  
9 purposes of inspecting, testing, maintaining, repairing, or  
10 replacing the equipment. The Secretary, pursuant to such  
11 agreement, may take such measures as are necessary for the  
12 United States requirements to inspect, test, maintain,  
13 repair, or replace the monitoring equipment.

14

15 (d) DELEGATION. - The Secretary may delegate the  
16 authority under subsections (a) and (b) to the Secretary of  
17 the Air Force and the Under Secretary of Defense for  
18 Acquisition, Technology, & Logistics who may delegate it";  
19 and

20

21 (b) CLERICAL AMENDMENT. - The table of sections for  
22 such subchapter II is amended by inserting after the item  
23 relating to section 2350k, the following new item:

24

25 "23501 Nuclear test monitoring and associated equipment".

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**SEC. 502. Authority To Engage In Commercial Activities As  
Security For Intelligence Collection Activities.**

(a) Section 431(a) of title 10, United States Code, is amended by striking the words "No commercial activity may be initiated pursuant to this subchapter after December 31, 2000."

**SEC. 503. National Imagery And Mapping Agency Personnel  
Management Program For Intelligence Personnel.**

(a) In General. Chapter 22 of title 10 of the United States Code is amended by inserting after section 444 the following new section:

**"SEC. 445 National Imagery and Mapping Agency Personnel  
Management Program For Intelligence Personnel.**

The Director of the National Imagery and Mapping Agency may appoint up to 25 employees to positions as defined in sections 1606 or 1607 of title 10, United States Code, and may prescribe the rates of basic pay for these employees at such rates as he determines necessary, notwithstanding any provision of title 5 of the United States Code governing the rates of pay or classification of employees in the executive branch. Appointments made pursuant to this section shall be

1 above and beyond any other allocation of DISES or DISL  
2 appointments made pursuant to sections 1606 or 1607 of title  
3 10, United States Code."

4

5 (b) Clerical Amendment. The table of sections at the  
6 beginning of Chapter 22 is amended by inserting after the  
7 item relating to section 444 the following:

8

9 "445. National Imagery and Mapping Agency Personnel  
10 Management Program For Intelligence Personnel."

11

INTELLIGENCE AUTHORIZATION ACT  
FISCAL YEAR 2001

SECTION-BY-SECTION ANALYSIS  
AND EXPLANATION

TITLE I  
INTELLIGENCE ACTIVITIES

Section 101 lists departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2001.

Section 102 makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings for the entities listed in section 101 for fiscal year 2001 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated as to section 101 by section 102.

Section 103 authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2001 to exceed the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed 2 percent of the total of the ceilings applicable under section 102. The Director may exercise this authority only when necessary to the performance of important intelligence functions or to the maintenance of a stable personnel force, and any exercise of this authority must be reported to the two intelligence committees of the Congress.

Section 104 provides certain details concerning the amount and composition of the Community Management Account (CMA) of the Director of Central Intelligence.

Subsection (a) authorizes appropriations in the amount of \$\_\_\_\_\_ for fiscal year 2001 for the staffing and administration of various components under the CMA. Subsection (a) also authorizes funds identified for the Advanced Research and Development Committee to remain available for two years.

Subsection (b) authorizes a total of \_\_\_\_\_ full-time personnel for elements within the CMA for fiscal year 2001 and provides that such personnel may be permanent

employees of the CMA element or detailed from other elements of the United States Government.

Subsection (c) explicitly authorizes the classified portion of the CMA.

Subsection (d) requires that personnel be detailed on a reimbursable basis, with certain exceptions.

Subsection (e) authorizes \$\_\_\_\_\_ of the amount authorized for the CMA under subsection (a) to be made available for the National Drug Intelligence Center (NDIC) in Johnstown, Pennsylvania. Subsection (e) requires the Director of Central Intelligence to transfer \$\_\_\_\_\_ to the Department of Justice to be used for NDIC activities under the authority of the Attorney General, and subject to section 103(d)(1) of the National Security Act.

TITLE II  
CENTRAL INTELLIGENCE AGENCY  
RETIREMENT AND DISABILITY SYSTEM

Authorization of Appropriations

Section 201 authorizes appropriations in the amount of \$\_\_\_\_\_ for fiscal year 2001 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III  
GENERAL PROVISIONS

Section 301 provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

Section 302 provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

Section 303 creates a basis in law for prosecuting the willful unauthorized disclosure of classified information to a person not authorized to receive that information. Currently there is no broadly applicable statute that prohibits the unauthorized disclosure of classified

information. Existing law is restrictive both in information it applies to and burdens of proof. In addition, this section creates a monetary award for an individual who provides information which leads to the sanction of an individual for an unauthorized disclosure.

This section is necessary due to a gap in existing law for the unauthorized disclosure of classified information that does not convert records or property (18 U.S.C. 641), involve defense information (18 U.S.C. 793), aid a foreign government (18 U.S.C. 794), disclose cryptographic information (18 U.S.C. 798), or involve disclosure or receipt of classified information to or by a foreign government (50 U.S.C. 783).

Section 304 allows the Federal Bureau of Investigation to credit to its appropriate appropriation contributions received from a friendly foreign country under cost-sharing cooperative projects. This authority would support joint research and development and other cooperative efforts with foreign law enforcement partners.

Section 305 allows the DCI to assert the state secrets privilege over information revealing intelligence activities, or intelligence sources and methods over the entire Intelligence Community. This section is necessary to close a gap in existing authorities and allow the DCI to protect intelligence equities in those cases in which the information is not solely within the control of the Agency, but its release would damage intelligence activities, sources or methods.

Section 306 extends until January 6, 2003 the authority first granted by section 303 of the Intelligence Authorization Act for Fiscal Year 1996 for the President to delay the imposition of an economic, cultural, diplomatic, or other sanction upon his determination that proceeding with the sanction could compromise an ongoing criminal investigation or an intelligence source or method. This authority expired on January 6, 2000. There is a present need for this authority in the event that immediately imposing sanctions, without some delay, would seriously jeopardize a criminal investigation or sources and methods of intelligence collection.

Section 307 modifies the Fiscal Year 1997 Intelligence Authorization Act requirement for a semiannual unclassified Director of Central Intelligence report to Congress on foreign countries' acquisition of dual-use and other technology useful for developing or producing weapons of mass destruction and advanced conventional munitions, and trends in the acquisition of such technology by such

countries. This section provides that the DCI must provide an unclassified report on these matters annually. Given the necessary and understandable limitations on what may be included in unclassified reports on this subject, and after having had the opportunity to review several of the semiannual unclassified reports that have been submitted to date, it is believed that annual unclassified reports would be more robust, substantive, and informative to the public. This change from a semiannual to an annual requirement is made on the clear understanding and condition that the appropriate Committees and Members of Congress will continue to receive all appropriate intelligence briefings and other intelligence information or materials regarding technology acquisition related to the development, production, and/or proliferation of weapons of mass destruction and advanced conventional munitions, as well as other aspects of proliferation and arms control.

Section 308 provides that U.S. law implementing international conventions, treaties, and international agreements would not apply to otherwise lawful official U.S. government activities unless the U.S. law expressly provides to the contrary. The provision is designed to preclude any inadvertent constriction or prohibition of otherwise lawful and approved U.S. government activities as a result of the enactment into law of U.S. implementing legislation that was not intended but nevertheless could be interpreted to apply to -- and so to restrict or bar -- such activities. This section in effect codifies a widely accepted rule of construction or a 'rebuttable presumption' that U.S. statutes implementing international conventions, treaties, and international agreements do not limit or preclude official U.S. government activities unless the implementing U.S. law explicitly states the opposite. Congress, of course, retains the authority and ability to overturn, reverse, or rebut the 'presumption' in any particular case, by legislating to that effect. This section merely affords a procedural safeguard against unintentional and undesired, self-imposed obstacles to or bars against otherwise lawful official U.S. government activities.

Section 309 PLACEHOLDER

#### TITLE IV CENTRAL INTELLIGENCE AGENCY

Section 401 provides several technical corrections to the Central Intelligence Agency Act of 1949 to address superseding legislation, conform language and streamline reporting procedures. In 1997, Public Law 105-107 provided



the CIA Inspector General with authority to issue subpoenas for information relating to the performance of his duties and responsibilities. However, that law failed to eliminate the pre-existing requirement in 50 USC 403q(d)(1)(E) that the Inspector General report semi-annually through the Director to Congress all cases in which documentary evidence could not be obtained by the Inspector General due to his lack of subpoena authority. As the Inspector General now has statutory subpoena authority, this provision is no longer needed.

The proposed amendment to section 17(e)(5)(B) replacing "Government" with "Federal" will conform this section with similar language in the Inspector General Act of 1978 upon which it was based and eliminate any ambiguity in interpretation.

The grant of subpoena authority to the Inspector General in Public Law 105-107 was accompanied, in section 403q(e)(5)(E), by a separate semi-annual reporting requirement to the Congressional Intelligence Committees on the exercise by the Inspector General of that subpoena authority. However, pursuant to pre-existing section 403q(d)(1), the Inspector General submits semi-annual reports to those Committees on the activities of his office. The proposed technical correction would consolidate the Inspector General's reporting requirements into one comprehensive semi-annual report.

Section 402 is similar to a section 8104 of Pub. L. 103-139, Title VII, 107 Stat. 1463, enacted on 11 November 1993. Section 8104 extends the life of appropriated funds transferred by the Agency to other government agencies for the purpose of construction projects. Section 8104 converts funds transferred by the Agency for construction projects into "no-year" funds, making them available until expended.

The proposed amendment would provide similar treatment for funds transferred by the Agency to other government agencies for the purpose of purchasing land. The proposed amendment is needed for the same reason section 8104 was originally enacted, that is, the need to preserve the availability of funds while often complex negotiations are being carried out by the receiving agency responsible for expending the transferred funds. During FY 1999, the Agency lost the use of some appropriated funds transferred to another government agency for the purchase of a small amount of land next to one of the Agency's facilities because the receiving agency did not obligate those funds within the fiscal year. The proposed amendment will prevent such losses in the future.

Section 403 allows the Director of Central Intelligence to designate categories in addition to those noted in Public Law 104-208, note preceding 5 U.S.C. 5941, that would be eligible to receive reimbursement for up to one-half of the cost of purchasing professional liability insurance. This section is necessary to allow the expenditure of appropriated funds to reimburse employees for the purchase of professional liability insurance who are at greater risk of incurring costs associated with liability claims due to their agency-specific functions, but are not covered by the existing job categories.

Section 404 makes several changes to the Central Intelligence Agency's Central Services Program. First, section 21 of the CIA Act, would no longer require the DCI to obtain the approval of the Director of the Office of Management and Budget (OMB) before: designating the Agency elements that will provide items or services under the Program; specifying what items or services will be included; specifying the total value of all orders or services to be provided under the Program in any given fiscal year; or expending amounts in the Central Services Program Working Capital Fund that are attributable to certain fees imposed and collected under the Program. The amendments in this Act provide that the DCI instead must notify the Director of OMB in advance of taking any of those actions (and leave unchanged all the existing requirements for notification of the Intelligence Committees). In the same vein, section 404 removes the provision empowering the Director of OMB to determine the form and content of the mandated annual CIA Inspector General audits of the Program. The statutory Inspector General of the Central Intelligence Agency may be relied on to ensure that a thorough and appropriate audit, consistent with applicable Government accounting and fiscal standards, is carried out.

Additionally, section 404 clarifies that the Central Services Program Working Capital Fund may retain and use receipts from utility and meal reimbursements from individuals and cash receipts from the rental of property and equipment to employees and detailees. This change would allow the Central Services Program Working Capital Fund to retain miscellaneous receipts that are paid directly to an enterprise by an individual, thereby properly offsetting costs incurred in the operation and maintenance of enterprise facilities where the Government incurs costs associated with those individuals. In addition, it fills a gap in current law that allows retention of rents paid for government-provided housing when that rent is collected by payroll deduction to also encompass rents collected from

individuals who are not Agency employees (and therefore not subject to payroll deduction). (5 U.S.C 5911(c)).

This section also extends the program until March 31, 2005 and allows the Central Intelligence Agency to invest money in excess of that received and retain the interest earned from those investments. The additional funds will be used to offset and reduce costs incurred by the consumer offices.

#### Section 405

The staffing and administration of CIA personnel at NRO has evolved over time as the NRO has evolved. This section would allow CIA to detail employees to NRO on a permanent basis, based on mission needs, in addition to sending employees on temporary details. This proposal will provide necessary flexibility in staffing NRO.

### TITLE V DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Section 501 provides new authority to the Secretary of Defense, or to Department officials delegated by the Secretary with this authority, to remedy problems that arise with respect to the installation of nuclear test explosion monitoring equipment as part of the International Monitoring System of the Comprehensive Nuclear Test Ban Treaty and as part of the United States Atomic Energy Detection System.

This provision would authorize the Department of Defense to accept funds, services and property from the international organization chartered to implement the International Monitoring System of the Comprehensive Nuclear Test Ban Treaty, in conjunction with the development, procurement, installation, operation and maintenance of nuclear test explosion monitoring equipment, and to expend such funds for nuclear test explosion monitoring purposes, without additional authority from the Congress. This authority would extend to equipment provided or conveyed pursuant to subsection (b) of the provision and equipment that is to remain the property of the United States, whether based within the United States or abroad. This authority would permit the Secretary to take full advantage of opportunities to receive contributions from an international organization for instance to be used for the installation, in whole or in part, of nuclear test explosion monitoring equipment that meets United States requirements. This would allow the Department to accept and expend funds, property,

and services, for these purposes, in addition to that authority contained in 10 USC 2608.

This provision would also authorize the Department of Defense, in order to satisfy United States Government requirements, to convey to a foreign government test monitoring equipment installed on the territory of that government. It is in the United States national security interest to ensure the proper operation and maintenance of the equipment. Conveyance of the title 10 to the equipment is sometimes necessary to obtain the full cooperation of the foreign government in this regard. The Secretary is required to include in an international agreement that the Department of Defense have continued access to the data and equipment.

The provision would authorize the use of appropriated funds to maintain and upgrade the equipment that has been provided or conveyed to a foreign government. In order to achieve the highest level of performance with respect to these instruments, they must be maintained to the highest standards. Moreover, to keep these instruments at the highest standards as technology evolves, they must be upgraded as required by the United States.

Section 502 amends section 431(a) of title 10 to continue indefinitely current Department of Defense authority to engage in commercial activities as security for intelligence collection activities. This authority currently expires on December 31, 2000.

Section 503 allows NIMA additional staffing flexibility to meet the exigencies of the United States Imagery and Geospatial Information System (USIGS). Appointments made under this section would not count against NIMA's allocation of DISES/DISL slots made by the Department of Defense. This authority would be administered within the NIMA budget and would have no positive or negative impact on future budget projections.

INTELLIGENCE AUTHORIZATION ACT  
FISCAL YEAR 2001

COST ANALYSIS

TITLE I  
INTELLIGENCE ACTIVITIES

SEC. 101. Fiscal year 2001 authorizations are contained in the classified Schedule of Authorizations.

SEC. 102. Cost analysis not applicable.

SEC. 103. Cost contingent on exercise of permissive authority.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

SEC. 104(a). The fiscal year 2001 authorization provided by this subsection is \$\_\_\_\_\_.

SEC. 104(b), (d), (e). Cost analysis not applicable.

SEC. 104(c). Classified portion of fiscal year 2001 authorization is contained in the classified Schedule of Authorizations.

TITLE II  
CENTRAL INTELLIGENCE AGENCY  
RETIREMENT AND DISABILITY SYSTEM

SEC. 201. The fiscal year 2001 authorization is \$\_\_\_\_\_.

TITLE III  
GENERAL PROVISIONS

SEC. 301. Cost analysis not applicable.

SEC. 302. Cost analysis not applicable.

SEC. 303. The exact cost impact will depend on the actual amounts appropriated (if any) and number of prosecutions initiated and/or awards paid.

SEC. 304. This section should result in no extra cost.

SEC. 305. No cost implications

SEC. 306. No cost implications.

SEC. 307. No cost implications.

SEC. 308. No cost implications.

SEC. 309. PLACEHOLDER

SEC. 308. No cost implications.

SEC. 309. No cost implications.

TITLE IV  
CENTRAL INTELLIGENCE AGENCY

SEC. 401. The proposed technical corrections have no cost implications for the US Government.

SEC. 402. The proposal is not expected to have any cost implications for the US Government.

SEC. 403. The exact cost impact will depend on the amounts appropriated (if any) for the categories of employees designated by the Director of Central Intelligence eligible to receive this reimbursement.

SEC. 404. This section should result in cost savings.

SEC. 405. The exact cost impact will depend on the amounts appropriated (if any) for the hiring and detail of employees to the NRO.

TITLE V

SEC. 501. No cost implications

SEC. 502. No cost implications.

SEC. 503. No cost implications.

INTELLIGENCE AUTHORIZATION ACT  
FISCAL YEAR 2001

CHANGES IN EXISTING LAW

NOTE: Where applicable, changes in existing law are shown as follows: existing law in which no change is proposed is shown in Roman; existing law proposed to be struck is struck through; and new material is underscored.

TITLE I -- INTELLIGENCE ACTIVITIES

Section 101: No substantive change.

Section 102: No substantive change.

Section 103: No substantive change.

Section 104: No substantive change.

TITLE II -- CENTRAL INTELLIGENCE AGENCY  
RETIREMENT AND DISABILITY SYSTEM

Section 201: No substantive change.

TITLE III -- GENERAL PROVISIONS

Section 301: No substantive change.

Section 302: No substantive change.

Section 303: Amends Chapter 37 of Title 18 - Espionage and Censorship - by adding the following new section 791:

"791. Unauthorized disclosures

(a) whoever, being an officer or employee of the United States, or a person with authorized access to classified information, or a former or retired officer or employee of the United States, willfully discloses, or attempts to disclose, any classified information to a person who is not an officer or employee of the United States and who is not authorized to receive it shall be fined not more than \$10,000, or imprisoned not more than three years, or both.

(b) As used in this section-

(i) the term "classified information" means information or material designated and clearly marked or represented, or that the person knows or has reason to believe has been determined by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

(ii) the term "officer or employee of the United States" means civil officers and employees (as defined in sections 2104 and 2105 of Title 5) and officers and enlisted members of the armed forces (as defined in section 1010 of Title 10); and

(iii) the term "authorized" means having authority or permission pursuant to the provisions of a statute, Executive Order, regulation or directive of the head of any department or agency who is empowered to classify information, order of any United States court, or provisions of any Rule of the House of Representatives or Resolution of the Senate which governs release of classified information by the respective House of Congress.

(c) Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to:

(i) any justice or judge of a court of the United States established pursuant to Article III of the Constitution of the United States; or

(ii) the Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

(d) Whoever provides information leading to the identification of an officer or employee, who disclosed or attempted to disclose classified information without authorization in violation of this section, that results in administrative, civil or criminal sanctions shall be awarded the sum of \$10,000."

(b) The table of contents of Chapter 37 of Title 18, United States Code is amended to include the following caption:

"791. Unauthorized disclosures".

Section 304:

For fiscal year 2001 and hereafter, whenever the Federal Bureau of Investigation participates in a cooperative project



with a friendly foreign country on a cost-sharing basis, any contributions received by the Federal Bureau of Investigation from that foreign country to meet its share of the project may be credited to appropriate appropriations available to the Federal Bureau of Investigation, as determined by the Director of the Federal Bureau of Investigation. The amount of a contribution credited to an appropriation account pursuant to this authority shall be available only for payment of the share of the project expenses allocated to the participating foreign country.

Section 305: Section 103(c) of the National Security Act of 1947 is amended to read:

(c) Head of the Intelligence Community.—In the Director's capacity as head of the intelligence community, the Director shall—

(1) facilitate the development of an annual budget for intelligence and intelligence-related activities of the United States by—

(A) developing and presenting to the President an annual budget for the National Foreign Intelligence Program; and

(B) participating in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;

(2) establish the requirements and priorities to govern the collection of national intelligence by elements of the intelligence community;

(3) approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;

(4) promote and evaluate the utility of national intelligence to consumers within the Government;

(5) eliminate waste and unnecessary duplication within the intelligence community;

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

(7) have the authority to assert the state secrets privilege over information revealing intelligence activities, or intelligence sources and methods, regardless of the intelligence community member conducting the activity or originating the information.

~~(7)~~ (8) perform such other functions as the President or the national Security Council may direct.

Section 306: Section 441D, Title 50 of the United States Code, is amended to read:

"This subchapter shall cease to be effective on ~~January 6, 2000~~ January 6, 2003."

Section 307: Section 721(a) of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293, 110 Stat. 3474) is amended to read:

"(a) ~~REPORTS. Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter~~ Not later than March 1, 2001, and every 12 months thereafter, the Director of Central Intelligence shall submit to Congress a report on-

(1) the acquisition by foreign countries during the preceding ~~6 months~~ calendar year of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries."

Section 308: Amends the National Security Act of 1947 (50 U.S.C. 401 et seq.) by adding the following at the end of the Act:

"Title X--Application of United States Law Implementing Certain International Legal Instruments to United States Government Activities.

SEC. 1001. Unless expressly provided to the contrary, no United States law enacted after the date of enactment of this section that implements a treaty or other international agreement shall be construed as making unlawful the otherwise lawful and authorized intelligence activities of the United States Government or its employees, or other persons acting at their direction to the extent such persons are carrying out such activities on behalf of the United States. Activities are lawful and authorized within the meaning of this section if they are authorized by appropriate officials of the United States Government, acting within the scope of their official duties and in compliance with other United States laws and any applicable presidential directives, and such authorization is reflected in the records of the appropriate department or agency."

Section 309: PLACEHOLDER

TITLE IV - CENTRAL INTELLIGENCE AGENCY

Section 401: 50 USC 403q(d)(1)(E) is struck as follows:

~~"a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit or investigation due to his lack of authority to subpoena such information, and"~~

50 U.S.C. 403q(e)(5)(B) is amended as follows:

"In the case of Government Federal agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoena."

50 U.S.C. 403q(e)(5)(E) is amended as follows and new section 403q(d)(1)(F) added:

~~"Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the Inspector General's exercise of authority under this paragraph during the preceding six months."~~

"section 403q(d)(1)(F)-a report on the Inspector General's exercise of his subpoena authority during the preceding six months."

Section 402:

During the current fiscal year and thereafter, funds appropriated for construction projects and land purchases of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

Section 403:

The Director of Central Intelligence may designate additional categories of qualified employees eligible for reimbursement for up to one-half of the cost of professional liability insurance, beyond those authorized in Public Law 104-208, note preceding 5 U.S.C. 5941.

Section 404: Amends section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) to read:

"(a) In General.—The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency, nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

(b) Participation of Agency elements.—(1) In order to carry out the program, the Director shall—

(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as "central service providers");

(B) specify the items or services to be provided under the program by such providers; and

(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program.

~~(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget. The Director shall notify the Director of the Office of Management and Budget in advance of the designation of elements and the specifications of items and services under paragraph (1).~~

(c) Central Services Working Capital Fund.—(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the "Fund"). The purpose of the Fund is to provide sums for activities under the program.

(2) There shall be deposited in the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

(C) Fees imposed and collected under subsection

(f) (1).

(D) Amounts received in payment for loss or damage to equipment or other property of a central service provider as a result of activities under the program.

(E) Other receipts from the sale or exchange of equipment or property of a central service provider as a result of activities under the program.

(F) Receipts from utility and meal reimbursements from individuals and cash receipts from the rental of property and equipment to employees and detailees.

~~(F)~~ (G) Such other amounts as the director is authorized to deposit in or transfer to the Fund.

(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

(A) To pay the costs of providing items or services under the program.

(B) To pay the costs of carrying out activities under subsection (f)(2).

(d) Limitation on Amount of Orders.—The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by in a notification provided by the Director of Central Intelligence to the Director of the Office of Management and Budget.

(e) Payment for Items and Services.—(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f). In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers' compensation), plant and equipment costs (including depreciation of plant and equipment), operation and maintenance expenses, amortized costs, and other expenses.

(2) Payment for items or services under paragraph 91) may take the form of an advanced payment by an agency from appropriations available to such agency for the procurement of such items or services.

(f) Fees.—(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

(2)(A) Subject to subparagraph (B), the Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of central service providers and any elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

(B) The Director may not expend amounts in the Fund for purposes specified in subparagraph (A) ~~in fiscal year 1998, 1999, or 2000 unless the Director—~~

~~(i) secures the prior approval of the Director of the Office of Management and Budget, and~~

~~(ii) submits notice of the proposed expenditure to the Permanent Select committee in Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. Unless the Director submits notice of the proposed expenditure to the Director of the Office of Management and Budget, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.~~

(g) Audit.—(1) Not later than December 31 each year, the Inspector General of the Central Intelligence Agency

shall conduct an audit of the activities under the program during the preceding fiscal year.

(2) ~~The Director of the Office of Management and Budget shall determine the form and content of annual audits under paragraph (1).~~ Such audits The annual audits under paragraph (1) shall include an itemized accounting of the items or services provided, the costs associated with the items or services provided, the payments and any fees received for the items or services provided, and the agencies provided items or services.

(3) Not later than 30 days after the completion of an audit under paragraph (1), the Inspector General shall submit a copy of the audit to the following:

- (A) The Director of the Office of Management and Budget.
- (B) The Director of Central Intelligence.
- (C) The Permanent Select Committee on Intelligence of the House of Representatives.
- (D) The Select Committee on Intelligence of the Senate.

(h) Termination.--(1) The authority of the Director to carry out the program under this section shall terminate on March 31, ~~2002~~ 2005.

(2) Subject to paragraph (3), the Director of Central Intelligence and the Director of the Office of Management and Budget, acting jointly--

(A) may terminate the program under this section and the Fund at any time; and

(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

(3) The Director of Central Intelligence and the Director of the Office of Management and Budget may not undertake any action under paragraph (2) until 60 days after the date on which the Directors jointly submit notice of such action to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(i) The Central Intelligence Agency may request the Secretary of the Treasury to invest excess moneys from the Agency's Working Capital Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the CIA Central Services Program Working Capital Fund as determined by the Director, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

Section 405 amends Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C 403f) as follows:

(a) In the performance of its functions, the Central Intelligence Agency is authorized to:

(1) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the functions or activities authorized under subparagraphs (B) and (C) of section 102(a)(2), subsections (c)(5) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), 403-3, 403-4, and 405), and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this Act without regard to limitations of appropriations from which transferred:

(2) Exchange funds without regard to section 3651 Revised Statutes (31 U.S.C. 543);

(3) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(4) The Director of Central Intelligence may detail personnel of the Central Intelligence Agency indefinitely to the National Reconnaissance Office without regard to any limitation on the duration of interagency details of Federal government personnel and may hire personnel for purpose of such details.

(5) +4) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices;

(6) +5) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor;

(7) +6) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe; and

(8) ~~(7)~~ Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years.

TITLE V  
DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Section 501:

(a) IN GENERAL. -Subchapter II of chapter 138, title 50, United States Code, is amended by adding at the end the following new section:

"§23501. Nuclear test monitoring equipment

(a) AUTHORITY TO ACCEPT FUNDING. - The Secretary of Defense, or a designee authorized in subsection (d), may accept funds, services and property from a foreign government, an international organization, or other entity, for development, procurement, installation, operation, including communications, repair and maintenance of nuclear weapons test explosion monitoring equipment for operation on U.S. territory, foreign soil, including Antarctica, or in foreign or international waters. Funds accepted under this section shall be placed in an account established by the Department for such purposes and shall be available to officials in the Department of Defense authorized by the Secretary of Defense, or a designee authorized in subsection (d), for contracts, grants, or other procurement instruments. Any funds placed in the account established under this subsection shall remain available until expended for the purposes specified in this subsection.

(b) AUTHORITY TO CONVEY MONITORING EQUIPMENT. - Subject to subsection (c), in order to satisfy U.S. monitoring requirements, the Secretary, or a designee authorized in subsection (d), may provide or convey to a foreign government or international organization, for nuclear weapons test explosion monitoring purposes, monitoring and associated equipment and may install such equipment on foreign territory or in international waters.

(c) CONDITIONS OF TRANSFER. - Any nuclear weapons test monitoring equipment provided or conveyed under the authority of subsection (b) shall be accompanied by an international agreement in which the recipient of the monitoring equipment agrees to provide the Secretary, or a designee, timely access to data produced, collected or generated by the equipment and access to the equipment for purposes of inspecting, testing, maintaining, repairing, or replacing the equipment. The Secretary, pursuant to such agreement, may take such measures as are necessary for the United States requirements to



inspect, test, maintain, repair, or replace the monitoring equipment.

(d) DELEGATION. - The Secretary may delegate the authority under subsections (a) and (b) to the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, & Logistics who may delegate it"; and

(b) CLERICAL AMENDMENT. - The table of sections for such subchapter II is amended by inserting after the item relating to section 2350k, the following new item:

"23501 Nuclear test monitoring and associated equipment".

Section 502: Amends Chapter 21 of Title 10 - Department of Defense Intelligence Matters - (10 U.S.C. 431) as follows:

Section 431. Authority to engage in commercial activities as security for intelligence collection activities.

(a) Authority.—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. ~~No commercial activity may be initiated pursuant to this subchapter after December 31, 2000.~~

Section 503: (a) Amends Chapter 22 of Title 10 by inserting after Section 444 the following new section:

Section 445. National Imagery and Mapping Agency Personnel Management Program for Intelligence Personnel.

The Director of the National Imagery and Mapping Agency may appoint up to 25 employees to positions as defined in sections 1606 or 1607 of Title 10, United States Code, and may prescribe the rates of basic pay for these employees at such rates as he determines necessary, notwithstanding any provision of Title 5 of the United States Code governing the rates of pay or classification of employees in the executive branch. Appointments made pursuant to this section shall be above and beyond any other allocation of DISES or DISL appointments made pursuant to sections 1606 or 1607 of Title 10, United States Code.

(b) The Table of Contents of Chapter 22 of Title 10, United States Code is amended to include the following caption after the item relating to section 444:

445. National Imagery and Mapping Agency Personnel  
Management Program For Intelligence Personnel.