

Calendar No. 543

104TH CONGRESS
2^D SESSION

S. 1718

[Report No. 104-337]

A BILL

To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

JULY 29, 1996

Reported with amendments

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IN THE SENATE OF THE UNITED STATES

APRIL 30, 1996

Mr. SPECTER, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

MAY 2, 1996

Referred to the Committee on Armed Services for a thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress, except that if the Committee fails to report the bill within the thirty-day limit, the Committee shall be automatically discharged from further consideration of the bill in accordance with that section

JUNE 6, 1996

Reported by Mr. THURMOND, with amendments; referred to the Committee on Governmental Affairs, for a thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress, to report or be discharged

[Omit the part struck through and insert the part printed in italic]

JULY 29, 1996

Reported by Mr. STEVENS, with amendments

[Omit the part in boldface brackets and insert the part in bold roman]

A BILL

To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Intelligence Authorization Act for Fiscal Year 1997”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Postponement of applicability of sanctions laws to intelligence activities.

Sec. 304. Post-employment restrictions.

Sec. 305. Executive branch oversight of budgets of elements of the intelligence community.

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

Sec. 401. Access to telephone records.

TITLE V—ECONOMIC ESPIONAGE

- Sec. 501. Short title.
 Sec. 502. Prevention of economic espionage and protection of proprietary economic information.

TITLE VI—COMBATTING PROLIFERATION

- Sec. 601. Short title.

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

- Sec. 611. Establishment of commission.
 Sec. 612. Duties of commission.
 Sec. 613. Powers of commission.
 Sec. 614. Commission personnel matters.
 Sec. 615. Termination of commission.
 Sec. 616. Definition.
 Sec. 617. Authorization of appropriations.

Subtitle B—Other Matters

- Sec. 621. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

- Sec. 701. Short title.
 Sec. 702. Committee on Foreign Intelligence.
 Sec. 703. Annual reports on intelligence.
 Sec. 704. Transnational threats.
 Sec. 705. Office of the Director of Central Intelligence.
 Sec. 706. National Intelligence Council.
 Sec. 707. Enhancement of authority of Director of Central Intelligence to manage budget, personnel, and activities of intelligence community.
~~Sec. 708. Reallocation of responsibilities of Director of Central Intelligence and Secretary of Defense for intelligence activities under National Foreign Intelligence Program.~~
 Sec. 708. *Responsibilities of Secretary of Defense pertaining to the National Foreign Intelligence Program.*
 Sec. 709. Improvement of intelligence collection.
 Sec. 710. Improvement of analysis and production of intelligence.
 Sec. 711. Improvement of administration of intelligence activities.
 Sec. 712. Pay level of Assistant Directors of Central Intelligence.
 Sec. 713. General Counsel of the Central Intelligence Agency.
 Sec. 714. Office of Congressional Affairs of ~~the Intelligence Community~~; *the Director of Central Intelligence.*
 Sec. 715. Assistance for law enforcement agencies by intelligence community.
 Sec. 716. Appointment and evaluation of officials responsible for intelligence-related activities.
~~Sec. 717. Intelligence Community Senior Executive Service.~~
~~Sec. 718.~~ 717. Requirements for submittal of budget information on intelligence activities.
~~Sec. 719.~~ 718. Terms of service for members of Select Committee on Intelligence of the Senate.
~~Sec. 720.~~ 719. Report on intelligence community policy on protecting the national information infrastructure against strategic attacks.

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

~~Sec. 801. Establishment.~~

~~Sec. 802. Effective date.~~

Sec. 801. National mission and collection tasking authority for the National Imagery and Mapping Agency.

1 **TITLE I—INTELLIGENCE**
2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 1997 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

8 (1) The Central Intelligence Agency.

9 (2) The Department of Defense.

10 (3) The Defense Intelligence Agency.

11 (4) The National Security Agency.

12 (5) The Department of the Army, the Depart-
13 ment of the Navy, and the Department of the Air
14 Force.

15 (6) The Department of State.

16 (7) The Department of Treasury.

17 (8) The Department of Energy.

18 (9) The Federal Bureau of Investigation.

19 (10) The Drug Enforcement Administration.

20 (11) The National Reconnaissance Office.

21 (12) The Central Imagery Office.

1 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

2 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
3 CEILINGS.—The amounts authorized to be appropriated
4 under section 101, and the authorized personnel ceilings
5 as of September 30, 1997, for the conduct of the intel-
6 ligence and intelligence-related activities of the elements
7 listed in such section, are those specified in the classified
8 Schedule of Authorizations prepared to accompany the
9 conference report on the bill of the One Hundred
10 Fourth Congress.

11 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
12 THORIZATIONS.—The Schedule of Authorizations shall be
13 made available to the Committees on Appropriations of
14 the Senate and House of Representatives and to the Presi-
15 dent. The President shall provide for suitable distribution
16 of the Schedule, or of appropriate portions of the Sched-
17 ule, within the executive branch.

18 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

19 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
20 proval of the Director of the Office of Management and
21 Budget, the Director of Central Intelligence may authorize
22 employment of civilian personnel in excess of the number
23 authorized for fiscal year 1997 under section 102 when
24 the Director of Central Intelligence determines that such
25 action is necessary to the performance of important intel-
26 ligence functions, except that the number of personnel em-

1 ployed in excess of the number authorized under such sec-
2 tion may not, for any element of the intelligence commu-
3 nity, exceed two percent of the number of civilian person-
4 nel authorized under such section for such element.

5 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
6 Director of Central Intelligence shall promptly notify the
7 Permanent Select Committee on Intelligence of the House
8 of Representatives and the Select Committee on Intel-
9 ligence of the Senate whenever he exercises the authority
10 granted by this section.

11 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

12 (a) AUTHORIZATIONS OF APPROPRIATIONS.—There
13 is authorized to be appropriated for the Community Man-
14 agement Account of the Director of Central Intelligence
15 for fiscal year 1997 the sum of \$95,526,000. Within such
16 amounts authorized, funds identified in the classified
17 Schedule of Authorizations referred to in section 102(a)
18 for the Advanced Research and Development Committee
19 and the Environmental Task Force shall remain available
20 until September 30, 1998.

21 (b) AUTHORIZED PERSONNEL LEVELS.—The staff of
22 the Community Management Account of the Director of
23 Central Intelligence is authorized 265 full-time personnel
24 as of September 30, 1997. Such personnel of the Commu-
25 nity Management Staff may be permanent employees of

1 the Community Management Staff or personnel detailed
2 from other elements of the United States Government.

3 (c) REIMBURSEMENT.—During fiscal year 1997, any
4 officer or employee of the United States or member of the
5 Armed Forces who is detailed to the staff of the Commu-
6 nity Management Account from another element of the
7 United States Government shall be detailed on a reimburs-
8 able basis, except that any such officer, employee, or mem-
9 ber may be detailed on a non-reimbursable basis for a pe-
10 riod of less than one year for the performance of tem-
11 porary functions as required by the Director of Central
12 Intelligence.

13 **TITLE II—CENTRAL INTEL-**
14 **LIGENCE AGENCY RETIRE-**
15 **MENT AND DISABILITY SYS-**
16 **TEM**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated for the
19 Central Intelligence Agency Retirement and Disability
20 Fund for fiscal year 1997 the sum of \$184,200,000.

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
4 **BENEFITS AUTHORIZED BY LAW.**

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

10 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
11 **ACTIVITIES.**

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

16 **SEC. 303. POSTPONEMENT OF APPLICABILITY OF SANC-**
17 **TIONS LAWS TO INTELLIGENCE ACTIVITIES.**

18 Section 905 of the National Security Act of 1947 (50
19 U.S.C. 441d) is amended by striking “the date which is
20 one year after the date of the enactment of this title” and
21 inserting “January 6, 1998”.

22 **SEC. 304. POST-EMPLOYMENT RESTRICTIONS.**

23 (a) **IN GENERAL.**—Not later than 90 days after the
24 date of enactment of this Act, the Director of Central In-
25 telligence shall prescribe regulations requiring each new

1 and current employee of the Central Intelligence Agency
2 to sign a written agreement restricting the activities of
3 that employee upon ceasing employment with the Central
4 Intelligence Agency.

5 (b) AGREEMENT ELEMENTS.—The regulations shall
6 provide that an agreement contain provisions specifying
7 that the employee concerned not represent or advise the
8 government, or any political party, of a foreign country
9 during the five-year period beginning on the termination
10 of the employee's employment with the Central Intel-
11 ligence Agency.

12 (c) DISCIPLINARY ACTIONS.—The regulations shall
13 specify appropriate disciplinary actions (including loss of
14 retirement benefits) to be taken against any employee de-
15 termined by the Director of Central Intelligence to have
16 violated the agreement of the employee under this section.

17 **SEC. 305. EXECUTIVE BRANCH OVERSIGHT OF BUDGETS OF**
18 **ELEMENTS OF THE INTELLIGENCE COMMU-**
19 **NITY.**

20 (a) REPORT.—Not later than 90 days after the date
21 of the enactment of this Act, the President shall submit
22 to the congressional intelligence committees a report set-
23 ting forth the actions that have been taken to ensure ade-
24 quate oversight by the executive branch of the budget of
25 the National Reconnaissance Office and the budgets of

1 other elements of the intelligence community within the
2 Department of Defense.

3 (b) REPORT ELEMENTS.—The report required by
4 subsection (a) shall—

5 (1) describe the extent to which the elements of
6 the intelligence community carrying out programs
7 and activities in the National Foreign Intelligence
8 Program are subject to requirements imposed on
9 other elements and components of the Department
10 of Defense under the Chief Financial Officers Act of
11 1990 (Public Law 101–576), and the amendments
12 made by that Act, and the Federal Financial Man-
13 agement Act of 1994 (title IV of Public Law 103–
14 356), and the amendments made by that Act;

15 (2) describe the extent to which such elements
16 submit to the Office of Management and Budget
17 budget justification materials and execution reports
18 similar to the budget justification materials and exe-
19 cution reports submitted to the Office of Manage-
20 ment and Budget by the non-intelligence components
21 of the Department of Defense;

22 (3) describe the extent to which the National
23 Reconnaissance Office submits to the Office of Man-
24 agement and Budget, the Community Management
25 Staff, and the Office of the Secretary of Defense—

1 (A) complete information on the cost,
2 schedule, performance, and requirements for
3 any new major acquisition before initiating the
4 acquisition;

5 (B) yearly reports (including baseline cost
6 and schedule information) on major acqui-
7 sitions;

8 (C) planned and actual expenditures in
9 connection with major acquisitions; and

10 (D) variances from any cost baselines for
11 major acquisitions (including explanations of
12 such variances); and

13 (4) assess the extent to which the National Re-
14 connaissance Office has submitted to Office of Man-
15 agement and Budget, the Community Management
16 Staff, and the Office of the Secretary of Defense on
17 a monthly basis a detailed budget execution report
18 similar to the budget execution report prepared for
19 Department of Defense programs.

20 (c) DEFINITIONS.—For purposes of this section:

21 (1) The term “congressional intelligence com-
22 mittees” shall mean the Select Committee on Intel-
23 ligence of the Senate and the Permanent Select
24 Committee on Intelligence of the House of Rep-
25 resentatives.

1 (2) The term “National Foreign Intelligence
2 Program” has the meaning given such term in sec-
3 tion 3(6) of the National Security Act of 1947 (50
4 U.S.C. 401a(6)).

5 **TITLE IV—FEDERAL BUREAU OF**
6 **INVESTIGATION**

7 **SEC. 401. ACCESS TO TELEPHONE RECORDS.**

8 (a) ACCESS FOR COUNTERINTELLIGENCE PUR-
9 POSES.—Section 2709(b)(1) of title 18, United States
10 Code, is amended by inserting “local and long distance”
11 before “toll billing records”.

12 (b) CONFORMING AMENDMENT.—Section
13 2703(c)(1)(C) of such title is amended by inserting “local
14 and long distance” after “address,”.

15 (c) CIVIL REMEDY.—Section 2707 of such title is
16 amended—

17 (1) in subsection (a), by striking “customer”
18 and inserting “other person”;

19 (2) in subsection (c), by adding at the end the
20 following: “If the violation is willful or intentional,
21 the court may assess punitive damages. In the case
22 of a successful action to enforce liability under this
23 section, the court may assess the costs of the action,
24 together with reasonable attorney fees determined by
25 the court.”;

1 (3) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively; and

3 (4) by inserting after subsection (c) the follow-
4 ing new subsection (d):

5 “(d) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a
6 court determines that any agency or department of the
7 United States has violated this chapter and the court finds
8 that the circumstances surrounding the violation raise the
9 question whether or not an officer or employee of the
10 agency or department acted willfully or intentionally with
11 respect to the violation, the agency or department con-
12 cerned shall promptly initiate a proceeding to determine
13 whether or not disciplinary action is warranted against the
14 officer or employee.”.

15 **TITLE V—ECONOMIC**
16 **ESPIONAGE**

17 **SEC. 501. SHORT TITLE.**

18 This title may be cited as the “Economic Espionage
19 Act of 1996”.

20 **SEC. 502. PREVENTION OF ECONOMIC ESPIONAGE AND**
21 **PROTECTION OF PROPRIETARY ECONOMIC**
22 **INFORMATION.**

23 (a) IN GENERAL.—Part I of title 18, United States
24 Code, is amended by inserting after chapter 27 the follow-
25 ing new chapter:

1 **“CHAPTER 28—ECONOMIC ESPIONAGE**

“Sec.

“571. Definitions.

“572. Economic espionage.

“573. Criminal forfeiture.

“574. Import and export sanctions.

“575. Scope of extraterritorial jurisdiction.

“576. Construction with other laws.

“577. Preservation of confidentiality.

“578. Law enforcement and intelligence activities.

2 **“§ 571. Definitions**

3 “For purposes of this chapter, the following defini-
4 tions shall apply:

5 “(1) FOREIGN AGENT.—The term ‘foreign
6 agent’ means any officer, employee, proxy, servant,
7 delegate, or representative of a foreign nation or
8 government.

9 “(2) FOREIGN INSTRUMENTALITY.—The term
10 ‘foreign instrumentality’ means any agency, bureau,
11 ministry, component, institution, association, or any
12 legal, commercial, or business organization, corpora-
13 tion, firm, or entity that is substantially owned, con-
14 trolled, sponsored, commanded, managed, or domi-
15 nated by a foreign government or any political sub-
16 division, instrumentality, or other authority thereof.

17 “(3) OWNER.—The term ‘owner’ means the
18 person or persons in whom, or the United States
19 Government component, department, or agency in
20 which, rightful legal, beneficial, or equitable title to,

1 or license in, proprietary economic information is re-
2 posed.

3 “(4) PROPRIETARY ECONOMIC INFORMATION.—

4 The term ‘proprietary economic information’ means
5 all forms and types of financial, business, scientific,
6 technical, economic, or engineering information (in-
7 cluding data, plans, tools, mechanisms, compounds,
8 formulas, designs, prototypes, processes, procedures,
9 programs, codes, or commercial strategies, whether
10 tangible or intangible, and whether stored, compiled,
11 or memorialized physically, electronically, graphi-
12 cally, photographically, or in writing), if—

13 “(A) the owner thereof has taken reason-
14 able measures to keep such information con-
15 fidential; and

16 “(B) the information derives independent
17 economic value, actual or potential, from not
18 being generally known to, and not being readily
19 ascertainable through proper means by, the
20 public.

21 “(5) UNITED STATES PERSON.—The term
22 ‘United States person’ means—

23 “(A) in the case of a natural person, a citi-
24 zen of the United States or a permanent resi-
25 dent alien of the United States; and

1 “(B) in the case of an organization (as
2 that term is defined in section 18 of this title),
3 an entity substantially owned or controlled by
4 citizens of the United States or permanent resi-
5 dent aliens of the United States, or incor-
6 porated in the United States.

7 **“§ 572. Economic espionage**

8 “(a) IN GENERAL.—Any person who, with knowledge
9 or reason to believe that he or she is acting on behalf of,
10 or with the intent to benefit, any foreign nation, govern-
11 ment, instrumentality, or agent, knowingly—

12 “(1) steals, wrongfully appropriates, takes, car-
13 ries away, or conceals, or by fraud, artifice, or de-
14 ception obtains proprietary economic information;

15 “(2) wrongfully copies, duplicates, sketches,
16 draws, photographs, downloads, uploads, alters, de-
17 stroys, photocopies, replicates, transmits, delivers,
18 sends, mails, communicates, or conveys proprietary
19 economic information;

20 “(3) being entrusted with, or having lawful pos-
21 session or control of, or access to, proprietary eco-
22 nomic information, wrongfully copies, duplicates,
23 sketches, draws, photographs, downloads, uploads,
24 alters, destroys, photocopies, replicates, transmits,

1 delivers, sends, mails, communicates, or conveys the
2 same;

3 “(4) receives, buys, or possesses proprietary
4 economic information, knowing the same to have
5 been stolen or wrongfully appropriated, obtained, or
6 converted;

7 “(5) attempts to commit any offense described
8 in any of paragraphs (1) through (4);

9 “(6) wrongfully solicits another to commit any
10 offense described in any of paragraphs (1) through
11 (4); or

12 “(7) conspires with one or more other persons
13 to commit any offense described in any of para-
14 graphs (1) through (4), and one or more of such
15 persons do any act to effect the object of the con-
16 spiracy,

17 shall, except as provided in subsection (b), be fined not
18 more than \$500,000 or imprisoned not more than 25
19 years, or both.

20 “(b) ORGANIZATIONS.—Any organization that com-
21 mits any offense described in subsection (a) shall be fined
22 not more than \$10,000,000.

23 “(c) EXCEPTION.—It shall not be a violation of this
24 section to disclose proprietary economic information in the
25 case of—

1 “(1) appropriate disclosures to Congress; or

2 “(2) disclosures to an authorized official of an
3 executive agency that are deemed essential to report-
4 ing a violation of United States law.

5 **“§ 573. Criminal forfeiture**

6 “(a) IN GENERAL.—Notwithstanding any provision
7 of State law to the contrary, any person convicted of a
8 violation under this chapter shall forfeit to the United
9 States—

10 “(1) any property constituting, or derived from,
11 any proceeds the person obtained, directly or indi-
12 rectly, as the result of such violation; and

13 “(2) any of the property of that person used, or
14 intended to be used, in any manner or part, to com-
15 mit or facilitate the commission of such violation.

16 “(b) COURT ACTION.—The court, in imposing sen-
17 tence on such person, shall order, in addition to any other
18 sentence imposed pursuant to this chapter, that the person
19 forfeit to the United States all property described in this
20 section.

21 “(c) APPLICABILITY OF OTHER LAW.—Property sub-
22 ject to forfeiture under this section, any seizure and dis-
23 position thereof, and any administrative or judicial pro-
24 ceeding in relation thereto, shall be governed by the provi-
25 sions of section 413 of the Comprehensive Drug Abuse

1 Prevention and Control Act of 1970 (21 U.S.C. 853),
2 other than subsection (d) of that section.

3 **“§ 574. Import and export sanctions**

4 “(a) ACTION BY THE PRESIDENT.—The President
5 may, to the extent consistent with international agree-
6 ments to which the United States is a party, prohibit, for
7 a period of not longer than 5 years, the importation into,
8 or exportation from, the United States, whether by car-
9 riage of tangible items or by transmission, any merchan-
10 dise produced, made, assembled, or manufactured by a
11 person convicted of any offense described in section 572
12 of this title, or in the case of an organization convicted
13 of any offense described in such section, its successor en-
14 tity or entities.

15 “(b) ACTION BY THE SECRETARY OF THE TREAS-
16 URY.—

17 “(1) CIVIL PENALTY.—The Secretary of the
18 Treasury may impose on any person who knowingly
19 violates any order of the President issued under the
20 authority of this section, a civil penalty equal to not
21 more than 5 times the value of the exports or im-
22 ports involved, or \$100,000, whichever is greater.

23 “(2) SEIZURE AND FORFEITURE.—Any mer-
24 chandise imported or exported in violation of an
25 order of the President issued under this section shall

1 be subject to seizure and forfeiture in accordance
2 with sections 602 through 619 of the Tariff Act of
3 1930.

4 “(3) APPLICABILITY OF OTHER PROVISIONS.—
5 The provisions of law relating to seizure, summary
6 and judicial forfeiture, and condemnation of prop-
7 erty for violation of the United States customs laws,
8 the disposition of such property or the proceeds from
9 the sale thereof, the remission or mitigation of such
10 forfeiture, and the compromise of claims, shall apply
11 to seizures and forfeitures incurred, or alleged to
12 have been incurred under this section to the extent
13 that they are applicable and not inconsistent with
14 the provisions of this chapter.

15 **“§ 575. Scope of extraterritorial jurisdiction**

16 “This chapter applies—

17 “(1) to conduct occurring within the United
18 States; and

19 “(2) to conduct occurring outside the United
20 States if—

21 “(A) the offender is a United States per-
22 son; or

23 “(B) the act in furtherance of the offense
24 was committed in the United States.

1 **“§ 576. Construction with other laws**

2 “This chapter shall not be construed to preempt or
3 displace any other remedies, whether civil or criminal, pro-
4 vided by Federal, State, commonwealth, possession, or ter-
5 ritorial laws that are applicable to the misappropriation
6 of proprietary economic information.

7 **“§ 577. Preservation of confidentiality**

8 “In any prosecution or other proceeding under this
9 chapter, the court shall enter such orders and take such
10 other action as may be necessary and appropriate to pre-
11 serve the confidentiality of proprietary economic informa-
12 tion, consistent with the requirements of the Federal
13 Rules of Criminal Procedure, the Federal Rules of Civil
14 Procedure, the Federal Rules of Evidence, and all other
15 applicable laws. An interlocutory appeal by the United
16 States shall lie from a decision or order of a district court
17 authorizing or directing the disclosure of proprietary eco-
18 nomic information.

19 **“§ 578. Law enforcement and intelligence activities**

20 “This chapter does not prohibit, and shall not impair,
21 any lawful activity conducted by a law enforcement or reg-
22 ulatory agency of the United States, a State, or a political
23 subdivision of a State, or an intelligence agency of the
24 United States.”.

25 (b) CLERICAL AMENDMENT.—The table of chapters
26 at the beginning of part I of title 18, United States Code,

1 is amended by inserting after the item relating to chapter
2 27 the following new item:

“**28. Economic espionage** **571**”.

3 (c) CONFORMING AMENDMENT.—Section 2516(1)(a)
4 of title 18, United States Code, is amended by inserting
5 “chapter 28 (relating to economic espionage),” after “or
6 under the following chapters of this title:”.

7 **TITLE VI—COMBATTING**
8 **PROLIFERATION**

9 **SEC. 601. SHORT TITLE.**

10 This title may be cited as the “Combatting Prolifera-
11 tion of Weapons of Mass Destruction Act of 1996”.

12 **Subtitle A—Assessment of Organi-**
13 **zation and Structure of Govern-**
14 **ment for Combatting Prolifera-**
15 **tion**

16 **SEC. 611. ESTABLISHMENT OF COMMISSION.**

17 (a) ESTABLISHMENT.—There is established a com-
18 mission to be known as the Commission to Assess the Or-
19 ganization of the Federal Government to Combat the Pro-
20 liferation of Weapons of Mass Destruction (in this subtitle
21 referred to as the “Commission”).

22 (b) MEMBERSHIP.—The Commission shall be com-
23 posed of eight members of whom—

24 (1) four shall be appointed by the President;

1 (2) one shall be appointed by the Majority
2 Leader of the Senate;

3 (3) one shall be appointed by the Minority
4 Leader of the Senate;

5 (4) one shall be appointed by the Speaker of
6 the House of Representatives; and

7 (5) one shall be appointed by the Minority
8 Leader of the House of Representatives.

9 **(c) QUALIFICATIONS OF MEMBERS.—(1) To**
10 **the maximum extent practicable, the individ-**
11 **uals appointed as members of the Commission**
12 **shall be individuals who are nationally recog-**
13 **nized for expertise regarding—**

14 **(A) the nonproliferation of weapons**
15 **of mass destruction;**

16 **(B) the efficient and effective imple-**
17 **mentation of United States nonprolifera-**
18 **tion policy; or**

19 **(C) the implementation, funding, or**
20 **oversight of the national security policies**
21 **of the United States.**

22 **(2) An official who appoints members of**
23 **the Commission may not appoint an individ-**
24 **ual as a member if, in the judgment of the offi-**
25 **cial, the individual possesses any personal or**

1 **financial interest in the discharge of any of**
 2 **the duties of the Commission.**

3 **[(c)] (d) PERIOD OF APPOINTMENT; VACANCIES.—**

4 Members shall be appointed for the life of the Commission.

5 Any vacancy in the Commission shall not affect its powers,

6 but shall be filled in the same manner as the original ap-

7 pointment.

8 **[(d)] (e) INITIAL MEETING.—**No later than 30 days

9 after the date on which all members of the Commission

10 have been appointed, the Commission shall hold its first

11 meeting.

12 **[(e)] (f) QUORUM.—**A majority of the members of

13 the Commission shall constitute a quorum, but a lesser

14 number of members may hold hearings.

15 **[(f)] (g) CHAIRMAN AND VICE CHAIRMAN.—**The

16 Commission shall select a Chairman and Vice Chairman

17 from among its members.

18 **[(g)] (h) MEETINGS.—**The Commission shall meet

19 at the call of the Chairman.

20 **SEC. 612. DUTIES OF COMMISSION.**

21 (a) **STUDY.—**

22 (1) **IN GENERAL.—**The Commission shall carry

23 out a thorough study of the organization of the Fed-

24 eral Government, including the elements of the intel-

1 intelligence community, with respect to combatting the
2 proliferation of weapons of mass destruction.

3 (2) SPECIFIC REQUIREMENTS.—In carrying out
4 the study, the Commission shall—

5 (A) assess the current structure and orga-
6 nization of the departments and agencies of the
7 Federal Government having responsibilities for
8 combatting the proliferation of weapons of mass
9 destruction; and

10 [(B) assess the effectiveness of the co-
11 operation between elements of the intelligence
12 community and the intelligence-gathering serv-
13 ices of foreign governments in addressing issues
14 relating to the proliferation of such weapons.]

15 **(B) assess the effectiveness of**
16 **United States cooperation with for-**
17 **oreign governments with respect to**
18 **nonproliferation activities, including**
19 **cooperation—**

20 **(i) between elements of the in-**
21 **telligence community and ele-**
22 **ments of the intelligence-gather-**
23 **ing services of foreign govern-**
24 **ments;**

1 (ii) between other depart-
2 ments and agencies of the Federal
3 Government and the counterparts
4 to such departments and agencies
5 in foreign governments; and

6 (iii) between the Federal Gov-
7 ernment and international orga-
8 nizations.

9 (3) ASSESSMENTS.—In making the as-
10 sessments under paragraph (2), the Com-
11 mission should address—

12 (A) the organization of the export
13 control activities (including licensing
14 and enforcement activities) of the
15 Federal Government relating to the
16 proliferation of weapons of mass de-
17 struction;

18 (B) arrangements for coordinat-
19 ing the funding of United States non-
20 proliferation activities;

21 (C) existing arrangements govern-
22 ing the flow of information among de-
23 partments and agencies of the Fed-
24 eral Government responsible for non-
25 proliferation activities;

1 **(D) the effectiveness of the orga-**
2 **nization and function of interagency**
3 **groups in ensuring implementation of**
4 **United States treaty obligations, laws,**
5 **and policies with respect to non-**
6 **proliferation;**

7 **(E) the administration of sanc-**
8 **tions for purposes of nonprolifera-**
9 **tion, including the measures taken by**
10 **departments and agencies of the Fed-**
11 **eral Government to implement, as-**
12 **sess, and enhance the effectiveness of**
13 **such sanctions;**

14 **(F) the organization, manage-**
15 **ment, and oversight of United States**
16 **counterproliferation activities;**

17 **(G) the recruitment, training, mo-**
18 **rale, expertise, retention, and ad-**
19 **vancement of Federal Government**
20 **personnel responsible for the non-**
21 **proliferation functions of the Federal**
22 **Government, including any problems**
23 **in such activities;**

24 **(H) the role in United States non-**
25 **proliferation activities of the Na-**

1 **tional Security Council, the Office of**
2 **Management and Budget, the Office**
3 **of Science and Technology Policy,**
4 **and other offices in the Executive Of-**
5 **ice of the President having respon-**
6 **sibilities for such activities;**

7 **(I) the organization of the activi-**
8 **ties of the Federal Government to**
9 **verify government-to-government as-**
10 **surances and commitments with re-**
11 **spect to nonproliferation, including**
12 **assurances regarding the future use**
13 **of commodities exported from the**
14 **United States; and**

15 **(J) the costs and benefits to the**
16 **United States of increased centraliza-**
17 **tion and of decreased centralization**
18 **in the administration of the non-**
19 **proliferation activities of the Federal**
20 **Government.**

21 (b) RECOMMENDATIONS.—In conducting the study,
22 the Commission shall develop recommendations on means
23 of improving the effectiveness of the organization of the
24 departments and agencies of the Federal Government in
25 meeting the national security interests of the United

1 States with respect to the proliferation of weapons of mass
2 destruction. Such recommendations shall include specific
3 recommendations to eliminate duplications of effort, and
4 other inefficiencies, in and among such departments and
5 agencies.

6 (c) REPORT.—(1) Not later than 18 months after the
7 date of the enactment of this Act, the Commission shall
8 submit to Congress a report containing a detailed state-
9 ment of the findings and conclusions of the Commission,
10 together with its recommendations for such legislation and
11 administrative actions as it considers appropriate.

12 **(2) The report shall be submitted in un-**
13 **classified form, but may include a classified**
14 **annex.**

15 **SEC. 613. POWERS OF COMMISSION.**

16 (a) HEARINGS.—The Commission may hold such
17 hearings, sit and act at such times and places, take such
18 testimony, and receive such evidence as the Commission
19 considers advisable to carry out the purposes of this sub-
20 title.

21 (b) INFORMATION FROM FEDERAL AGENCIES.—

22 (1) IN GENERAL.—The Commission may secure
23 directly from any Federal department or agency
24 such information as the Commission considers nec-
25 essary to carry out the provisions of this subtitle.

1 Upon request of the Chairman of the Commission,
2 the head of such department or agency shall furnish
3 such information to the Commission.

4 (2) CLASSIFIED INFORMATION.—A department
5 or agency may furnish the Commission classified in-
6 formation under this subsection. The Commission
7 shall take appropriate actions to safeguard classified
8 information furnished to the Commission under this
9 paragraph.

10 (c) POSTAL SERVICES.—The Commission may use
11 the United States mails in the same manner and under
12 the same conditions as other departments and agencies of
13 the Federal Government.

14 (d) GIFTS.—The Commission may accept, use, and
15 dispose of gifts or donations of services or property.

16 **SEC. 614. COMMISSION PERSONNEL MATTERS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairman of the Com-
13 mission may, without regard to the civil service laws
14 and regulations, appoint and terminate an executive
15 director and such other additional personnel as may
16 be necessary to enable the Commission to perform
17 its duties. The employment of an executive director
18 shall be subject to confirmation by the Commission.

19 (2) COMPENSATION.—The Chairman of the
20 Commission may fix the compensation of the execu-
21 tive director and other personnel without regard to
22 the provisions of chapter 51 and subchapter III of
23 chapter 53 of title 5, United States Code, relating
24 to classification of positions and General Schedule
25 pay rates, except that the rate of pay for the execu-

1 tive director and other personnel may not exceed the
2 rate payable for level V of the Executive Schedule
3 under section 5316 of such title.

4 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any
5 Federal Government employee may be detailed to the
6 Commission without reimbursement, and such detail shall
7 be without interruption or loss of civil service status or
8 privilege.

9 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
10 **TENT SERVICES.**—The Chairman of the Commission may
11 procure temporary and intermittent services under section
12 3109(b) of title 5, United States Code, at rates for individ-
13 uals which do not exceed the daily equivalent of the annual
14 rate of basic pay prescribed for level V of the Executive
15 Schedule under section 5316 of such title.

16 **SEC. 615. TERMINATION OF COMMISSION.**

17 The Commission shall terminate 60 days after the
18 date on which the Commission submits its report under
19 section 612(c).

20 **SEC. 616. DEFINITION.**

21 For purposes of this subtitle, the term “intelligence
22 community” shall have the meaning given such term in
23 section 3(4) of the National Security Act of 1947 (50
24 U.S.C. 401a(4)).

1 **SEC. 617. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated for the Commission for fiscal year 1997 such sums
4 as may be necessary for the Commission to carry out its
5 duties under this subtitle.

6 (b) AVAILABILITY.—Amounts appropriated pursuant
7 to the authorization of appropriations in subsection (a)
8 shall remain available for expenditure until the termi-
9 nation of the Commission under section 615.

10 **Subtitle B—Other Matters**

11 **SEC. 621. REPORTS ON ACQUISITION OF TECHNOLOGY RE-**
12 **LATING TO WEAPONS OF MASS DESTRUCTION**
13 **AND ADVANCED CONVENTIONAL MUNITIONS.**

14 (a) REPORTS.—Not later than 6 months after the
15 date of the enactment of this Act, and every 6 months
16 thereafter, the Director of Central Intelligence shall sub-
17 mit to Congress a report on—

18 (1) the acquisition by foreign countries during
19 the preceding 6 months of dual-use and other tech-
20 nology useful for the development or production of
21 weapons of mass destruction (including nuclear
22 weapons, chemical weapons, and biological weapons)
23 and advanced conventional munitions; and

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

1 (b) FORM OF REPORTS.—The reports submitted
2 under subsection (a) shall be submitted in unclassified
3 form, but may include a classified annex.

4 **TITLE VII—RENEWAL AND RE-**
5 **FORM OF INTELLIGENCE AC-**
6 **TIVITIES**

7 **SEC. 701. SHORT TITLE.**

8 This title may be cited as the “Intelligence Activities
9 Renewal and Reform Act of 1996”.

10 **SEC. 702. COMMITTEE ON FOREIGN INTELLIGENCE.**

11 Section 101 of the National Security Act of 1947 (50
12 U.S.C. 402) is amended—

13 (1) by redesignating subsection (h) as sub-
14 section (j); and

15 (2) by inserting after subsection (g) the follow-
16 ing new subsection (h):

17 “(h)(1) There is established within the National Se-
18 curity Council a committee to be known as the ‘Committee
19 on Foreign Intelligence’.

20 “(2) The Committee shall be composed of the follow-
21 ing:

22 “(A) The Director of Central Intelligence.

23 “(B) The Secretary of State.

24 “(C) The Secretary of Defense.

1 “(D) The Assistant to the President for Na-
2 tional Security Affairs, who shall serve as the chair-
3 person of the Committee.

4 “(E) Such other members as the President may
5 designate.

6 “(3) The function of the Committee shall be to assist
7 the Council in its activities by—

8 “(A) identifying the intelligence required to ad-
9 dress the national security interests of the United
10 States as specified by the President;

11 “(B) establishing priorities (including funding
12 priorities) among the programs, projects, and activi-
13 ties that address such interests and requirements;
14 and

15 “(C) establishing policies relating to the con-
16 duct of intelligence activities of the United States,
17 including appropriate roles and missions for the ele-
18 ments of the intelligence community and appropriate
19 targets of intelligence collection activities.

20 “(4) In carrying out its function, the Committee
21 shall—

22 “(A) conduct an annual review of the national
23 security interests of the United States;

24 “(B) identify on an annual basis, and at such
25 other times as the Council may require, the intel-

1 intelligence required to meet such interests and establish
2 an order of priority for the collection and analysis of
3 such intelligence; and

4 “(C) conduct an annual review of the elements
5 of the intelligence community in order to determine
6 the success of such elements in collecting, analyzing,
7 and disseminating the intelligence identified under
8 subparagraph (B).

9 “(5) The Committee shall submit each year to the
10 Council and to the Director of Central Intelligence a com-
11 prehensive report on its activities during the preceding
12 year, including its activities under paragraphs (3) and
13 (4).”.

14 **SEC. 703. ANNUAL REPORTS ON INTELLIGENCE.**

15 (a) IN GENERAL.—Section 109 of the National Secu-
16 rity Act of 1947 (50 U.S.C. 404d) is amended by striking
17 out subsections (a) and (b) and inserting in lieu thereof
18 the following new subsections:

19 “SEC. 109. (a) IN GENERAL.—(1) Not later than
20 January 31 each year, the President shall submit to the
21 appropriate congressional committees a report on the re-
22 quirements of the United States for intelligence and the
23 activities of the intelligence community.

24 “(2) The purpose of the report is to facilitate an as-
25 sessment of the activities of the intelligence community

1 during the preceding fiscal year and to assist in the devel-
2 opment of a mission and a budget for the intelligence com-
3 munity for the fiscal year beginning in the year in which
4 the report is submitted.

5 “(3) The report shall be submitted in unclassified
6 form, but may include a classified annex.

7 “(b) MATTERS COVERED.—(1) Each report under
8 subsection (a) shall—

9 “(A) specify the intelligence required to meet
10 the national security interests of the United States,
11 and set forth an order of priority for the collection
12 and analysis of intelligence required to meet such in-
13 terests, for the fiscal year beginning in the year in
14 which the report is submitted; and

15 “(B) evaluate the performance of the intel-
16 ligence community in collecting and analyzing intel-
17 ligence required to meet such interests during the
18 fiscal year ending in the year preceding the year in
19 which the report is submitted, including a descrip-
20 tion of the significant successes and significant fail-
21 ures of the intelligence community in such collection
22 and analysis during that fiscal year.

23 “(2) The report shall specify matters under para-
24 graph (1)(A) in sufficient detail to assist Congress in mak-

1 ing decisions with respect to the allocation of resources
2 for the matters specified.

3 “(c) DEFINITION.—In this section, the term ‘appro-
4 priate congressional committees’ means the following:

5 “(1) The Select Committee on Intelligence, the
6 Committee on Appropriations, and the Committee on
7 Armed Services of the Senate.

8 “(2) The Permanent Select Committee on Intel-
9 ligence, the Committee on Appropriations, and the
10 Committee on National Security of the House of
11 Representatives.”.

12 (b) CONFORMING AMENDMENTS.—(1) The section
13 heading of such section is amended to read as follows:

14 “ANNUAL REPORT ON INTELLIGENCE”.

15 (2) The table of contents in the first section of that
16 Act is amended by striking the item relating to section
17 109 and inserting the following new item:

“Sec. 109. Annual report on intelligence.”.

18 **SEC. 704. TRANSNATIONAL THREATS.**

19 Section 101 of the National Security Act of 1947 (50
20 U.S.C. 402) is amended by inserting after subsection (h),
21 as amended by section 702 of this Act, the following new
22 subsection:

23 “(i)(1) There is established within the National Secu-
24 rity Council a committee to be known as the ‘Committee
25 on Transnational Threats’.

1 “(2) The Committee shall include the following mem-
2 bers:

3 “(A) The Director of Central Intelligence.

4 “(B) The Secretary of State.

5 “(C) The Secretary of Defense.

6 “(D) The Attorney General.

7 “(E) The Assistant to the President for Na-
8 tional Security Affairs, who shall serve as the chair-
9 person of the Committee.

10 “(F) Such other members as the President may
11 designate.

12 “(3) The function of the Committee shall be to co-
13 ordinate and direct the activities of the United States Gov-
14 ernment relating to combatting transnational threats.

15 “(4) In carrying out its function, the Committee
16 shall—

17 “(A) identify transnational threats;

18 “(B) develop strategies to enable the United
19 States Government to respond to transnational
20 threats identified under subparagraph (A);

21 “(C) monitor implementation of such strategies;

22 “(D) make recommendations as to appropriate
23 responses to specific transnational threats;

1 “(E) assist in the resolution of operational and
2 policy differences among Federal departments and
3 agencies in their responses to transnational threats;

4 “(F) develop policies and procedures to ensure
5 the effective sharing of information about
6 transnational threats among Federal departments
7 and agencies, including law enforcement agencies
8 and the elements of the intelligence community; and

9 “(G) develop guidelines to enhance and improve
10 the coordination of activities of Federal law enforce-
11 ment agencies and elements of the intelligence com-
12 munity outside the United States with respect to
13 transnational threats.

14 “(5) For purposes of this subsection, the term
15 ‘transnational threat’ means the following:

16 “(A) Any transnational activity (including inter-
17 national terrorism, narcotics trafficking, the pro-
18 liferation of weapons of mass destruction and the de-
19 livery systems for such weapons, and organized
20 crime) that threatens the national security of the
21 United States.

22 “(B) Any individual or group that engages in
23 an activity referred to in subparagraph (A).”.

1 **SEC. 705. OFFICE OF THE DIRECTOR OF CENTRAL INTEL-**
2 **LIGENCE.**

3 (a) IN GENERAL.—Title I of The National Security
4 Act of 1947 (50 U.S.C. 402 et seq.) is amended—

5 (1) in section 102 (50 U.S.C. 403)—

6 (A) by striking the section heading and all
7 that follows through paragraph (1) of sub-
8 section (a) and inserting the following:

9 “OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE
10 “SEC. 102.”;

11 (B) by redesignating paragraph (2) of sub-
12 section (a) as subsection (a) and in such sub-
13 section (a), as so redesignated, by redesignating
14 subparagraphs (A), (B), and (C) as paragraphs
15 (1), (2), and (3), respectively; and

16 (C) by striking subsection (d) and insert-
17 ing the following:

18 “(d)(1) There is an Office of the Director of Central
19 Intelligence. The function of the Office is to assist the Di-
20 rector of Central Intelligence in carrying out the duties
21 and responsibilities of the Director under this Act and to
22 carry out such other duties as may be prescribed by law.

23 “(2) The Office of the Director of Central Intel-
24 ligence is composed of the following:

25 “(A) The Director of Central Intelligence.

1 “(B) The Deputy Director of Central Intel-
2 ligence.

3 “(C) The National Intelligence Council.

4 “(D) The Assistant Director of Central Intel-
5 ligence for Collection.

6 “(E) The Assistant Director of Central Intel-
7 ligence for Analysis and Production.

8 “(F) The Assistant Director of Central Intel-
9 ligence for Administration.

10 “(G) Such other offices and officials as may be
11 established by law or the Director of Central Intel-
12 ligence may establish or designate in the Office.

13 “(3) To assist the Director in fulfilling the respon-
14 sibilities of the Director as head of the intelligence commu-
15 nity, the Director shall employ and utilize in the Office
16 of the Director of Central Intelligence a professional staff
17 having an expertise in matters relating to such responsibil-
18 ities and may establish permanent positions and appro-
19 priate rates of pay with respect to that staff.”; and

20 (2) by inserting after section 102, as so amend-
21 ed, the following new section:

22 “CENTRAL INTELLIGENCE AGENCY

23 “SEC. 102A. There is a Central Intelligence Agency.
24 The function of the Agency shall be to assist the Director
25 of Central Intelligence in carrying out the responsibilities

1 referred to in paragraphs (1) through (4) of section
2 103(d) of this Act.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in the first section of that Act is amended by striking the
5 item relating to section 102 and inserting the following
6 new items:

“Sec. 102. Office of the Director of Central Intelligence.

“Sec. 102A. Central Intelligence Agency.”.

7 **SEC. 706. NATIONAL INTELLIGENCE COUNCIL.**

8 Section 103(b) of the National Security Act of 1947
9 (50 U.S.C. 403–3(b)) is amended—

10 (1) in paragraph (1)(B), by inserting “, or as
11 contractors of the Council or employees of such con-
12 tractors,” after “on the Council”;

13 (2) by redesignating paragraphs (4) and (5) as
14 paragraphs (5) and (6), respectively;

15 (3) by inserting after paragraph (3) the follow-
16 ing new paragraph (4):

17 “(4) Subject to the direction and control of the Direc-
18 tor of Central Intelligence, the Center may carry out its
19 responsibilities under this subsection by contract, includ-
20 ing contracts for substantive experts necessary to assist
21 the Center with particular assessments under this sub-
22 section.”; and

23 (4) in paragraph (5), as so redesignated, by
24 adding at the end the following: “The Center shall

1 also be readily accessible to policymaking officials
2 and other appropriate individuals not otherwise asso-
3 ciated with the intelligence community.”.

4 **SEC. 707. ENHANCEMENT OF AUTHORITY OF DIRECTOR OF**
5 **CENTRAL INTELLIGENCE TO MANAGE BUDG-**
6 **ET, PERSONNEL, AND ACTIVITIES OF INTEL-**
7 **LIGENCE COMMUNITY.**

8 (a) IN GENERAL.—Section 103(c) of the National Se-
9 curity Act of 1947 (50 U.S.C. 403–3(c)) is amended—
10 (1) by striking paragraph (1) and inserting the
11 following new paragraph (1):

12 “(1) facilitate the development of an annual
13 budget for intelligence and intelligence-related activi-
14 ties of the United States by—

15 “(A) developing and presenting to the
16 President an annual budget for the National
17 Foreign Intelligence Program; *and*

18 “(B) ~~concurring in the development by the~~
19 ~~Secretary of Defense of the annual budget for~~
20 ~~the Joint Military Intelligence Program; and~~

21 “(C) ~~consulting with the Secretary of De-~~
22 ~~fense in the development of the annual budget~~
23 ~~for the Tactical Intelligence and Related Activi-~~
24 ~~ties program;”;~~

1 “(B) participating in the development by
2 the Secretary of Defense of the annual budgets
3 for the Joint Military Intelligence Program and
4 the Tactical Intelligence and Related Activities
5 Program;”;

6 (2) by redesignating paragraphs (3) through
7 (6) as paragraphs (4) through (7), respectively; and
8 (3) by inserting after paragraph (2) the follow-
9 ing new paragraph (3):

10 ~~“(3) manage the national collection activities of~~
11 ~~the intelligence community in order to ensure that~~
12 ~~such activities, and the intelligence collected through~~
13 ~~such activities, meet the national security require-~~
14 ~~ments of the United States;”.~~

15 “(3) approve collection requirements, determine
16 collection priorities, and resolve conflicts in collection
17 priorities levied on national collection assets, except
18 as otherwise agreed with the Secretary of Defense pur-
19 suant to the direction of the President;”.

20 (b) USE OF FUNDS.—

21 (1) REPROGRAMMING.—Subsection (e) of such
22 section is amended by inserting “or under the Joint
23 Military Intelligence Program” after “the National
24 Foreign Intelligence Program”.

1 (2) TRANSFERS.—Subsection (d)(2)(E) of such
2 section is amended by striking “does not object to”
3 and inserting “is consulted by the Director before”.

4 (3) DIRECTION OF EXPENDITURES.—Such sec-
5 tion is further amended—

6 (A) by redesignating subsections (e), (f),
7 and (g) as subsections (f), (g), and (h), respec-
8 tively; and

9 (B) by inserting after subsection (d) the
10 following new subsection (e):

11 “(e) USE OF FUNDS.—The Director of Central Intel-
12 ligence shall, with the approval of the Director of the Of-
13 fice of Management and Budget and subject to applicable
14 provisions of law (including provisions of authorization
15 Acts and appropriations Acts), direct and oversee the allo-
16 cation, allotment, obligation, and expenditure of funds ap-
17 propriated or otherwise made available for the national in-
18 telligence programs, projects, and activities that are man-
19 aged by the Director of the Central Intelligence Agency,
20 the Director of the National Security Agency, the Director
21 of the National Reconnaissance Office, and the Director
22 of the National Imagery and Mapping Agency.”.

23 (b) USE OF FUNDS.—Section 104 of the National Se-
24 curity Act of 1947 (50 U.S.C. 403-4) is amended—

1 (1) by adding at the end of subsection (c) the fol-
 2 lowing: “The Secretary of Defense shall consult with
 3 the Director of Central Intelligence before reprogram-
 4 ming funds made available under the Joint Military
 5 Intelligence Program.”;

6 (2) by redesignating subsections (e), (f), and (g)
 7 as subsections (f), (g), and (h), respectively; and

8 (3) by inserting after subsection (d) the following
 9 new subsection (e):

10 “(e) *DATABASE AND BUDGET EXECUTION INFORMA-*
 11 *TION.—The Director of Central Intelligence and the Sec-*
 12 *retary of Defense shall jointly issue guidance for the devel-*
 13 *opment and implementation by the year 2000 of a database*
 14 *to provide timely and accurate information on the amounts*
 15 *and status of resources, including periodic budget execution*
 16 *updates, for national, defense-wide, and tactical intelligence*
 17 *activities.”.*

18 ~~(e) PERSONNEL, TRAINING, AND ADMINISTRATIVE~~
 19 ~~ACTIVITIES.—Subsection (g) of such section, as redesign-~~
 20 ~~ating by subsection (b)(3)(A) of this section, is amend-~~
 21 ~~ed—~~

22 (1) by striking “~~USE OF PERSONNEL.—~~” and
 23 inserting “~~PERSONNEL, TRAINING, AND ADMINIS-~~
 24 ~~TRATIVE FUNCTIONS.—~~”;

25 (2) in the matter preceding paragraph (1)—

1 (A) by striking “in coordination with” and
2 inserting “after consultation with”; and

3 (B) by inserting “national elements of”
4 after “policies and programs within”; and

5 (3) in paragraph (2), by striking “personnel,”
6 and all that follows through “programs” and insert-
7 ing “personnel programs, administrative programs,
8 training programs, and security programs and man-
9 agement activities”.

10 **SEC. 708. REALLOCATION OF RESPONSIBILITIES OF DIREC-**
11 **TOR OF CENTRAL INTELLIGENCE AND SEC-**
12 **RETARY OF DEFENSE FOR INTELLIGENCE AC-**
13 **TIVITIES UNDER NATIONAL FOREIGN INTEL-**
14 **LIGENCE PROGRAM.**

15 (a) CONSULTATION OF SECRETARY OF DEFENSE
16 WITH DCI REGARDING GENERAL RESPONSIBILITIES.—
17 Subsection (a) of section 105 of the National Security Act
18 of 1947 (50 U.S.C. 405–5) is amended—

19 (1) in the matter preceding paragraph (1), by
20 inserting “, in consultation with the Director of
21 Central Intelligence,” after “Secretary of Defense”;
22 and

23 (2) in paragraph (2), by striking “appropriate”.

1 (b) JOINT RESPONSIBILITY OF DCI AND SECRETARY
2 OF DEFENSE FOR PERFORMANCE OF CERTAIN SPECIFIC
3 FUNCTIONS.—Subsection (b) of that section is amended—

4 (1) by striking “RESPONSIBILITY” and insert-
5 ing “JOINT RESPONSIBILITY OF THE DCI AND THE
6 SECRETARY OF DEFENSE”;

7 (2) in the matter preceding paragraph (1), by
8 striking “Consistent with sections 103 and 104 of
9 this Act,” and inserting “The Director of Central
10 Intelligence and”;

11 (3) in paragraph (2)—

12 (A) by striking “within the Department of
13 Defense”; and

14 (B) by adding “and” after the semicolon
15 at the end; and

16 (4) by striking the semicolon at the end of
17 paragraph (3) and inserting a period.

18 (c) RESPONSIBILITY OF SECRETARY OF DEFENSE
19 FOR PERFORMANCE OF OTHER SPECIFIC FUNCTIONS.—
20 Such section is further amended—

21 (1) by redesignating subsection (e) as sub-
22 section (d);

23 (2) by inserting after paragraph (3) of sub-
24 section (b) the following:

1 “(e) RESPONSIBILITY OF SECRETARY OF DEFENSE
2 FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Con-
3 sistent with section 103 and 104 of this Act, the Secretary
4 of Defense, in consultation with the Director of Central
5 Intelligence, shall—”;

6 (3) by redesignating paragraphs (4), (5), and
7 (6) as paragraphs (1), (2), and (3), respectively, of
8 subsection (e), as added by paragraph (2) of this
9 subsection; and

10 (4) in paragraph (2), as redesignated by para-
11 graph (3) of this subsection, by inserting “(other
12 than clandestine collection)” before “human intel-
13 ligence activities”.

14 (d) CONFORMING AMENDMENTS.—(1) The section
15 heading of that section is amended to read as follows:

16 “RESPONSIBILITIES OF SECRETARY OF DEFENSE AND DI-
17 RECTOR OF CENTRAL INTELLIGENCE PERTAINING
18 TO NATIONAL FOREIGN INTELLIGENCE PROGRAM”.

19 (2) The table of contents in the first section of that
20 Act is amended by striking the item relating to section
21 105 and inserting the following new item:

“Sec. 105. Responsibilities of Secretary of Defense and Director of Central In-
telligence pertaining to National Foreign Intelligence Pro-
gram.”.

1 **SEC. 708. RESPONSIBILITIES OF SECRETARY OF DEFENSE**
2 **PERTAINING TO THE NATIONAL FOREIGN IN-**
3 **TELLIGENCE PROGRAM.**

4 *Section 105 of the National Security Act of 1947 (50*
5 *U.S.C. 403-5) is amended—*

6 *(1) in subsection (a), by inserting “, in consulta-*
7 *tion with the Director of Central Intelligence,” after*
8 *“Secretary of Defense” in the matter preceding para-*
9 *graph (1); and*

10 *(2) by adding at the end the following:*

11 *“(d) ANNUAL EVALUATION OF THE DIRECTOR OF*
12 *CENTRAL INTELLIGENCE.—The Director of Central Intel-*
13 *ligence, in consultation with the Secretary of Defense and*
14 *the Chairman of the Joint Chiefs of Staff, shall submit each*
15 *year to the Committee on Foreign Intelligence of the Na-*
16 *tional Security Council and the appropriate congressional*
17 *committees (as defined in section 109(c)) an evaluation of*
18 *the performance and the responsiveness of the National Se-*
19 *curity Agency, the National Reconnaissance Office, and the*
20 *National Imagery and Mapping Agency in meeting their*
21 *national missions.”.*

22 **SEC. 709. IMPROVEMENT OF INTELLIGENCE COLLECTION.**

23 (a) ASSISTANT DIRECTOR OF CENTRAL INTEL-
24 LIGENCE FOR COLLECTION.—Section 102 of the National
25 Security Act of 1947, as amended by section 705(a)(1)
26 of this Act, is amended by adding at the end the following:

1 “(e)(1) To assist the Director of Central Intelligence
2 in carrying out the Director’s responsibilities under this
3 Act, there shall be an Assistant Director of Central Intel-
4 ligence for Collection, who shall be appointed by the Presi-
5 dent, by and with the advice and consent of the Senate.

6 “(2)(A) If neither the Director of Central Intelligence
7 nor the Deputy Director of Central Intelligence is a com-
8 missioned officer of the Armed Forces at the time of the
9 nomination of an individual to the position of Assistant
10 Director of Central Intelligence for Collection, the Presi-
11 dent shall nominate an individual for that position from
12 among the commissioned officers of the Armed Forces who
13 have substantial experience in managing intelligence ac-
14 tivities.

15 “(B) The provisions of subsection (c)(3) shall apply
16 to any commissioned officer of the Armed Forces while
17 serving in the position of Assistant Director for Collection.

18 “(3) The Assistant Director for Collection shall man-
19 age the collection of national intelligence by the intel-
20 ligence community in order to ensure the efficient and ef-
21 fective collection of national intelligence that is identified
22 for collection by the Assistant Director of Central Intel-
23 ligence for Analysis and ~~Production~~. *Production*.”.

1 “(4) In carrying out the responsibility set forth in
2 paragraph (3), the Assistant Director for Collection
3 shall—

4 “(A) provide guidance and direction for, and
5 concur in, the procurement and operation of systems
6 necessary for the collection of national intelligence;
7 and

8 “(B) assist the Director of Central Intelligence
9 in the formulation of plans and budgets for national
10 intelligence collection activities.”

11 (b) CONSOLIDATION OF HUMAN INTELLIGENCE COL-
12 LECTION ACTIVITIES.—Not later than 90 days after the
13 date of the enactment of this Act, the Director of Central
14 Intelligence shall enter into an agreement with the Sec-
15 retary of Defense to transfer from the Secretary to the
16 Director the responsibilities and authorities of the Sec-
17 retary for the collection of clandestine intelligence from
18 human sources currently conducted by the Defense
19 Human Intelligence Service within the Department of De-
20 fense *and the Deputy Secretary of Defense shall jointly sub-*
21 *mit to the Committee on Armed Services and the Select*
22 *Committee on Intelligence of the Senate and the National*
23 *Security Committee and Permanent Select Committee on*
24 *Intelligence of the House of Representatives a report on the*
25 *ongoing efforts of those officials to achieve commonality,*

1 *interoperability, and, where practicable, consolidation of*
2 *the collection of clandestine intelligence from human sources*
3 *conducted by the Defense Human Intelligence Service of the*
4 *Department of Defense and the Directorate of Operations*
5 *of the Central Intelligence Agency.*

6 **SEC. 710. IMPROVEMENT OF ANALYSIS AND PRODUCTION**
7 **OF INTELLIGENCE.**

8 Section 102 of the National Security Act of 1947,
9 as amended by section 709(a) of this Act, is further
10 amended by adding at the end the following:

11 “(f)(1) To assist the Director of Central Intelligence
12 in carrying out the Director’s responsibilities under this
13 Act, there shall be an Assistant Director of Central Intel-
14 ligence for Analysis and Production, who shall be ap-
15 pointed by the President, by and with the advice and con-
16 sent of the Senate.

17 “(2) The Assistant Director for Analysis and Produc-
18 tion shall—

19 “(A) oversee the analysis and production of in-
20 telligence by the elements of the intelligence commu-
21 nity;

22 “(B) establish standards and priorities relating
23 to such analysis and production;

24 “(C) monitor the allocation of resources for the
25 analysis and production of intelligence in order to

1 identify unnecessary duplication in the analysis and
2 production of intelligence;

3 “(D) identify intelligence to be collected for
4 purposes of the Assistant Director of Central Intel-
5 ligence for Collection; and

6 “(E) provide such additional analysis and pro-
7 duction of intelligence as the President and the Na-
8 tional Security Council may require.”.

9 **SEC. 711. IMPROVEMENT OF ADMINISTRATION OF INTEL-**
10 **LIGENCE ACTIVITIES.**

11 Section 102 of the National Security Act of 1947,
12 as amended by section 710 of this Act, is further amended
13 by adding at the end the following:

14 “(g)(1) To assist the Director of Central Intelligence
15 in carrying out the Director’s responsibilities under this
16 Act, there shall be an Assistant Director of Central Intel-
17 ligence for Administration, who shall be appointed by the
18 President, by and with the advice and consent of the Sen-
19 ate.

20 “(2) The Assistant Director for Administration shall
21 manage such activities relating to the administration of
22 the intelligence community as the Director of Central In-
23 telligence shall require, ~~including management of civilian~~
24 ~~personnel (including recruitment, security investigations,~~
25 ~~processing, and training of such personnel), information~~

1 systems, telecommunications systems, finance and ac-
2 counting services, and security services, and procurement
3 of supplies and support services.”.

4 **SEC. 712. PAY LEVEL OF ASSISTANT DIRECTORS OF**
5 **CENTRAL INTELLIGENCE.**

6 Section 5315 of title 5, United States Code, is
7 amended by adding at the end the following:

8 “Assistant Directors of Central Intelligence
9 (3).”.

10 **SEC. 713. GENERAL COUNSEL OF THE CENTRAL INTEL-**
11 **LIGENCE AGENCY.**

12 (a) ESTABLISHMENT OF POSITION.—The Central In-
13 telligence Agency Act of 1949 (50 U.S.C. 403a et seq.)
14 is amended by adding at the end the following:

15 “GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE
16 AGENCY

17 “SEC. 20. (a) There is a General Counsel of the
18 Central Intelligence Agency, appointed from civilian life
19 by the President, by and with the advice and consent of
20 the Senate.

21 “(b) The General Counsel is the chief legal officer
22 of the Central Intelligence Agency.

23 “(c) The General Counsel of the Central Intelligence
24 Agency shall perform such functions as the Director of
25 Central Intelligence may prescribe.”.

1 (b) EXECUTIVE SCHEDULE IV PAY LEVEL.—Section
 2 5315 of title 5, United States Code, as amended by section
 3 712 of this Act, is further amended by adding at the end
 4 the following:

5 “General Counsel of the Central Intelligence
 6 Agency.”.

7 **SEC. 714. OFFICE OF CONGRESSIONAL AFFAIRS OF THE IN-**
 8 **TELLIGENCE COMMUNITY. THE DIRECTOR OF**
 9 **CENTRAL INTELLIGENCE.**

10 Section 102 of the National Security Act of 1947,
 11 as amended by section 711 of this Act, is further amended
 12 by adding at the end the following:

13 “(h)(1) There is hereby established the Office of Con-
 14 gressional Affairs of ~~the Intelligence Community.~~ *the Di-*
 15 *rector of Central Intelligence.*

16 “(2)(A) The Office shall be headed by the Director
 17 of the Office of Congressional Affairs of ~~the Intelligence~~
 18 ~~Community.~~ *the Director of Central Intelligence.*

19 “(B) The Director of Central Intelligence may des-
 20 ignate the Director of the Office of Congressional Affairs
 21 of the Central Intelligence Agency to serve as the Director
 22 of the Office of Congressional Affairs of ~~the Intelligence~~
 23 ~~Community.~~ *the Director of Central Intelligence.*

24 “(3) The Director shall coordinate the congressional
 25 affairs activities of the elements of the intelligence commu-

1 nity and have such additional responsibilities as the Direc-
2 tor of Central Intelligence may prescribe.

3 “(4) Nothing in the subsection may be construed to
4 preclude the elements of the intelligence community from
5 responding directly to requests from Congress.”.

6 **SEC. 715. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES**
7 **BY INTELLIGENCE COMMUNITY.**

8 (a) IN GENERAL.—Title I of the National Security
9 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-
10 ing after section 105 the following new section:

11 “ASSISTANCE TO UNITED STATES LAW ENFORCEMENT
12 AGENCIES

13 “SEC. 105A. (a) AUTHORITY TO PROVIDE ASSIST-
14 ANCE.—~~Notwithstanding any other provision of law~~ *Sub-*
15 *ject to subsection (b)*, elements of the intelligence commu-
16 nity may, upon the request of a United States law enforce-
17 ment agency, collect information outside the United States
18 about individuals who are not United States persons. Such
19 elements may collect such information notwithstanding
20 that the law enforcement agency intends to use the infor-
21 mation collected for purposes of a law enforcement inves-
22 tigation or counterintelligence investigation.

23 “(b) *LIMITATION ON ASSISTANCE BY ELEMENTS OF*
24 *DEPARTMENT OF DEFENSE.—(1) With respect to elements*
25 *within the Department of Defense, the authority in sub-*
26 *section (a) applies only to the National Security Agency,*

1 *the National Reconnaissance Office, and the National Im-*
2 *agery and Mapping Agency.*

3 “(2) Assistance provided under this section by elements
4 of the Department of Defense may not include the direct
5 participation of a member of the Army, Navy, Air Force,
6 or Marine Corps in an arrest or similar activity.

7 “(3) Assistance may not be provided under this section
8 by an element of the Department of Defense if the provision
9 of such assistance will adversely affect the military pre-
10 paredness of the United States.

11 “(4) The Secretary of Defense shall prescribe regula-
12 tions governing the exercise of authority under this section
13 by elements of the Department of Defense, including regula-
14 tions relating to the protection of sources and methods in
15 the exercise of such authority.

16 “~~(b)~~ (c) DEFINITIONS.—For purposes of subsection
17 (a):

18 “(1) The term ‘United States law enforcement
19 agency’ means any department or agency of the
20 Federal Government that the Attorney General des-
21 ignates as law enforcement agency for purposes of
22 this section.

23 “(2) The term ‘United States person’ means
24 the following:

25 “(A) A United States citizen.

1 shall obtain the concurrence of the Director of Central In-
2 telligence before ~~appointing an individual to fill the va-~~
3 ~~caney.~~ *recommending to the President an individual for ap-*
4 *pointment to the position. If the Director does not concur*
5 *in the recommendation, the Secretary may make the rec-*
6 *ommendation to the President without the Director's con-*
7 *currence, but shall include in the recommendation a state-*
8 *ment that the Director does not concur in the recommenda-*
9 *tion.*

10 “(2) Paragraph (1) applies to the following positions:

11 “(A) The Director of the National Security
12 Agency.

13 “(B) The Director of the National Reconnaissance
14 Office.

15 “(b) CONSULTATION WITH DCI IN CERTAIN AP-
16 POINTMENTS.—(1) In the event of a vacancy in a position
17 referred to in paragraph (2), the head of the department
18 or agency having jurisdiction over the position shall con-
19 sult with the Director of Central Intelligence before ap-
20 pointing an individual to fill the vacancy or recommending
21 to the President an individual to be nominated to fill the
22 vacancy.

23 “(2) Paragraph (1) applies to the following positions:

24 “(A) The Director of the Defense Intelligence
25 Agency.

1 “(B) The Assistant Secretary of State for Intel-
2 ligence and Research.

3 “(C) The Director of the Office of Non-
4 proliferation and National Security of the Depart-
5 ment of Energy.

6 “(D) The Assistant Director, National Security
7 Division of the Federal Bureau of ~~Investigation~~. *In-*
8 *vestigation.*”.

9 “~~(e) PERFORMANCE EVALUATIONS.—The Director of~~
10 ~~Central Intelligence shall provide annually to the Sec-~~
11 ~~retary of Defense an evaluation of the performance of the~~
12 ~~individuals holding the positions referred to in subpara-~~
13 ~~graphs (A) and (B) of subsection (a)(2), and of the indi-~~
14 ~~vidual holding the position of Director of the National Im-~~
15 ~~agery and Mapping Agency, in fulfilling their respective~~
16 ~~responsibilities with regard to the National Foreign Intel-~~
17 ~~ligence Program.~~”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in the first section of that Act is amended by striking the
20 item relating to section 106 and inserting in lieu thereof
21 the following new item:

 “Sec. 106. Appointment and evaluation of officials responsible for intelligence-
 related activities.”.

1 **SEC. 717. INTELLIGENCE COMMUNITY SENIOR EXECUTIVE**
2 **SERVICE.**

3 (a) IN GENERAL.—(1) Title I of the National Secu-
4 rity Act of 1947 (50 U.S.C. 402 et seq.) is amended by
5 adding at the end the following:

6 “INTELLIGENCE COMMUNITY SENIOR EXECUTIVE
7 SERVICE

8 “SEC. 110. (a) ESTABLISHMENT.—(1) The Director
9 of Central Intelligence shall by regulation establish a per-
10 sonnel system for senior civilian personnel within the intel-
11 ligence community to be known as the Intelligence Com-
12 munity Senior Executive Service.

13 “(2) The Intelligence Community Senior Executive
14 Service shall include personnel within the following agen-
15 cies:

16 “(A) The Central Intelligence Agency.

17 “(B) The National Security Agency.

18 “(C) The Defense Intelligence Agency.

19 “(D) The National Imagery and Mapping
20 Agency.

21 “(E) The National Reconnaissance Office.

22 “(F) Any other office of the Department of De-
23 fense the civilian employees of which are subject to
24 section 1590 of title 10, United States Code, as of
25 the effective date of the regulations prescribed under
26 this section.

1 “(3) The Director of Central Intelligence shall pre-
2 scribe the regulations required under this section in con-
3 sultation with the Department of Defense.

4 “(b) REQUIREMENTS.—The regulations prescribed
5 under this section shall, to the extent not inconsistent with
6 the authorities of the Director of Central Intelligence—

7 “(1) meet the requirements set forth in section
8 3131 of title 5, United States Code, for the Senior
9 Executive Service;

10 “(2) provide rates of pay for the Intelligence
11 Community Senior Executive Service that are not in
12 excess of the maximum rate or less than the mini-
13 mum rate of basic pay established for the Senior Ex-
14 ecutive Service under section 5382 of title 5, United
15 States Code, and that are adjusted at the same time
16 and to the same extent as rates of basic pay for the
17 Senior Executive Service are adjusted;

18 “(3) provide a performance appraisal system for
19 the Intelligence Community Senior Executive Service
20 that conforms to the provisions of subchapter II of
21 chapter 43 of title 5, United States Code;

22 “(4) provide for—

23 “(A) removal or suspension from the Intel-
24 ligence Community Senior Executive Service;

25 “(B) reduction-in-force procedures;

1 “(C) procedures in accordance with which
2 any furlough affecting the Intelligence Commu-
3 nity Senior Executive Service shall be carried
4 out;

5 “(D) procedures setting forth due process
6 rights to which members of the Intelligence
7 Community Senior Executive Service are enti-
8 tled in cases of removal or suspension; and

9 “(E) procedures for periodic recertifi-
10 cation;

11 “(5) permit the payment of performance awards
12 to members of the Intelligence Community Senior
13 Executive Service; and

14 “(6) provide that members of the Intelligence
15 Community Senior Executive Service may be grant-
16 ed sabbatical leaves.

17 “(e) LIMITATIONS.—(1) Except as provided in sub-
18 section (b), the Director of Central Intelligence—

19 “(A) may make applicable to the Intelligence
20 Community Senior Executive Service any of the pro-
21 visions of title 5, United States Code, applicable to
22 applicants for or members of the Senior Executive
23 Service; and

24 “(B) shall delegate to the heads of the agencies
25 referred to in subparagraphs (B) through (E) of

1 subsection (a)(2) the authority to appoint, promote,
2 and assign individuals to Intelligence Community
3 Senior Executive Service positions within their re-
4 spective agencies without regard to the provisions of
5 title 5, United States Code, governing appointments
6 and other personnel actions in the competitive serv-
7 ice, provided that such actions shall be subject to the
8 approval of the Director of Central Intelligence in
9 accordance with the regulations prescribed under
10 this section.

11 “(2) Members of the Intelligence Community Senior
12 Executive Service shall be subject to the limitations of sec-
13 tion 5307 of title 5, United States Code.

14 “(3) Notwithstanding any other provision of title 5,
15 United States Code, any individual who is a member of
16 the Senior Executive Service or an equivalent personnel
17 system at the Central Intelligence Agency or at an agency
18 referred to in subparagraphs (B) through (E) of sub-
19 section (a)(2) at the time of the effective date of the regu-
20 lations prescribed under this section shall be a member
21 of the Intelligence Community Senior Executive Service.

22 “(4) Upon the establishment of the Intelligence Com-
23 munity Senior Executive Service under this section, no in-
24 dividual may be selected for membership in the service un-
25 less such individual has served at least one assignment

1 outside his or her employing agency. An assignment to the
2 Office of the Director of Central Intelligence shall be
3 treated as an assignment outside an individual's employ-
4 ing agency (including an individual employed by the
5 Central Intelligence Agency) for purposes of this subpara-
6 graph.

7 “(d) AWARD OF RANKS TO MEMBERS OF SERVICE.—
8 The President, based upon the recommendations of the
9 Director of Central Intelligence, may award ranks to mem-
10 bers of the Intelligence Community Senior Executive Serv-
11 ice in a manner consistent with section 4507 of title 5,
12 United States Code.

13 “(e) DETAIL AND ASSIGNMENT OF MEMBERS.—(1)
14 Notwithstanding any other provision of law, the Director
15 of Central Intelligence—

16 “(A) may, after consultation with the head of
17 the agency affected, detail or assign any member of
18 the Intelligence Community Senior Executive Service
19 to serve in any position in the intelligence commu-
20 nity; or

21 “(B) may, with the concurrence of the head of
22 the agency affected, detail or assign any member of
23 the service to serve in any position in another Gov-
24 ernment agency or outside the Federal Government.

1 “(2) A member of the Intelligence Community Senior
2 Executive Service may be detailed or assigned under para-
3 graph (1) only if such detail or assignment is for the bene-
4 fit of the intelligence community.

5 “(3) A member shall not by reason of such detail or
6 assignment lose any entitlement or status associated with
7 membership in the Intelligence Community Senior Execu-
8 tive Service.

9 “(f) ANNUAL REPORT.—The Director of Central In-
10 telligence shall submit to Congress each year, at the time
11 the budget is submitted by the President for the next fiscal
12 year, a report on the Intelligence Community Senior Exec-
13 utive Service. The report shall include, in the aggregate
14 and by agency—

15 “(1) the number of Intelligence Community
16 Senior Executive Service positions established as of
17 the end of the preceding fiscal year;

18 “(2) the number of individuals being paid at
19 each rate of basic pay for the Intelligence Commu-
20 nity Senior Executive Service as of the end of the
21 preceding fiscal year;

22 “(3) the number, distribution, and amount of
23 awards paid to members of the Intelligence Commu-
24 nity Senior Executive Service during the preceding
25 fiscal year; and

1 ~~“(4) the number of individuals removed from~~
 2 ~~the Intelligence Community Senior Executive Service~~
 3 ~~during the preceding fiscal year—~~

4 ~~“(A) for less than fully successful perform-~~
 5 ~~ance;~~

6 ~~“(B) due to a reduction in force; or~~

7 ~~“(C) for any other reason.”.~~

8 ~~(2) The table of contents in the first section of that~~
 9 ~~Act is amended by inserting after the item relating to sec-~~
 10 ~~tion 109 the following new item:~~

~~“Sec. 110. Intelligence Community Senior Executive Service.”.~~

11 ~~(b) EFFECTIVE DATE OF REGULATIONS.—The regu-~~
 12 ~~lations prescribed under section 110(a) of the National Se-~~
 13 ~~curity Act of 1947, as added by subsection (a)(1), shall~~
 14 ~~take effect one year after the date of the enactment of~~
 15 ~~this Act.~~

16 ~~(c) CONFORMING AMENDMENTS.—(1) Section 12 of~~
 17 ~~the National Security Agency Act of 1959 (50 U.S.C. 402~~
 18 ~~note) is amended—~~

19 ~~(A) by striking out subsections (a) and (c); and~~

20 ~~(B) by striking out “(b)”.~~

21 ~~(2)(A) Sections 1601 and 1603 of title 10, United~~
 22 ~~States Code, are repealed.~~

23 ~~(B) The table of sections at the beginning of chapter~~
 24 ~~83 of such title is amended by striking out the items relat-~~
 25 ~~ing to sections 1601 and 1603.~~

1 (3) Section 1590 of title 10, United States Code, is
2 amended—

3 (A) in subsection (a)(1)—

4 (i) by striking out “, including positions in
5 the Senior Executive Service,”; and

6 (ii) by striking out “, except that” and all
7 that follows through the semicolon and insert-
8 ing in lieu thereof a semicolon;

9 (B) in subsection (b)—

10 (i) in the third sentence, by striking out
11 “Except in the case” and all that follows
12 through “no civilian” and inserting in lieu
13 thereof “No civilian”; and

14 (ii) by striking out the second sentence;
15 and

16 (C) by striking out subsections (f) and (g).

17 (4) Section 1604(b) of title 10, United States Code,
18 is amended in the second sentence by striking out “Except
19 in the case” and all that follows through “no officer” and
20 inserting in lieu thereof “No officer”.

21 (5)(A) Section 2108 of title 5, United States Code,
22 is amended in the flush matter following paragraph (3)
23 by striking “the Defense Intelligence Senior Executive
24 Service, the Senior Cryptologic Executive Service” and in-

1 serting “the Intelligence Community Senior Executive
2 Service”.

3 (B) Section 6304(f)(1) of such title is amended—

4 (i) by striking subparagraphs (C) and (D) and
5 inserting the following new subparagraph (C):

6 “(C) the Intelligence Community Senior Execu-
7 tive Service; or”; and

8 (ii) by redesignating subparagraph (E) as sub-
9 paragraph (D).

10 (C) Title 5, United States Code, is further amended
11 by striking “the Defense Intelligence Senior Executive
12 Service or the Senior Cryptologic Executive Service” and
13 inserting “the Intelligence Community Senior Executive
14 Service” in each of the following provisions:

15 (i) Section 8336(h)(2).

16 (ii) Section 8414(a)(2).

17 (6) The amendments made by this subsection shall
18 take effect one year after the date of the enactment of
19 this Act.

20 **SEC. 718. 717. REQUIREMENTS FOR SUBMITTAL OF BUDGET**
21 **INFORMATION ON INTELLIGENCE ACTIVI-**
22 **TIES.**

23 (a) SUBMITTAL WITH ANNUAL BUDGET.—Notwith-
24 standing any other provision of law, the President shall
25 include in each budget for a fiscal year submitted under

1 section 1105 of title 31, United States Code, the following
2 information:

3 (1) The aggregate amount appropriated during
4 the current fiscal year on all intelligence and intel-
5 ligence-related activities of the United States Gov-
6 ernment.

7 (2) The aggregate amount requested in such
8 budget for the fiscal year covered by the budget for
9 all intelligence and intelligence-related activities of
10 the United States Government.

11 (b) FORM OF SUBMITTAL.—The President shall sub-
12 mit the information required under subsection (a) in un-
13 classified form.

14 **SEC. 719. 718. TERMS OF SERVICE FOR MEMBERS OF SE-**
15 **LECT COMMITTEE ON INTELLIGENCE OF THE**
16 **SENATE.**

17 (a) INDEFINITE TERMS OF SERVICE.—Section 2(b)
18 of Senate Resolution 400 of the Ninety-fourth Congress
19 (adopted May 19, 1976) is amended by striking the first
20 sentence.

21 (b) LIMIT ON TERM OF CHAIRMAN AND VICE CHAIR-
22 MAN.—Section 2(c) of that resolution is amended by add-
23 ing at the end the following new sentence: “No Member
24 shall serve as chairman or vice chairman of the select com-
25 mittee for more than six years of continuous service.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (b) shall take effect with the com-
3 mencement of the One Hundred Fifth Congress.

4 (d) RULES OF THE SENATE.—The amendments
5 made by subsections (a) and (b) are enacted as an exercise
6 of the rulemaking power of the Senate with full recogni-
7 tion of the constitutional right of the Senate to change
8 rules at any time, in the same manner, and to the same
9 extent, as in the case of any other rule of the Senate.

10 **SEC. 720. 719. REPORT ON INTELLIGENCE COMMUNITY POL-**
11 **ICY ON PROTECTING THE NATIONAL INFOR-**
12 **MATION INFRASTRUCTURE AGAINST STRATE-**
13 **GIC ATTACKS.**

14 (a) IN GENERAL.—(1) Not later than 120 days after
15 the date of the enactment of this Act, the Director of
16 Central Intelligence shall submit to Congress a report set-
17 ting forth—

18 (A) the results of a review of the threats to the
19 United States on protecting the national information
20 infrastructure against information warfare and other
21 non-traditional attacks; and

22 (B) the counterintelligence response of the Di-
23 rector.

24 (2) The report shall include a description of the plans
25 of the intelligence community to provide intelligence sup-

1 port for the indications, warning, and assessment func-
 2 tions of the intelligence community with respect to infor-
 3 mation warfare and other non-traditional attacks by for-
 4 eign nations, groups, or individuals against the national
 5 information infrastructure.

6 (b) DEFINITIONS.—For purposes of this section:

7 (1) The term “national information infrastruc-
 8 ture” includes the information infrastructure of the
 9 public or private sector.

10 (2) The term “intelligence community” has the
 11 meaning given that term in section 3(4) of the Na-
 12 tional Security Act of 1947 (50 U.S.C. 401a(4)).

13 **TITLE VIII—NATIONAL IMAGERY** 14 **AND MAPPING AGENCY**

15 **SEC. 801. ESTABLISHMENT.**

16 (a) ESTABLISHMENT.—(1) Title I of the National Se-
 17 curity Act of 1947 (50 U.S.C. 402 et seq.), as amended
 18 by section 717 of this Act, is further amended by adding
 19 at the end the following:

20 “NATIONAL IMAGERY AND MAPPING AGENCY

21 “SEC. 120. (a) ESTABLISHMENT AND DUTIES.—

22 “(1) ESTABLISHMENT AND MISSION.—There is
 23 hereby established a National Imagery and Mapping
 24 Agency which shall provide timely, relevant, and ac-
 25 curate imagery, imagery intelligence, and imagery-
 26 related products and geospatial information in sup-

1 port of the national security objectives of the United
2 States. It shall also have a navigational mission as
3 specified in section 2791 of title 10, United States
4 Code.

5 “(2) MISSION OF THE NATIONAL IMAGERY AND
6 MAPPING AGENCY.—The National Imagery and
7 Mapping Agency shall have a national mission to
8 support the imagery requirements of the Depart-
9 ment of State and other non-Department of Defense
10 agencies, as well as a mission to support the combat
11 and other operational requirements of the Depart-
12 ment of Defense. The Director of Central Intel-
13 ligence shall establish requirements and priorities to
14 govern the collection of national intelligence of na-
15 tional importance by the National Imagery and Map-
16 ping Agency.

17 “(3) DIRECTOR.—The President shall appoint
18 the Director of the National Imagery and Mapping
19 Agency. The Secretary of Defense shall, with the
20 concurrence of the Director of Central Intelligence,
21 recommend an individual to the President for such
22 appointment. If the Secretary identifies a commis-
23 sioned officer of the Armed Forces to serve as Direc-
24 tor, he shall recommend that individual to the Presi-
25 dent for appointment to hold the grade of lieutenant

1 general or, in the case of an officer of the Navy,
2 vice admiral, while serving in such position. A com-
3 missioned officer appointed by the President under
4 this paragraph shall not be counted against the
5 numbers and percentages of commissioned officers of
6 the rank and grade of such officer for the Armed
7 Force of which such officer is a member.

8 “(4) DEPUTY DIRECTOR.—There shall be a
9 Deputy Director to assist the Director. The Deputy
10 may be appointed from among the commissioned of-
11 ficers of the Armed Forces, or from civilian life, but
12 at no time shall both the Director and the Deputy
13 Director positions be simultaneously occupied by
14 commissioned officers of the Armed Forces, whether
15 in active or retired status.

16 “(b) CENTRAL INTELLIGENCE AGENCY SUPPORT
17 FOR NATIONAL IMAGERY AND MAPPING AGENCY.—

18 “(1) ADMINISTRATIVE AND CONTRACTING
19 SERVICES.—Notwithstanding any other provision of
20 law, the Central Intelligence Agency may, under
21 terms and conditions agreed to by the Secretary of
22 Defense and the Director of Central Intelligence,
23 provide administrative and contracting services (in-
24 cluding the services of security police notwithstand-
25 ing any limitations on the jurisdiction of such per-

1 sonnel contained in section 15 of the Central Intel-
2 ligence Agency Act of 1949), and detail personnel
3 indefinitely to the National Imagery and Mapping
4 Agency, in furtherance of the national intelligence
5 effort.

6 “(2) TRANSFER AND ACCEPTANCE.—The Na-
7 tional Imagery and Mapping Agency will transfer
8 funds to the Central Intelligence Agency for the pur-
9 poses of producing imagery and imagery-related
10 products of national importance, and the Central In-
11 telligence Agency may accept a transfer of funds
12 from the National Imagery and Mapping Agency,
13 and the Central Intelligence Agency may expend
14 such funds pursuant to the Central Intelligence
15 Agency Act of 1949 to carry out the purposes of
16 paragraph (1).

17 “(c) FUNDS FOR FOREIGN IMAGERY INTELLIGENCE
18 AND GEOSPATIAL INFORMATION SUPPORT.—The Director
19 of the National Imagery and Mapping Agency may use
20 appropriated funds available to the National Imagery and
21 Mapping Agency to provide foreign countries imagery in-
22 telligence and geospatial information support, except that
23 such arrangements shall be coordinated with the Director
24 of the Central Intelligence when they involve imagery in-

1 telligence or intelligence products, or any support to an
2 intelligence or security service of a foreign country.

3 “(d) FUNDS FOR CIVIL APPLICATIONS.—The Direc-
4 tor of the National Imagery and Mapping Agency may use
5 appropriated funds available to the National Imagery and
6 Mapping Agency to support and encourage civilian use of
7 imagery intelligence and geospatial information support
8 provided by the National Imagery and Mapping Agency.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘geospatial information’ means
11 information that identifies the geographic location
12 and characteristics of natural or constructed fea-
13 tures and boundaries on the earth, including statisti-
14 cal data, information derived from, among other
15 things, remote sensing, mapping, and surveying
16 technologies, and, for purposes of this section, the
17 term includes mapping, charting and geodetic data,
18 including geodetic products as that term is used in
19 chapter 167 of title 10, United States Code.

20 “(2) The term ‘imagery’ means a likeness or
21 presentation of any natural or man-made feature or
22 related object or activities and the positional data
23 acquired at the same time the likeness or represen-
24 tation was acquired (including products produced by
25 space-based national intelligence reconnaissance sys-

1 tems); in accordance with Executive Order No.
 2 12591, as well as likenesses or presentations pro-
 3 duced by satellites, airborne platforms, unmanned
 4 aerial vehicles, or other similar means (except that
 5 handheld or clandestine photography taken by or on
 6 behalf of human intelligence collection organizations
 7 is excluded)).

8 “(3) The term ‘imagery intelligence’ means the
 9 technical, geographic, and intelligence information
 10 derived through the interpretation or analysis of im-
 11 agery and collateral materials.”.

12 (2) The table of contents in the first section of the
 13 National Security Act of 1947, as so amended, is further
 14 amended by inserting after the item relating to section
 15 110 the following new item:

 “Sec. 120. National Imagery and Mapping Agency.”.

16 **SEC. 802. EFFECTIVE DATE.**

17 The amendments made by this title shall take effect
 18 on the later of—

19 (1) the date of the enactment of an Act appro-
 20 priating funds for the National Imagery and Map-
 21 ping Agency for fiscal year 1997; or

22 (2) October 1, 1996.

1 **SEC. 801. NATIONAL MISSION AND COLLECTION TASKING**
2 **AUTHORITY FOR THE NATIONAL IMAGERY**
3 **AND MAPPING AGENCY.**

4 (a) *IN GENERAL.*—(1) *Title I of the National Security*
5 *Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding*
6 *at the end the following:*

7 “*NATIONAL MISSION AND COLLECTION TASKING AUTHORITY*
8 *FOR THE NATIONAL IMAGERY AND MAPPING AGENCY*

9 “*SEC. 110. (a) NATIONAL MISSION.*—*The National*
10 *Imagery and Mapping Agency shall have a national mis-*
11 *sion to support the imagery requirements of the Department*
12 *of State, the Department of Defense, and other departments*
13 *and agencies of the Federal Government. The Director of*
14 *Central Intelligence shall establish requirements and prior-*
15 *ities to govern the collection of national intelligence by the*
16 *National Imagery and Mapping Agency. The Secretary of*
17 *Defense and the Director of Central Intelligence, in con-*
18 *sultation with the Chairman of the Joint Chiefs of Staff,*
19 *shall jointly identify deficiencies in the capabilities of the*
20 *National Imagery and Mapping Agency to accomplish as-*
21 *signed national missions and shall jointly develop policies*
22 *and programs to review and correct such deficiencies.*

23 “(b) *COLLECTION AND TASKING AUTHORITY.*—*Except*
24 *as otherwise agreed by the Director of Central Intelligence*
25 *and the Secretary of Defense pursuant to direction provided*
26 *by the President, the Director of Central Intelligence has*

1 *the authority to approve collection requirements, determine*
2 *collection priorities, and resolve conflicts in collection prior-*
3 *ities levied on national imagery collection assets.”.*

4 (2) *The table of contents in the first section of that*
5 *Act is amended by inserting after the item relating to sec-*
6 *tion 109 the following new item:*

“Sec. 110. National mission and collection tasking authority for the National Im-
agery and Mapping Agency.”.

7 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
8 *section (a) shall take effect on the later of—*

9 (1) *the date of the enactment of the National De-*
10 *fense Authorization Act for Fiscal Year 1997; or*

11 (2) *the date of the enactment of this Act.*