

104TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

{ REPT. 104-620
{ Part 2

INTELLIGENCE COMMUNITY ACT

R E P O R T

OF THE

COMMITTEE ON NATIONAL SECURITY
HOUSE OF REPRESENTATIVES

ON

H.R. 3237

[Including cost estimate of the Congressional Budget Office]



JULY 23, 1996.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

26-054

WASHINGTON : 1996

HOUSE COMMITTEE ON NATIONAL SECURITY

ONE HUNDRED FOURTH CONGRESS

FLOYD D. SPENCE, South Carolina, *Chairman*

BOB STUMP, Arizona	RONALD V. DELLUMS, California
DUNCAN HUNTER, California	G.V. (SONNY) MONTGOMERY, Mississippi
JOHN R. KASICH, Ohio	PATRICIA SCHROEDER, Colorado
HERBERT H. BATEMAN, Virginia	IKE SKELTON, Missouri
JAMES V. HANSEN, Utah	NORMAN SISISKY, Virginia
CURT WELDON, Pennsylvania	JOHN M. SPRATT, JR., South Carolina
ROBERT K. DORNAN, California	SOLOMON P. ORTIZ, Texas
JOEL HEFLEY, Colorado	OWEN PICKETT, Virginia
JIM SAXTON, New Jersey	LANE EVANS, Illinois
RANDY "DUKE" CUNNINGHAM, California	JOHN TANNER, Tennessee
STEVE BUYER, Indiana	GLEN BROWDER, Alabama
PETER G. TORKILDSEN, Massachusetts	GENE TAYLOR, Mississippi
TILLIE K. FOWLER, Florida	NEIL ABERCROMBIE, Hawaii
JOHN M. McHUGH, New York	CHET EDWARDS, Texas
JAMES TALENT, Missouri	FRANK TEJEDA, Texas
TERRY EVERETT, Alabama	MARTIN T. MEEHAN, Massachusetts
ROSCOE G. BARTLETT, Maryland	ROBERT A. UNDERWOOD, Guam
HOWARD "BUCK" McKEON, California	JANE HARMAN, California
RON LEWIS, Kentucky	PAUL McHALE, Pennsylvania
J.C. WATTS, JR., Oklahoma	PETE GEREN, Texas
MAC THORNBERRY, Texas	PETE PETERSON, Florida
JOHN N. HOSTETTLER, Indiana	WILLIAM J. JEFFERSON, Louisiana
SAXBY CHAMBLISS, Georgia	ROSA L. DeLAURO, Connecticut
VAN HILLEARY, Tennessee	MIKE WARD, Kentucky
JOE SCARBOROUGH, Florida	PATRICK J. KENNEDY, Rhode Island
WALTER B. JONES, JR., North Carolina	
JAMES B. LONGLEY, JR., Maine	
TODD TIAHRT, Kansas	
RICHARD "DOC" HASTINGS, Washington	

ANDREW K. ELLIS, *Staff Director*

INTELLIGENCE COMMUNITY ACT

JULY 23, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SPENCE, from the Committee on National Security,
submitted the following

R E P O R T

[To accompany H.R. 3237]

[Including cost estimate of the Congressional Budget Office]

The Committee on National Security, to whom was referred the bill (H.R. 3237) to provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Intelligence Community Act”.

SEC. 2. ORGANIZATION OF ACT; TABLE OF CONTENTS.

(a) ORGANIZATION OF ACT.—This Act is organized as follows:

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence
Subtitle B—Deputy Directors of Central Intelligence
Subtitle C—The Intelligence Community
Subtitle D—Annual Reports

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions
Subtitle B—National Foreign Intelligence Program
Subtitle C—Personnel
Subtitle D—Intelligence Community Administration

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency

Subtitle B—The National Intelligence Evaluation Council
Subtitle C—Future of Intelligence Collection

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense
Subtitle B—Director of Military Intelligence
Subtitle C—National Imagery and Mapping Agency
Subtitle D—Civilian Intelligence Personnel Policy

TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS AND EFFECTIVE DATE

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act; table of contents.
- Sec. 3. Findings and purposes.
- Sec. 4. Definitions.

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence

- Sec. 101. Director of Central Intelligence.
- Sec. 102. General intelligence responsibilities of the Director.
- Sec. 103. Preparation of annual budget for National Foreign Intelligence Program.
- Sec. 104. Foreign intelligence collection.
- Sec. 105. Protection of sources and methods.
- Sec. 106. Promotion and evaluation of the usefulness of intelligence to consumers.
- Sec. 107. Elimination of waste and unnecessary duplication.
- Sec. 108. Other functions.
- Sec. 109. Prohibition on law enforcement powers and internal security functions.
- Sec. 110. Access to intelligence.
- Sec. 111. Coordination with foreign governments.

Subtitle B—Deputy Directors of Central Intelligence

- Sec. 121. Deputy Directors of Central Intelligence.
- Sec. 122. Deputy Director of Central Intelligence.
- Sec. 123. Deputy Director of Central Intelligence for Community Management.
- Sec. 124. Civilian and military status of Director of Central Intelligence and Deputies.

Subtitle C—The Intelligence Community

- Sec. 131. Elements of the Intelligence Community.

Subtitle D—Annual Reports

- Sec. 141. Annual report on Intelligence Community activities.

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions

- Sec. 201. Community Management Staff.
- Sec. 202. Functions of the Community Management Staff.

Subtitle B—National Foreign Intelligence Program

- Sec. 221. Budgets.
- Sec. 222. Comptroller functions of Community Management Staff.
- Sec. 223. Transfer of funds or personnel within the National Foreign Intelligence Program.
- Sec. 224. Limitation on reprogramming.

Subtitle C—Personnel

- Sec. 231. Use of personnel.
- Sec. 232. Authority to terminate employment of certain employees.
- Sec. 233. Study of an Intelligence Community Reserve and an Infrastructure Support Office.

Subtitle D—Intelligence Community Administration

- Sec. 251. Secrecy agreements used in intelligence activities.
- Sec. 252. Coordination of counterintelligence matters with the Federal Bureau of Investigation.
- Sec. 253. Intelligence Community contracting.

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency

- Sec. 301. Central Intelligence Agency.
- Sec. 302. Duties of Director of Central Intelligence with regard to the Central Intelligence Agency.
- Sec. 303. Functions of the Central Intelligence Agency.
- Sec. 304. Report on human intelligence collection activities.

Subtitle B—The National Intelligence Evaluation Council

- Sec. 321. National Intelligence Evaluation Council.
- Sec. 322. Functions of the National Intelligence Evaluation Council.
- Sec. 323. Staffing of the National Intelligence Evaluation Council.

Subtitle C—Future of Intelligence Collection

- Sec. 331. Panel on the future of intelligence collection.

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense

- Sec. 401. Overall Secretary of Defense functions.
- Sec. 402. Requirement that budgets for intelligence components be adequate.
- Sec. 403. Implementation of Director of Central Intelligence policies and resource decisions.
- Sec. 404. Relationship of NFIP activities to tactical intelligence activities.
- Sec. 405. Responsiveness to operational military forces.
- Sec. 406. Elimination of waste and unnecessary duplication.
- Sec. 407. Conduct of Defense intelligence activities.
- Sec. 408. Signals intelligence activities.
- Sec. 409. Imagery collection, processing, and exploitation.
- Sec. 410. Overhead reconnaissance systems.
- Sec. 411. Defense Intelligence Agency.
- Sec. 412. Military departments.
- Sec. 413. Use of elements of Department of Defense.
- Sec. 414. Consultations regarding appointment of certain intelligence officials.

Subtitle B—Director of Military Intelligence

- Sec. 421. Report on the establishment of a Director of Military Intelligence.

Subtitle C—National Imagery and Mapping Agency

PART I—ESTABLISHMENT OF AGENCY

- Sec. 431. Establishment.
- Sec. 432. Missions and authority.
- Sec. 433. Transfers of personnel and assets.
- Sec. 434. Compatibility with authority under the Intelligence Community Act.
- Sec. 435. National mission of National Imagery and Mapping Agency.
- Sec. 436. Creditable civilian service for career conditional employees of the Defense Mapping Agency.
- Sec. 437. Saving provisions.
- Sec. 438. Definitions.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATE

- Sec. 441. Resignation and repeals.
- Sec. 442. Reference amendments.
- Sec. 443. Headings and clerical amendments.
- Sec. 444. Effective date.

Subtitle D—Civilian Intelligence Personnel Policy

- Sec. 481. Management of civilian intelligence personnel.
- Sec. 482. Repeal of superseded sections and clerical and conforming amendments.
- Sec. 483. Other personnel management authorities.

TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

- Sec. 501. Recodification of laws relating to National Security Council and related boards and committees in Executive Office of the President.

TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS AND EFFECTIVE DATE

- Sec. 601. Restatement of National Security Agency Act of 1959.
- Sec. 602. Amendments to title 5, United States Code.
- Sec. 603. Repeal of provisions recodified in new Act.
- Sec. 604. National Security Act of 1947.
- Sec. 605. Abolition of National Intelligence Council.
- Sec. 606. Effective date.

SEC. 3. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) The United States must maintain a strong, capable, and increasingly flexible intelligence capability to collect and analyze information concerning world events that may threaten its security so as to be in a position to anticipate and respond to such events in an effective and timely manner.

(2) The existing framework for the conduct of United States intelligence activities, established by the National Security Act of 1947, has evolved largely without changes to the original statutory framework, but rather as a matter of Executive order and directive.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to provide a framework for the improved management of United States intelligence activities at all levels and within all intelligence disciplines; and

(2) to provide an institutional structure that will continue to ensure that the Intelligence Community serves the needs of Government consumers in an effective and timely manner.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) **INTELLIGENCE.**—The term “intelligence” includes foreign intelligence and counterintelligence.

(2) **FOREIGN INTELLIGENCE.**—The term “foreign intelligence” means information relating to the capabilities, intentions, or activities of foreign governments

or elements thereof, foreign organizations, foreign transnational entities, or foreign persons.

(3) COUNTERINTELLIGENCE.—The term “counterintelligence” means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, foreign transnational entities, or foreign persons, or international terrorist activities.

(4) NATIONAL INTELLIGENCE AND INTELLIGENCE RELATED TO NATIONAL SECURITY.—The terms “national intelligence” and “intelligence related to the national security”—

(A) each refer to intelligence that pertains to the interests of the Government generally, rather than to the interests of a single department or agency of Government, or to a component of such department or agency;

(B) do not refer to intelligence necessary to plan or conduct tactical military operations by United States Armed Forces; and

(C) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director of Central Intelligence and the Attorney General, or otherwise as expressly provided for in this Act.

(5) NATIONAL FOREIGN INTELLIGENCE PROGRAM.—The term “National Foreign Intelligence Program” refers to all programs, projects, and activities of the Intelligence Community that are intended to produce national intelligence, as well as any other programs of the Intelligence Community designated jointly by the Director of Central Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(6) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence

SEC. 101. DIRECTOR OF CENTRAL INTELLIGENCE.

(a) DIRECTOR OF CENTRAL INTELLIGENCE.—There is a Director of Central Intelligence. The Director of Central Intelligence is—

(1) the principal adviser to the President and the National Security Council for intelligence matters related to the national security; and

(2) the head of the Intelligence Community.

(b) APPOINTMENT.—The Director of Central Intelligence is appointed by the President, by and with the advice and consent of the Senate.

SEC. 102. GENERAL INTELLIGENCE RESPONSIBILITIES OF THE DIRECTOR.

(a) PROVISION OF INTELLIGENCE TO THE PRESIDENT.—Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing intelligence to the President.

(b) PROVISION OF INTELLIGENCE TO OTHERS.—Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing intelligence—

(1) to the heads of departments and agencies of the executive branch;

(2) to the Chairman of the Joint Chiefs of Staff, to the commanders of the unified combatant commands, and to other senior military commanders; and

(3) to the Senate and House of Representatives and the appropriate committees thereof.

(c) INTELLIGENCE TO BE OBJECTIVE AND TIMELY.—Intelligence provided by the Director pursuant to this section should be timely and objective and shall be provided independent of political considerations or bias and based upon all sources available to the Intelligence Community.

SEC. 103. PREPARATION OF ANNUAL BUDGET FOR NATIONAL FOREIGN INTELLIGENCE PROGRAM.

The Director of Central Intelligence shall develop (in accordance with subtitle B of title II) and present to the President an annual budget for the National Foreign Intelligence Program of the United States.

SEC. 104. FOREIGN INTELLIGENCE COLLECTION.

The Director of Central Intelligence shall establish the requirements and priorities to govern the collection of national intelligence by elements of the Intelligence Community and shall approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President.

SEC. 105. PROTECTION OF SOURCES AND METHODS.

The Director of Central Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

SEC. 106. PROMOTION AND EVALUATION OF THE USEFULNESS OF INTELLIGENCE TO CONSUMERS.

The Director of Central Intelligence shall promote and evaluate the quality and usefulness of national intelligence to consumers within the Government.

SEC. 107. ELIMINATION OF WASTE AND UNNECESSARY DUPLICATION.

The Director of Central Intelligence, in cooperation with the heads of the elements of the Intelligence Community shall eliminate waste and unnecessary duplication within the Intelligence Community.

SEC. 108. OTHER FUNCTIONS.

The Director of Central Intelligence shall perform such other functions as the President or the National Security Council may direct.

SEC. 109. PROHIBITION ON LAW ENFORCEMENT POWERS AND INTERNAL SECURITY FUNCTIONS.

The Director of Central Intelligence shall have no police, subpoena, or law enforcement powers or internal security functions.

SEC. 110. ACCESS TO INTELLIGENCE.

To the extent recommended by the National Security Council and approved by the President, the Director of Central Intelligence shall have access to all intelligence related to the national security which is collected by any department, agency, or other entity of the United States.

SEC. 111. COORDINATION WITH FOREIGN GOVERNMENTS.

Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

Subtitle B—Deputy Directors of Central Intelligence

SEC. 121. DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.

(a) POSITIONS.—There is a Deputy Director of Central Intelligence, and there is a Deputy Director of Central Intelligence for Community Management.

(b) APPOINTMENT.—Each Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(c) QUALIFICATIONS.—Each Deputy Director shall have extensive national security experience.

SEC. 122. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—The Deputy Director of Central Intelligence shall act for, and exercise the powers of, the Director of Central Intelligence during the Director's absence or disability or during a vacancy in office of the Director of Central Intelligence.

(b) PRECEDENCE.—The Deputy Director of Central Intelligence takes precedence immediately after the Director of Central Intelligence.

SEC. 123. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

Subject to the direction of the Director of Central Intelligence, the Deputy Director of Central Intelligence for Community Management shall be responsible for the following:

- (1) Directing the operations of the Community Management Staff.
- (2) Performing community-wide coordination functions, including the coordination of resources and requirements.
- (3) Coordinating community-wide research and development.

SEC. 124. CIVILIAN AND MILITARY STATUS OF DIRECTOR OF CENTRAL INTELLIGENCE AND DEPUTIES.

(a) **LIMITATION ON ACTIVE DUTY STATUS.**—Not more than one individual serving in the following positions may be on active duty in the Armed Forces while serving in that position:

- (1) The Director of Central Intelligence.
- (2) The two Deputy Directors of Central Intelligence.

(b) **APPOINTMENT AND RANK.**—An individual serving in a position specified in paragraph (1) or (2) of subsection (a) who is on active duty in the Armed Forces shall be appointed from among the officers of the Armed Forces on the active-duty list. The Director of Central Intelligence may hold the grade of general or admiral while so serving and a Deputy Director of Central Intelligence may hold the rank of lieutenant general or vice admiral while so serving.

(c) **ROLE AS OFFICER OF ARMED FORCES.**—A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (1) or (2) of subsection (a)—

- (1) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;
- (2) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and
- (3) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

(d) **MILITARY BENEFITS.**—Except as provided in paragraph (1) or (2) of subsection (c), the appointment of an officer of the Armed Forces to a position specified in paragraph (1) or (2) of subsection (a) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

(e) **PAY.**—An officer of the Armed Forces appointed to a position specified in paragraph (1) or (2) of subsection (a), while serving in such position, shall continue to receive military pay and allowances payable to a commissioned officer of that officer's grade and length of service for which the appropriate military department shall be reimbursed from funds available to the Director of Central Intelligence.

Subtitle C—The Intelligence Community

SEC. 131. ELEMENTS OF THE INTELLIGENCE COMMUNITY.

The Intelligence Community of the United States Government consists of the following:

- (1) The Office of the Director of Central Intelligence, which shall include the Offices of the Deputy Directors of Central Intelligence and such other offices as the Director may designate.
- (2) The Community Management Staff.
- (3) The National Intelligence Evaluation Council.
- (4) The Central Intelligence Agency.
- (5) The Defense Intelligence Agency.
- (6) The National Security Agency.
- (7) The National Reconnaissance Office.
- (8) The National Imagery and Mapping Agency.
- (9) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.
- (10) The intelligence elements of the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration.
- (11) The Bureau of Intelligence and Research of the Department of State.

(12) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

Subtitle D—Annual Reports

SEC. 141. ANNUAL REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES.

(a) **IN GENERAL.**—The Director of Central Intelligence shall submit to Congress an annual report on the activities of the Intelligence Community. The annual report shall be unclassified.

(b) **MATTERS TO BE COVERED IN ANNUAL REPORT.**—Each report under this section shall describe—

(1) the activities of the Intelligence Community during the preceding fiscal year, including significant successes and failures that can be described in an unclassified manner; and

(2) the areas of the world and the issues that the Director expects will require increased or unusual attention from the Intelligence Community during the next fiscal year.

(c) **TIME FOR SUBMISSION.**—The report under this section for any year shall be submitted at the same time that the President submits the budget for the next fiscal year pursuant to section 1105 of title 31, United States Code.

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions

SEC. 201. COMMUNITY MANAGEMENT STAFF.

There is a Community Management Staff.

SEC. 202. FUNCTIONS OF THE COMMUNITY MANAGEMENT STAFF.

The Deputy Director of Central Intelligence for Community Management, acting through the Community Management Staff, shall provide direction for the following Intelligence Community-wide functions:

- (1) Requirements and collection management.
- (2) Planning, programming, budgeting, and accounting for the National Foreign Intelligence Program.
- (3) Research and development activities.
- (4) Identification and review of intelligence gaps and shortfalls.

Subtitle B—National Foreign Intelligence Program

SEC. 221. BUDGETS.

(a) **PREPARATION.**—The Deputy Director of Central Intelligence for Community Management shall provide guidance to elements of the intelligence community for the preparation of their annual budgets for the National Foreign Intelligence Program.

(b) **APPROVAL OF BUDGETS.**—The Director of Central Intelligence shall approve the budgets prepared under subsection (a) before their incorporation in the National Foreign Intelligence Program.

(c) **ACCOUNTING.**—The Director of Central Intelligence, acting through the Deputy Director of Central Intelligence for Community Management, shall budget and account for National Foreign Intelligence Program financial resources on a community-wide basis by the functional categories of collection, processing, exploitation, analysis, dissemination, and infrastructure.

(d) **IDENTIFICATION OF CONSTITUENT COMPONENTS OF BASE INTELLIGENCE BUDGET.**—The Director of Central Intelligence shall include in the congressional budget justification materials provided to the congressional intelligence committees in connection with the annual submission of the National Foreign Intelligence Program for a fiscal year the same level of budgetary detail for that part of the National For-

eign Intelligence Program budget identified as the Base Budget that is provided for that part of such budget identified as Ongoing Initiatives and New Initiatives.

SEC. 222. COMPTROLLER FUNCTIONS OF COMMUNITY MANAGEMENT STAFF.

(a) EXECUTION REVIEW.—The Community Management Staff shall perform budget execution review of National Foreign Intelligence Program elements of the Intelligence Community and shall have the authority to recommend to the comptroller of the agency involved that authorized and appropriated intelligence funds be withheld in those instances in which elements of the Intelligence Community within the agency involved are not complying with guidance from the Director of Central Intelligence or applicable law.

(b) ACCOUNTING SYSTEM.—The Deputy Director of Central Intelligence for Community Management shall establish and maintain an Intelligence Community-wide automated system for programming, budgeting, accounting, and execution review of the National Foreign Intelligence Program.

SEC. 223. TRANSFER OF FUNDS OR PERSONNEL WITHIN THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) GENERAL AUTHORITY.—In addition to any other authorities available under law for such purposes, the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program and, in accordance with procedures to be developed by the Director and the heads of affected departments and agencies, may transfer personnel authorized for an element of the Intelligence Community to another such element for periods up to a year.

(b) CONDITIONS.—A transfer of funds or personnel may be made under this section only if—

- (1) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;
- (2) the need for funds or personnel for such activity is based on unforeseen requirements;
- (3) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Director of Central Intelligence;
- (4) the transfer does not involve a transfer of funds or personnel from the Federal Bureau of Investigation; and
- (5) the Secretary or head of the department which contains the affected element or elements of the intelligence community does not object to such transfer.

(c) AVAILABILITY OF TRANSFERRED FUNDS.—Funds transferred under this section shall remain available for the same period as the appropriations account to which such funds are transferred.

(d) NOTIFICATION OF CONGRESS.—Any transfer of funds under this section shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(e) REPORT ON PERSONNEL TRANSFERS.—The Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, a report on any transfer of personnel made pursuant to this section. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

SEC. 224. LIMITATION ON REPROGRAMMING.

No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the Intelligence Community without the prior approval of the Director of Central Intelligence except in accordance with procedures issued by the Director.

Subtitle C—Personnel

SEC. 231. USE OF PERSONNEL.

The Director of Central Intelligence shall, in coordination with the heads of departments and agencies with elements in the Intelligence Community, and subject to the concurrence of the Secretary of Defense when employees of the Department of Defense are affected, institute policies and programs within the Intelligence Community—

- (1) to provide for the rotation of personnel between the elements of the Intelligence Community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions;
- (2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the Intelligence Community;
- (3) to ensure the maintenance of effective performance evaluation systems with common standards throughout the national Intelligence Community; and
- (4) to develop a community-wide career development program that emphasizes corporate management skills.

SEC. 232. AUTHORITY TO TERMINATE EMPLOYMENT OF CERTAIN EMPLOYEES.

(a) **IN GENERAL.**—The Director of Central Intelligence may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director considers such termination to be necessary or advisable in the interests of the United States. In the case of an officer or employee who is assigned or detailed to the Community Management Staff from a department or agency other than the Central Intelligence Agency, the Director may, in the Director's discretion, discontinue the assignment or detail of such officer or employee to the Community Management Staff and may recommend to the head of such department or agency that the employment of such officer or employee be terminated.

(b) **OTHER EMPLOYMENT IN THE GOVERNMENT.**—Any such termination does not affect the right of the individual whose employment is so terminated to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the Office of Personnel Management.

SEC. 233. STUDY OF AN INTELLIGENCE COMMUNITY RESERVE AND AN INFRASTRUCTURE SUPPORT OFFICE.

(a) **STUDY.**—The Director of Central Intelligence, in consultation with appropriate agency heads, shall study the feasibility of establishing an Intelligence Community Reserve and an Infrastructure Support Office.

(b) **MATTERS TO BE INCLUDED IN STUDY WITH RESPECT TO INTELLIGENCE COMMUNITY RESERVE.**—The study under this section shall address the following matters with respect to establishment of an Intelligence Community Reserve:

- (1) The criteria for membership of the Reserve, especially among former and retired employees of elements of the Intelligence Community.
- (2) Monetary incentives that would be appropriate or necessary to attract individuals to become members of the Reserve.
- (3) Programs and authorities that would be required in order to provide training and support for members of the Reserve.
- (4) Whether service agreements should be offered or required for members of the Reserve or as a condition of providing training to a member of the Reserve.
- (5) Any changes in law that may be required in order to implement the Reserve.

(c) **MATTERS TO BE INCLUDED IN STUDY WITH RESPECT TO INTELLIGENCE COMMUNITY RESERVE.**—The study under this section shall address the following matters with respect to establishment of an Infrastructure Support Office to be responsible for administrative and logistical functions relating to infrastructure and services of common concern to elements of the Intelligence Community:

- (1) Personnel management.
- (2) Security.
- (3) Community-level training.
- (4) Communications.
- (5) Automation.
- (6) Such additional functions as the Director considers appropriate.

Subtitle D—Intelligence Community Administration

SEC. 251. SECRECY AGREEMENTS USED IN INTELLIGENCE ACTIVITIES.

Notwithstanding any other provision of law not specifically referencing this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum—

- (1) require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government; and
- (2) provide that the form or agreement does not bar—
 - (A) disclosures to Congress; or
 - (B) disclosures to an authorized official of an executive agency that are considered essential to reporting a violation of United States law.

SEC. 252. COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) COORDINATION BY OTHER AGENCIES WITH FBI.—(1) The head of each department or agency within the executive branch shall ensure that the Director of the Federal Bureau of Investigation is informed immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(2) Following the making of a report under paragraph (1), the head of the department or agency making the report shall ensure that the Director of the Federal Bureau of Investigation is consulted with respect to all subsequent actions that may be undertaken by the department or agency to determine the source of such unauthorized disclosure.

(3) When, after appropriate consultation with the head of the department or agency concerned, the Director of the Federal Bureau of Investigation undertakes investigative activities to determine the source of the unauthorized disclosure, the head of the department or agency concerned shall ensure that the Director is given complete and timely access to the employees and records of that department or agency for purposes of such investigative activities.

(b) COORDINATION BY FBI WITH OTHER AGENCIES.—(1) The Director of the Federal Bureau of Investigation shall ensure that when the Bureau obtains espionage information pertaining to the personnel, operations, or information of another department or agency of the executive branch, such information is provided through appropriate channels to the head of that department or agency.

(2) The Director shall ensure that when the Bureau undertakes an espionage investigation which involves the personnel, operations, or information of another department or agency of the executive branch after a report is provided pursuant to subsection (a)(1), the head of that department or agency is consulted with respect to that investigation.

(c) PRESIDENTIAL WAIVER AUTHORITY.—(1) When essential to meet extraordinary circumstances affecting vital national security interests of the United States as determined by the President, the President may, on a case-by-case basis, waive the requirements of subsection (a) or (b), as they apply to the head of a particular department or agency or to the Director of the Federal Bureau of Investigation.

(2) Such a waiver shall be in writing and shall fully state the justification for the waiver.

(3) Within 30 days after issuing such a waiver, the President shall notify the congressional intelligence committees that the waiver has been issued and, at that time or as soon thereafter as national security considerations permit, shall provide those committees with a complete explanation of the circumstances which necessitated the waiver.

(d) ANNUAL REPORT.—The Director of the Federal Bureau of Investigation shall, not later than February 1 of each year, submit to the congressional intelligence committees and, in accordance with applicable security procedures, the Committees on the Judiciary of the Senate and House of Representatives a report with respect to compliance with subsections (a) and (b) during the previous calendar year. Each such report shall be prepared in consultation with the Director of Central Intelligence and the Secretary of Defense.

(e) RELATIONSHIP TO DEPARTMENT OF DEFENSE AUTHORITY OVER PERSONS SUBJECT TO UCMJ.—Nothing in this section may be construed to—

(1) alter the jurisdictional arrangements in effect as of October 14, 1994, between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code); or

(2) impose reporting requirements upon the Department of Defense with respect to such investigations beyond those required by law and executive branch policy as of October 14, 1994.

(f) DEFINITIONS.—As used in this section, the terms “foreign power” and “agent of a foreign power” have the meanings set forth in sections 101(a) and 101(b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 253. INTELLIGENCE COMMUNITY CONTRACTING.

The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, shall award contracts in a manner that would maximize the procurement of products in the United States.

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency

SEC. 301. CENTRAL INTELLIGENCE AGENCY.

There is a Central Intelligence Agency. The Central Intelligence Agency is the principal all-source national intelligence analytical agency. The Director of Central Intelligence is the head of the Central Intelligence Agency.

SEC. 302. DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE WITH REGARD TO THE CENTRAL INTELLIGENCE AGENCY.

The Director of Central Intelligence, as head of the Central Intelligence Agency, shall—

- (1) correlate and evaluate intelligence related to the national security;
- (2) provide appropriate dissemination of such intelligence; and
- (3) coordinate human intelligence activities within the Intelligence Community.

SEC. 303. FUNCTIONS OF THE CENTRAL INTELLIGENCE AGENCY.

The Director of Central Intelligence, as head of the Central Intelligence Agency, shall perform the following functions:

(1) ANALYSIS AND PRODUCTION.—

(A) Correlating and evaluating intelligence related to national security collected from all sources available throughout the Intelligence Community and facilitating appropriate dissemination of such intelligence.

(B) Coordinating analyses conducted by the elements of the Intelligence Community and establishing procedures for collaborative all-source analysis.

(C) Producing national intelligence estimates.

(D) Coordinating the acquisition and incorporation of all-source intelligence into the community all-source analytical process.

(2) COLLECTION OF INTELLIGENCE THROUGH HUMAN SOURCES.—

(A) Collecting national intelligence clandestinely through human sources and by other appropriate means.

(B) Ensuring that the most effective use is made of resources authorized for the purposes of subparagraph (A) and minimizing the risks to the United States inherent in clandestine collection operations.

(C) Performing such other functions as the Director of Central Intelligence may direct.

SEC. 304. REPORT ON HUMAN INTELLIGENCE COLLECTION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence and the Deputy Secretary of Defense shall jointly submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives a report on the ongoing efforts

of those officials to achieve commonality, interoperability, and, where practicable, consolidation of the collection of clandestine intelligence from human sources conducted by the Defense Human Intelligence Service of the Department of Defense and the Directorate of Operations of the Central Intelligence Agency.

Subtitle B—The National Intelligence Evaluation Council

SEC. 321. NATIONAL INTELLIGENCE EVALUATION COUNCIL.

(a) **ESTABLISHMENT.**—There is within the Intelligence Community the National Intelligence Evaluation Council.

(b) **MEMBERS.**—The National Intelligence Evaluation Council shall be composed of senior analysts within the Intelligence Community and may include substantive experts from the public and private sector. Members of the Council shall be appointed by, report to, and serve at the pleasure of, the Director of Central Intelligence. Such appointments shall be made in consultation with the Secretary of Defense. The Director of Central Intelligence shall appoint the head of the Council from among its members, who shall report directly to the Director of Central Intelligence.

(c) **SECURITY REQUIREMENTS.**—The Director of Central Intelligence shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

SEC. 322. FUNCTIONS OF THE NATIONAL INTELLIGENCE EVALUATION COUNCIL.

The National Intelligence Evaluation Council shall evaluate Intelligence Community-wide collection and production of intelligence, as well as the requirements and resources for such collection and production. Such evaluation shall be performed in consultation with both Deputy Directors of Central Intelligence and with the Deputy Secretary of Defense.

SEC. 323. STAFFING OF THE NATIONAL INTELLIGENCE EVALUATION COUNCIL.

The Director of Central Intelligence shall make available to the National Intelligence Evaluation Council such staff as may be necessary to permit the Council to carry out its responsibilities under this subtitle and shall take appropriate measures to ensure that the Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

Subtitle C—Future of Intelligence Collection

SEC. 331. PANEL ON THE FUTURE OF INTELLIGENCE COLLECTION.

(a) **STUDY.**—The Director of Central Intelligence and the Secretary of Defense shall jointly conduct a study on the future of intelligence collection, in terms of managing collection resources in a more consolidated, synergistic manner. The study is not limited to, but should include specific examination of the following:

(1) Implementation of the National Imagery and Mapping Agency, including an evaluation of its effectiveness and possible synergies that could be gained by assessing the potential consolidation of other collection activities. These other collection activities should include—

- (A) signals intelligence (SIGINT) and measurement and signatures intelligence (MASINT);
- (B) first-phase (or initial) exploitation of the results of such collection;
- (C) dissemination of such collection in a timely manner; and
- (D) development of processing and exploitation technologies to support these functions.

(2) The joint study should include an evaluation of the feasibility and efficacy of consolidating the following functions, which should include—

- (A) the specification of technical requirements for such reconnaissance systems as may be needed to meet the signals intelligence, imagery intelligence, and measurement and signatures intelligence collection requirements of the Intelligence Community;
- (B) the operation and final disposition of such systems;
- (C) the conduct of research, development, test, and evaluation, for procurement, and for launch of satellite reconnaissance systems that may be

required to satisfy the intelligence collection requirements of the Intelligence Community; and

(D) the conduct of research, development, test, evaluation and for procurement of reconnaissance, surveillance, and sensor systems, including airborne and maritime reconnaissance capabilities within the National Foreign Intelligence Program and the Joint Military Intelligence Program.

(b) CRITERIA.—The study under subsection (a) shall—

(1) take into account current and future technological capabilities and intelligence requirements;

(2) take into account the costs and benefits associated with possible additional consolidations as well as the costs and benefits of maintaining the current system; and

(3) examine such possible consolidations both on their individual merits and also with a view toward having such agencies co-exist as an entire new organizational structure.

(c) PANEL MEMBERS.—

(1) SELECTION.—The Director of Central Intelligence and the Secretary of Defense, jointly, shall select individuals for membership on a panel to conduct the study under subsection (a) who are—

(A) current and former members of the Intelligence Community and senior policy makers who are knowledgeable about a diverse range of intelligence requirements; and

(B) such other public or private individuals as the Director and the Secretary deem appropriate.

(2) BALANCE.—Membership on the panel shall be balanced in terms of technical and operational knowledge and views so as to ensure the objectivity of the panel's report.

(3) DIRECTOR.—The Director of Central Intelligence, in consultation with the Secretary of Defense, shall appoint a director of the panel from among its members. The director of the panel may create such sub-panels as the director deems appropriate.

(d) REPORT.—No later than April 15, 1997, the panel shall submit a report of the study to the Director of Central Intelligence and the Secretary of Defense, who shall forward the report to the President, the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on National Security of the House of Representatives.

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense

SEC. 401. OVERALL SECRETARY OF DEFENSE FUNCTIONS.

The Secretary of Defense shall perform such intelligence functions as may be directed by the President by Executive order or otherwise.

SEC. 402. REQUIREMENT THAT BUDGETS FOR INTELLIGENCE COMPONENTS BE ADEQUATE.

The Secretary of Defense shall ensure that the budgets of the elements of the Intelligence Community within the Department of Defense for any fiscal year are adequate to satisfy the overall intelligence needs of the Department of Defense, including—

(1) the needs of the chairman of the Joint Chiefs of Staff;

(2) the needs of the commanders of the unified and specified commands; and

(3) wherever such elements are performing Government-wide functions, the needs of other departments and agencies, as appropriate.

SEC. 403. IMPLEMENTATION OF DIRECTOR OF CENTRAL INTELLIGENCE POLICIES AND RESOURCE DECISIONS.

The Secretary of Defense shall ensure appropriate implementation of the policies and resource decisions of the Director of Central Intelligence by elements of the Department of Defense within the National Foreign Intelligence Program.

SEC. 404. RELATIONSHIP OF NFIP ACTIVITIES TO TACTICAL INTELLIGENCE ACTIVITIES.

The Secretary of Defense shall ensure that the tactical intelligence activities of the Department of Defense complement, and are compatible with, intelligence activities under the National Foreign Intelligence Program.

SEC. 405. RESPONSIVENESS TO OPERATIONAL MILITARY FORCES.

The Secretary of Defense shall ensure that the elements of the Intelligence Community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces.

SEC. 406. ELIMINATION OF WASTE AND UNNECESSARY DUPLICATION.

The Secretary of Defense shall eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense.

SEC. 407. CONDUCT OF DEFENSE INTELLIGENCE ACTIVITIES.

The Secretary of Defense shall ensure that, when appropriate, intelligence activities of the Department of Defense are conducted (1) jointly, and (2) cooperatively with elements of the Intelligence Community outside the Department of Defense.

SEC. 408. SIGNALS INTELLIGENCE ACTIVITIES.

The Secretary of Defense shall ensure through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients.

SEC. 409. IMAGERY COLLECTION, PROCESSING, AND EXPLOITATION.

The Secretary of Defense shall ensure through the Central Imagery Office (except as otherwise directed by the President or the National Security Council), with appropriate representation from the Intelligence Community, the continued operation of an effective unified organization within the Department of Defense for carrying out tasking of imagery collection, for the coordination of imagery processing and exploitation activities, and for ensuring the dissemination of imagery in a timely manner to authorized recipients.

SEC. 410. OVERHEAD RECONNAISSANCE SYSTEMS.

The Secretary of Defense shall ensure through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the Intelligence Community.

SEC. 411. DEFENSE INTELLIGENCE AGENCY.

The Secretary of Defense shall ensure—

- (1) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients; and
- (2) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence activities, including defense attaches; and

SEC. 412. MILITARY DEPARTMENTS.

The Secretary of Defense shall ensure that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—

- (1) the requirements of the Director of Central Intelligence;
- (2) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;
- (3) the requirements of the unified and specified combatant commands and of joint operations; and
- (4) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.

SEC. 413. USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.

The Secretary of Defense, in carrying out the functions of the Secretary under this Act, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements specifically identified in this Act for the performance of those functions.

SEC. 414. CONSULTATIONS REGARDING APPOINTMENT OF CERTAIN INTELLIGENCE OFFICIALS.

(a) IN GENERAL.—Section 201 of title 10, United States Code, is amended to read as follows:

“§ 201. Consultation regarding appointment of heads of certain intelligence components

“Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the National Security Agency, Director of the Defense Intelligence Agency, Director of the National Reconnaissance Office, or Director of the National Imagery and Mapping Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.”.

(b) CLERICAL AMENDMENT.—The item relating to section 201 in the table of sections at the beginning of subchapter II of chapter 8 of such title is amended to read as follows:

“201. Consultation regarding appointment of heads of certain intelligence components.”.

Subtitle B—Director of Military Intelligence

SEC. 421. REPORT ON THE ESTABLISHMENT OF A DIRECTOR OF MILITARY INTELLIGENCE.

(a) REPORT REQUIRED.—Not later than April 15, 1997, the Secretary of Defense shall submit to the congressional committees named in subsection (b) a report on the day-to-day coordination role of the intelligence activities of the military intelligence community performed by the Director of the Defense Intelligence Agency, as chairman of the Military Intelligence Board. The report shall assess the feasibility of formally establishing the Director of the Defense Intelligence Agency as the Director of Military Intelligence, with clear preservation of civilian oversight responsibilities.

(b) COMMITTEES.—The committees referred to in subsection (a) are—

- (1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and
- (2) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—National Imagery and Mapping Agency

PART I—ESTABLISHMENT OF AGENCY

SEC. 431. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is hereby established in the Department of Defense a Defense Agency to be known as the National Imagery and Mapping Agency.

(b) TRANSFER OF FUNCTIONS FROM DEPARTMENT OF DEFENSE ENTITIES.—The missions and functions of the following elements of the Department of Defense are transferred to the National Imagery and Mapping Agency:

- (1) The Defense Mapping Agency.
- (2) The Central Imagery Office.
- (3) Other elements of the Department of Defense as specified in the classified annex to this Act.

(c) TRANSFER OF FUNCTIONS FROM CENTRAL INTELLIGENCE AGENCY.—The missions and functions of the following elements of the Central Intelligence Agency are transferred to the National Imagery and Mapping Agency:

- (1) The National Photographic Interpretation Center.
- (2) Other elements of the Central Intelligence Agency as specified in the classified annex to this Act.

SEC. 432. MISSIONS AND AUTHORITY.

(a) AGENCY CHARTER.—Part I of subtitle A of title 10, United States Code, is amended—

- (1) by redesignating chapter 22 as chapter 23; and
- (2) by inserting after chapter 21 the following new chapter 22:

“CHAPTER 22—NATIONAL IMAGERY AND MAPPING AGENCY

“Subchapter	Sec.
“I. Missions and Authority	441
“II. Maps, Charts, and Geodetic Products	451
“III. Personnel Management	461
“IV. Definitions	467

“SUBCHAPTER I—MISSIONS AND AUTHORITY

- “Sec.
- “441. Establishment.
- “442. Missions.
- “443. Imagery intelligence and geospatial information: support for foreign countries.
- “444. Support from Central Intelligence Agency.
- “445. Protection of agency identifications and organizational information.

“§ 441. Establishment

“(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

“(b) DIRECTOR.—(1) The Director of the National Imagery and Mapping Agency is the head of the agency. The Director carries out the Director’s functions subject to the authority, direction, and control of the Secretary of Defense.

“(2) If an officer of the armed forces on active duty is appointed to the position of Director, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of this title and shall carry the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

“(c) DIRECTOR OF CENTRAL INTELLIGENCE COLLECTION TASKING AUTHORITY.—Unless otherwise directed by the President, the Director of Central Intelligence may (except as otherwise agreed by the Director and the Secretary of Defense)—

- “(1) approve collection requirements levied on national imagery collection assets;
- “(2) determine priorities for such requirements; and
- “(3) resolve conflicts in such priorities.

“§ 442. Missions

“(a) NATIONAL SECURITY MISSIONS.—(1) The Director of the National Imagery and Mapping Agency shall, in support of the national security objectives of the United States, provide the following:

- “(A) Imagery.
- “(B) Imagery intelligence.
- “(C) Geospatial information.

“(2) In carrying out paragraph (1), the Director shall ensure that the information and intelligence provided is timely, relevant, and accurate.

“(b) NAVIGATION INFORMATION.—The Director of the National Imagery and Mapping Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

“(c) MAPS, CHARTS, ETC.—The Director of the National Imagery and Mapping Agency shall prepare and distribute maps, charts, books, and geodetic products as authorized under subchapter II of this chapter.

“(d) NATIONAL MISSIONS.—The National Imagery and Mapping Agency also has national missions as specified in section 120(a) of the National Security Act of 1947.

“(e) SYSTEMS.—The Director of the Agency may, in furtherance of a mission of the Agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

- “(1) the armed forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or
- “(2) any other department or agency of the United States.

“§ 443. Imagery intelligence and geospatial information: support for foreign countries

“(a) USE OF APPROPRIATED FUNDS.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to that Agency to provide foreign countries with imagery intelligence and geospatial information support.

“(b) FUNDS OTHER THAN APPROPRIATED FUNDS.—The Director may use funds other than appropriated funds to provide foreign countries with imagery intelligence

and geospatial information support, notwithstanding provisions of law relating to the expenditure of funds of the United States, except that—

“(1) no such funds may be expended, in whole or in part, by or for the benefit of the National Imagery and Mapping Agency for a purpose for which Congress had previously denied funds.

“(2) proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold; and

“(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

“(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

“(d) COORDINATION WITH DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of the Agency shall coordinate with the Director of Central Intelligence any action under this section that involves imagery intelligence or intelligence products or involves providing support to an intelligence or security service of a foreign country.

“§ 444. Support from Central Intelligence Agency

“(a) SUPPORT AUTHORIZED.—The Director of Central Intelligence may provide support in accordance with this section to the Director of the National Imagery and Mapping Agency. The Director of the National Imagery and Mapping Agency may accept support provided under this section.

“(b) ADMINISTRATIVE AND CONTRACT SERVICES.—(1) In furtherance of the national intelligence effort, the Director of Central Intelligence may provide administrative and contract services to the National Imagery and Mapping Agency as if that agency were an organizational element of the Central Intelligence Agency.

“(2) Services provided under paragraph (1) may include the services of security police. For purposes of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o), an installation of the National Imagery and Mapping Agency that is provided security police services under this section shall be considered an installation of the Central Intelligence Agency.

“(3) Support provided under this subsection shall be provided under terms and conditions agreed upon by the Secretary of Defense and the Director of Central Intelligence.

“(c) DETAIL OF PERSONNEL.—The Director of Central Intelligence may detail personnel of the Central Intelligence Agency indefinitely to the National Imagery and Mapping Agency without regard to any limitation on the duration of interagency details of Federal Government personnel.

“(d) REIMBURSABLE OR NONREIMBURSABLE SUPPORT.—Support under this section may be provided and accepted on either a reimbursable basis or a nonreimbursable basis.

“(e) AUTHORITY TO TRANSFER FUNDS.—(1) The Director of the National Imagery and Mapping Agency may transfer funds available for that agency to the Director of Central Intelligence for the Central Intelligence Agency.

“(2) The Director of Central Intelligence—

“(A) may accept funds transferred under paragraph (1); and

“(B) shall expend such funds, in accordance with the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), to provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency under this section.

“§ 445. Protection of agency identifications and organizational information

“(a) UNAUTHORIZED USE OF AGENCY NAME, INITIALS, OR SEAL.—(1) Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following:

“(A) The words ‘National Imagery and Mapping Agency’, the initials ‘NIMA’, or the seal of the National Imagery and Mapping Agency.

“(B) The words ‘Defense Mapping Agency’, the initials ‘DMA’, or the seal of the Defense Mapping Agency.

“(C) Any colorable imitation of such words, initials, or seals.

“(2) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to a hearing and determination of such action

and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“(b) PROTECTION OF ORGANIZATIONAL INFORMATION.—Notwithstanding any other provision of law, the Director of the National Imagery and Mapping Agency is not required to disclose the organization of the agency, any function of the agency, any information with respect to the activities of the agency, or the names, titles, salaries, or number of the persons employed by the agency. This subsection does not apply to disclosures of information to Congress.

“SUBCHAPTER II—MAPS, CHARTS, AND GEODETIC PRODUCTS

“Sec.

“451. Maps, charts, and books.

“452. Pilot charts.

“453. Prices of maps, charts, and navigational publications.

“454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.

“455. Maps, charts, and geodetic data: public availability; exceptions.

“456. Civil actions barred.

“SUBCHAPTER III—PERSONNEL MANAGEMENT

“Sec.

“461. Management rights.

“§ 461. Management rights

“(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Imagery and Mapping Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Imagery and Mapping Agency.

“(b) BARGAINING UNITS.—The National Imagery and Mapping Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5 only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on the day before the date on which employees and positions of the Defense Mapping Agency in that bargaining unit became employees and positions of the National Imagery and Mapping Agency under the Intelligence Community Act.

“(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Imagery and Mapping Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

“(2) A determination described in paragraph (1) that is made by the Director of the National Imagery and Mapping Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

“SUBCHAPTER IV—DEFINITIONS

“Sec.

“467. Definitions.

“§ 467. Definitions

“In this chapter:

“(1) The term ‘function’ means any duty, obligation, responsibility, privilege, activity, or program.

“(2)(A) The term ‘imagery’ means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

“(i) products produced by space-based national intelligence reconnaissance systems; and

“(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

“(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

“(3) The term ‘imagery intelligence’ means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

“(4) The term ‘geospatial information’ means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

“(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies;

“(B) mapping, charting, and geodetic data; and

“(C) geodetic products, as defined in section 455(c) of this title.”.

(b) TRANSFER OF DEFENSE MAPPING AGENCY PROVISIONS.—(1) Sections 2792, 2793, 2794, 2795, 2796, and 2798 of title 10, United States Code, are transferred to subchapter II of chapter 22 of such title, as added by subsection (a), inserted in that sequence in such subchapter following the table of sections, and redesignated in accordance with the following table:

Section transferred	Section as redesignated
2792	451
2793	452
2794	453
2795	454
2796	455
2798	456.

(2) Sections 451(1), 452, 453, 454, and 455 (in subsections (a) and (b)(1)(C)), and 456 of title 10, United States Code, as transferred and redesignated by paragraph (1), are amended by striking out “Defense Mapping Agency” each place it appears and inserting in lieu thereof “National Imagery and Mapping Agency”.

(c) OVERSIGHT OF AGENCY AS A COMBAT SUPPORT AGENCY.—Section 193 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by striking out the caption and inserting in lieu thereof “REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL IMAGERY AND MAPPING AGENCY.—”;

(B) in paragraph (1)—

(i) by inserting “and the National Imagery and Mapping Agency” after “the National Security Agency”; and

(ii) by striking out “the Agency” and inserting in lieu thereof “that the agencies”; and

(C) in paragraph (2), by inserting “and the National Imagery and Mapping Agency” after “the National Security Agency”;

(2) in subsection (e)—

(A) by striking out “DIA AND NSA” in the caption and inserting in lieu thereof the following: “DIA, NSA, AND NIMA.—”; and

(B) by striking out “and the National Security Agency” and inserting in lieu thereof “, the National Security Agency, and the National Imagery and Mapping Agency”; and

(3) in subsection (f), by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) The National Imagery and Mapping Agency.”.

(d) SPECIAL PRINTING AUTHORITY FOR AGENCY.—(1) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102-392; 44 U.S.C. 501 note), is amended by inserting “National Imagery and Mapping Agency,” after “Defense Intelligence Agency.”.

(2) Section 1336 of title 44, United States Code, is amended—

(A) by striking out “Secretary of the Navy” and inserting in lieu thereof “Director of the National Imagery and Mapping Agency”; and

(B) by striking out “United States Naval Oceanographic Office” and inserting in lieu thereof “National Imagery and Mapping Agency”.

SEC. 433. TRANSFERS OF PERSONNEL AND ASSETS.

The personnel, assets, unobligated balances of appropriations and authorizations of appropriations, and, to the extent jointly determined appropriate by the Secretary of Defense and Director of Central Intelligence, obligated balances of appropriations and authorizations of appropriations employed, used, held, arising from, or available in connection with the missions and functions transferred under section 431(c) are transferred to the National Imagery and Mapping Agency. Transfers of appropria-

tions from the Central Intelligence Agency under this section shall be made in accordance with section 1531 of title 31, United States Code.

SEC. 434. COMPATIBILITY WITH AUTHORITY UNDER THE INTELLIGENCE COMMUNITY ACT.

Consistent with the other provisions of this Act, the Secretary of Defense shall ensure, through the National Imagery and Mapping Agency (except as otherwise directed by the President or the National Security Council) and with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

- (1) for carrying out tasking of imagery collection;
- (2) for the coordination of imagery processing and exploitation activities;
- (3) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and
- (4) notwithstanding any other provision of law, for—
 - (A) prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and
 - (B) developing and fielding systems of common concern related to imagery intelligence and geospatial information.

SEC. 435. NATIONAL MISSION OF NATIONAL IMAGERY AND MAPPING AGENCY.

(a) **IN GENERAL.**—In addition to the Department of Defense missions set forth in section 442 of title 10, United States Code, the National Imagery and Mapping Agency shall support the imagery requirements of the Department of State and other departments and agencies of the United States outside the Department of Defense.

(b) **REQUIREMENTS AND PRIORITIES.**—The Director of Central Intelligence shall establish requirements and priorities governing the collection of national intelligence by the National Imagery and Mapping Agency under subsection (a).

(c) **CORRECTION OF DEFICIENCIES.**—The Director of Central Intelligence shall develop and implement such programs and policies as the Director and the Secretary of Defense jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. The Secretary shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.

SEC. 436. CREDITABLE CIVILIAN SERVICE FOR CAREER CONDITIONAL EMPLOYEES OF THE DEFENSE MAPPING AGENCY.

In the case of an employee of the National Imagery and Mapping Agency who, on the day before the effective date of this title, was an employee of the Defense Mapping Agency in a career-conditional status, the continuous service of that employee as an employee of the National Imagery and Mapping Agency on and after such date shall be considered creditable service for the purpose of any determination of the career status of the employee.

SEC. 437. SAVING PROVISIONS.

(a) **CONTINUING EFFECT ON LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, international agreements, grants, contracts, leases, certificates, licenses, registrations, privileges, and other administrative actions—

- (1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in connection with any of the functions which are transferred under this title or any function that the National Imagery and Mapping Agency is authorized to perform by law, and
- (2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Defense, the Director of the National Imagery and Mapping Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—This title and the amendments made by this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an element of the Department of Defense or Central Intelligence Agency at

the time this title takes effect, with respect to function of that element transferred by section 442, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

SEC. 438. DEFINITIONS.

In this part, the terms “function”, “imagery”, “imagery intelligence”, and “geospatial information” have the meanings given those terms in section 467 of title 10, United States Code, as added by section 432.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 441. REDESIGNATION AND REPEALS.

(a) REDESIGNATION.—Chapter 23 of title 10, United States Code (as redesignated by section 432(a)(1)) is amended by redesignating the sections in that chapter as sections 481 and 482, respectively.

(b) REPEAL OF SUPERSEDED LAW.—Chapter 167 of such title, as amended by section 432(b), is repealed.

SEC. 442. REFERENCE AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—Sections 2302(a)(2)(C)(ii), 3132(a)(1)(B), 4301(1) (in clause (ii)), 4701(a)(1)(B), 5102(a)(1) (in clause (xi)), 5342(a)(1)(L), 6339(a)(1)(E), and 7323(b)(2)(B)(i)(XIII) are amended by striking out “Central Imagery Office” and inserting in lieu thereof “National Imagery and Mapping Agency”.

(2) DIRECTOR, CENTRAL IMAGERY OFFICE.—Section 6339(a)(2)(E) is amended by striking out “Central Imagery Office, the Director of the Central Imagery Office” and inserting in lieu thereof “National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency”.

(b) OTHER LAWS.—The following provisions of law are amended by striking out “Central Imagery Office” and inserting in lieu thereof “National Imagery and Mapping Agency”:

(1) NATIONAL SECURITY ACT OF 1947.—Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E)).

(2) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4).

(3) EMPLOYEE POLYGRAPH PROTECTION ACT.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (Public Law 100–347; 29 U.S.C. 2006(b)(2)(A)(i)).

(c) CROSS REFERENCE.—Section 82 of title 14, United States Code, is amended by striking out “chapter 167” and inserting in lieu thereof “subchapter II of chapter 22”.

SEC. 443. HEADINGS AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—

(1) The table of chapters at the beginning of subtitle A of title 10, United States Code, is amended—

(A) by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

“22. National Imagery and Mapping Agency	441
“23. Miscellaneous Studies and Reports	471”;

and

(B) by striking out the item relating to chapter 167.

(2) The table of chapters at the beginning of part I of such subtitle is amended by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

“22. National Imagery and Mapping Agency	441
“23. Miscellaneous Studies and Reports	471”;

(3) The table of chapters at the beginning of part IV of such subtitle is amended by striking out the item relating to chapter 167.

(4) The items in the table of sections at the beginning of chapter 23 of title 10, United States Code (as redesignated by section 432(a)(1)), are revised so as to reflect the redesignations made by section 441(a).

(b) TITLE 44, UNITED STATES CODE.—

(1) The heading of section 1336 of title 44, United States Code, is amended to read as follows:

“§ 1336. National Imagery and Mapping Agency: special publications”.

(2) The item relating to that section in the tables of sections at the beginning of chapter 13 of such title is amended to read as follows:

“1336. National Imagery and Mapping Agency: special publications.”.

SEC. 444. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the later of October 1, 1996, or the date of the enactment of an Act, whichever is later.

Subtitle D—Civilian Intelligence Personnel Policy

SEC. 481. MANAGEMENT OF CIVILIAN INTELLIGENCE PERSONNEL.

(a) CONSOLIDATION AND STANDARDIZATION OF CIVILIAN PERSONNEL POLICY.—Chapter 83 of title 10, United States Code, is amended—

(1) by redesignating section 1602 as section 1621 and transferring that section so as to appear after section 1605;

(2) by redesignating sections 1606 and 1608 as section 1622 and 1623, respectively; and

(3) by striking out the chapter heading, the table of sections, and sections 1601, 1603, and 1604 and inserting in lieu thereof the following:

“CHAPTER 83—CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES

“Subchapter	Sec.
“I. Defense-Wide Intelligence Personnel Policy	1601
“II. Defense Intelligence Agency Personnel	1621

“SUBCHAPTER I—DEFENSE-WIDE INTELLIGENCE PERSONNEL POLICY

“Sec.
“1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay.
“1602. Basic pay.
“1603. Additional compensation, incentives, and allowances.
“1605. Benefits for certain employees assigned outside the United States.
“1606. Defense Intelligence Senior Executive Service.
“1607. Intelligence Senior Level positions.
“1608. Time-limited appointments.
“1609. Termination of defense intelligence employees.
“1610. Reductions and other adjustments in force.
“1611. Postemployment assistance: certain terminated intelligence employees.
“1612. Merit system principles and civil service protections: applicability.
“1613. Miscellaneous provisions.
“1614. Definitions.

“§ 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay

“(a) GENERAL AUTHORITY.—The Secretary of Defense may—

“(1) establish, as positions in the excepted service, such defense intelligence positions in the intelligence components of the Department of Defense and the military departments as the Secretary determines necessary to carry out the intelligence functions of those components and departments, including—

“(A) Intelligence Senior Level positions designated under section 1607 of this title; and

“(B) positions in the Defense Intelligence Senior Executive Service;

“(2) appoint individuals to those positions (after taking into consideration the availability of preference eligibles for appointment to those positions); and

“(3) fix the compensation of such individuals for service in those positions.

“(b) CONSTRUCTION WITH OTHER LAWS.—The authority of the Secretary of Defense under subsection (a) applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

“§ 1602. Basic pay

“(a) **AUTHORITY TO FIX RATES OF BASIC PAY.**—The Secretary of Defense (subject to the provisions of this section) shall fix the rates of basic pay for positions established under section 1601 of this title in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

“(b) **MAXIMUM RATES.**—A rate of basic pay fixed under subsection (a) for a position established under section 1601 of this title may not (except as otherwise provided by law) exceed—

“(1) in the case of a Defense Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

“(2) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

“(3) in the case of any other position, the maximum rate provided in section 5306(e) of title 5.

“(c) **PREVAILING RATE SYSTEMS.**—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of that title.

“§ 1603. Additional compensation, incentives, and allowances

“(a) **ADDITIONAL COMPENSATION BASED ON TITLE 5 AUTHORITIES.**—The Secretary of Defense may provide employees in defense intelligence positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

“(b) **ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT.**—(1) In addition to basic pay, employees in defense intelligence positions who are citizens or nationals of the United States and are stationed outside the continental United States or in Alaska may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, while they are so stationed.

“(2) An allowance under this subsection shall be based on—

“(A) living costs substantially higher than in the District of Columbia;

“(B) conditions of environment which (i) differ substantially from conditions of environment in the continental United States, and (ii) warrant an allowance as a recruitment incentive; or

“(C) both of the factors specified in subparagraphs (A) and (B).

“(3) An allowance under this subsection may not exceed the allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.”

(b) **MATTERS OTHER THAN PAY AND BENEFITS.**—Such chapter is further amended by inserting after section 1605 the following new sections:

“§ 1606. Defense Intelligence Senior Executive Service

“(a) **ESTABLISHMENT.**—The Secretary of Defense may establish a Defense Intelligence Senior Executive Service for defense intelligence positions established pursuant to section 1601(a) of this title that are equivalent to Senior Executive Service positions. The number of positions in the Defense Intelligence Senior Executive Service may not exceed the number of Defense Intelligence Senior Executive Service positions established as of January 1, 1996.

“(b) **REGULATIONS CONSISTENT WITH TITLE 5 PROVISIONS.**—The Secretary of Defense shall prescribe regulations for the Defense Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3393a, 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Defense Intelligence Senior Executive Service is entitled shall be held or decided pursuant to those regulations), and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Defense Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those provisions with respect to the Defense Intelligence Senior Executive Service.

“(c) **AWARD OF RANK TO MEMBERS OF THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.**—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Defense Intelligence Senior Executive Service. The award of such rank shall be made in a manner consistent with the provisions of that section.

“§ 1607. Intelligence Senior Level positions

“(a) DESIGNATION OF POSITIONS.—The Secretary of Defense may designate as an Intelligence Senior Level position any defense intelligence position that, as determined by the Secretary—

“(1) is classifiable above grade GS–15 of the General Schedule;

“(2) does not satisfy functional or program management criteria for being designated a Defense Intelligence Senior Executive Service position; and

“(3) has no more than minimal supervisory responsibilities.

“(b) REGULATIONS.—Subsection (a) shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

“§ 1608. Time-limited appointments

“(a) AUTHORITY FOR TIME-LIMITED APPOINTMENTS.—The Secretary of Defense may by regulation authorize appointing officials to make time-limited appointments to defense intelligence positions specified in the regulations.

“(b) REVIEW OF USE OF AUTHORITY.—The Secretary of Defense shall review each time-limited appointment in a defense intelligence position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time-limited appointment after the first year shall be subject to the approval of the Secretary.

“(c) CONDITION ON PERMANENT APPOINTMENT TO DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—An employee serving in a defense intelligence position pursuant to a time-limited appointment is not eligible for a permanent appointment to a Defense Intelligence Senior Executive Service position (including a position in which the employee is serving) unless the employee is selected for the permanent appointment on a competitive basis.

“(d) TIME-LIMITED APPOINTMENT DEFINED.—In this section, the term ‘time-limited appointment’ means an appointment (subject to the condition in subsection (b)) for a period not to exceed two years.

“§ 1609. Termination of defense intelligence employees

“(a) TERMINATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence position if the Secretary—

“(1) considers that action to be in the interests of the United States; and

“(2) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

“(b) FINALITY.—A decision by the Secretary of Defense to terminate the employment of an employee under this section is final and may not be appealed or reviewed outside the Department of Defense.

“(c) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—Whenever the Secretary of Defense terminates the employment of an employee under the authority of this section, the Secretary shall promptly notify the congressional oversight committees of such termination.

“(d) PRESERVATION OF RIGHT TO SEEK OTHER EMPLOYMENT.—Any termination of employment under this section does not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

“(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense under this section may be delegated only to the Deputy Secretary of Defense, the head of an intelligence component of the Department of Defense (with respect to employees of that component), or the Secretary of a military department (with respect to employees of that department). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

“§ 1610. Reductions and other adjustments in force

“(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the separation of employees in defense intelligence positions, including members of the Defense Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, during a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

“(b) MATTERS TO BE GIVEN EFFECT.—The regulations shall give effect to the following:

“(1) Tenure of employment.

“(2) Military preference, subject to sections 3501(a)(3) and 3502(b) of title 5.

“(3) The veteran’s preference under section 3502(b) of title 5.

“(4) Performance.

“(5) Length of service computed in accordance with the second sentence of section 3502(a) of title 5.

“(c) REGULATIONS RELATING TO DEFENSE INTELLIGENCE SES.—The regulations relating to removal from the Defense Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

“(d) RIGHT OF APPEAL.—(1) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

“(2) Notwithstanding paragraph (1), a preference eligible referred to in section 7511(a)(1)(B) of title 5 may elect to have an appeal of a personnel action taken against the preference eligible under the regulation determined by the Merit Systems Protection Board instead of having the appeal determined within the Department of Defense. Section 7701 of title 5 shall apply to any such appeal to the Merit Systems Protection Board.

“(e) CONSULTATION WITH OPM.—Regulations under this section shall be prescribed in consultation with the Director of the Office of Personnel Management.”.

(c) TRANSFER OF SECTION 1599.—Subtitle A of title 10, United States Code, is amended by transferring section 1599 to chapter 83 of such title, inserting such section after section 1610 (as added by subsection (b)), redesignating such section as section 1611, and in subsection (f) striking out “means” and all that follows and inserting in lieu thereof “includes the National Reconnaissance Office and any intelligence component of a military department.”.

(d) ADDITIONAL PROVISIONS.—Such chapter is further amended by inserting after section 1611 (as so transferred and redesignated) the following new sections:

“§ 1612. Merit system principles and civil service protections: applicability

“(a) APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this subchapter (other than sections 1605 and 1611).

“(b) CIVIL SERVICE PROTECTIONS.—(1) If, in the case of a position established under authority other than section 1601(a)(1) of this title that is reestablished as an excepted service position under that section, the provisions of law referred to in paragraph (2) applied to the person serving in that position immediately before the position is so reestablished and such provisions of law would not otherwise apply to the person while serving in the position as so reestablished, then such provisions of law shall continue to apply to the person with respect to service in that position for as long as the person continues to serve in the position without a break in service.

“(2) The provisions of law referred to in paragraph (1) are the following provisions of title 5:

“(A) Section 2302, relating to prohibited personnel practices.

“(B) Chapter 75, relating to adverse actions, unless, in the case of any individual employee, that employee elects to have an appeal determined within the Department of Defense.

“§ 1613. Miscellaneous provisions

“(a) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in sections 1601 through 1604 and 1606 through 1610 may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

“(b) NOTICE TO CONGRESS OF REGULATIONS.—The Secretary of Defense shall notify Congress of any regulations prescribed to carry out this subchapter (other than sections 1605 and 1611). Such notice shall be provided by submitting a copy of the regulations to the congressional oversight committees not less than 60 days before such regulations take effect.

“§ 1614. Definitions

“In this subchapter:

“(1) The term ‘defense intelligence position’ means a civilian position as an intelligence officer or intelligence employee of an intelligence component of the Department of Defense or of a military department.

“(2) The term ‘intelligence component of the Department of Defense’ means any of the following:

- “(A) The National Security Agency.
 - “(B) The Defense Intelligence Agency.
 - “(C) The National Imagery and Mapping Agency.
 - “(D) Any other component of the Department of Defense that performs intelligence functions and is designated by the Secretary of Defense as an intelligence component of the Department of Defense.
 - “(E) Any successor to a component specified in, or designated pursuant to, this paragraph.
- “(3) The term ‘congressional oversight committees’ means—
- “(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and
 - “(B) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives.
- “(4) The term ‘excepted service’ has the meaning given such term in section 2103 of title 5.
- “(5) The term ‘preference eligible’ has the meaning given such term in section 2108(3) of title 5.
- “(6) The term ‘Senior Executive Service position’ has the meaning given such term in section 3132(a)(2) of title 5.
- “(7) The term ‘collective bargaining agreement’ has the meaning given such term in section 7103(8) of title 5.”.

(e) DESIGNATION OF NEW SUBCHAPTER II.—Chapter 83 of such title is further amended by inserting after section 1614 (as added by subsection (d)) the following:

“SUBCHAPTER II—DEFENSE INTELLIGENCE AGENCY PERSONNEL

“Sec.

“1621. Defense Intelligence Agency merit pay system.

“1622. Uniform allowance: civilian employees.

“1623. Financial assistance to certain employees in acquisition of critical skills.”.

SEC. 482. REPEAL OF SUPERSEDED SECTIONS AND CLERICAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF SEPARATE MILITARY DEPARTMENT AUTHORITIES.—Section 1590 of title 10, United States Code, is repealed.

(b) REPEAL OF SEPARATE NATIONAL SECURITY AGENCY AUTHORITIES.—The following provisions of law are repealed:

- (1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).
- (2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833).

(c) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

- (1) The heading for section 1605 is amended to read as follows:

“§ 1605. **Benefits for certain employees assigned outside the United States**”.

(2) The table of sections at the beginning of chapter 81 is amended by striking out the items relating to sections 1590 and 1599.

(3) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by striking out the item relating to chapter 83 and inserting in lieu thereof the following:

“83. **Civilian Defense Intelligence Employees** 1601”.

(d) CONFORMING AMENDMENT.—Section 1621 of such title, as transferred and redesignated by section 481(a)(1), is amended by striking out “and Central Imagery Office”.

(e) CROSS REFERENCE AMENDMENTS.—Chapter 81 of title 10, United States Code, is amended as follows:

- (1) Section 1593(a)(3) is amended by striking out “section 1606” and inserting in lieu thereof “section 1622”.
- (2) Section 1596(c) is amended by striking out “section 1604(b)” and inserting in lieu thereof “section 1602”.

SEC. 483. OTHER PERSONNEL MANAGEMENT AUTHORITIES.

(a) APPLICABILITY OF FEDERAL LABOR-MANAGEMENT RELATIONS SYSTEM.—Section 7103(a)(3) of title 5, United States Code is amended—

- (1) by inserting “or” at the end of subparagraph (F);
- (2) by striking out “; or” at the end of subparagraph (G) and inserting in lieu thereof a period; and
- (3) by striking out subparagraph (H).

(b) APPLICABILITY OF AUTHORITY AND PROCEDURES FOR IMPOSING CERTAIN ADVERSE ACTIONS.—Section 7511(b)(8) of such title is amended by striking out “the National Security Agency” and all that follows through “title 10” and inserting in lieu thereof “an intelligence component of the Department of Defense (as defined in section 1614 of title 10), or an intelligence activity of a military department covered under subchapter I of chapter 83 of title 10”.

TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

SEC. 501. RECODIFICATION OF LAWS RELATING TO NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES IN EXECUTIVE OFFICE OF THE PRESIDENT.

Title I of the National Security Act of 1947 is amended by striking out the title heading and sections 101 through 107 and inserting in lieu thereof the following:

“TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

“SEC. 101. NATIONAL SECURITY COUNCIL.

“(a) IN GENERAL.—There is in the Executive Office of the President the National Security Council. The Council is composed of the following:

- “(1) The President.
- “(2) The Vice President.
- “(3) The Secretary of State.
- “(4) The Secretary of Defense.

“(b) ADDITIONAL PARTICIPANTS.—Subject to the direction of the President, the following officers may attend and participate in meetings of the National Security Council:

“(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence (or, in the Director’s absence, a Deputy Director of Central Intelligence), in the performance of the Director’s duties under this Act and the Intelligence Community Act.

“(2) CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Chairman (or, in the Chairman’s absence, the Vice Chairman) of the Joint Chiefs of Staff, in the Chairman’s role as principal military adviser to the National Security Council.

“(3) DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Director of National Drug Control Policy, in the Director’s role as principal adviser to the National Security Council on national drug control policy, but only through the date specified in section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1506).

“(4) OTHERS DESIGNATED BY THE PRESIDENT.—Such additional officers as may be designated by the President.

“(c) FUNCTIONS.—The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security. In addition to performing such other functions as the President may direct, the Council (subject to the direction of the President) shall, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security—

“(1) assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

“(2) consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security and make recommendations to the President in connection therewith.

“(d) RECOMMENDATIONS AND REPORTS.—The Council shall, from time to time, make such recommendations and such other reports to the President as it considers appropriate or as the President may require.

“(e) STAFF.—The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President. The executive secretary, subject to the direction of the Council, may subject to the civil-service laws, appoint and fix the compensation of such personnel as may be necessary to perform such duties

as may be prescribed by the Council in connection with the performance of its functions.

“SEC. 104. NATIONAL COUNTERINTELLIGENCE POLICY BOARD.

“(a) ESTABLISHMENT OF BOARD.—There is within the executive branch of the Government a National Counterintelligence Policy Board. The Board shall report to the President through the National Security Council.

“(b) FUNCTION OF THE BOARD.—The Board shall serve as the principal mechanism for—

“(1) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

“(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.”.

TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 601. RESTATEMENT OF NATIONAL SECURITY AGENCY ACT OF 1959.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘National Security Agency Act of 1959’.

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

“Sec. 1. Short title; table of contents.

“Sec. 2. General personnel authorities.

“Sec. 3. Protection of identities of employees.

“Sec. 4. Authority to lease real property outside the United States.

“Sec. 5. Benefits for personnel assigned to special cryptologic activities outside the United States.

“Sec. 10. Language training for cryptologic personnel.

“Sec. 11. Protection of facilities by General Services Administration.

“Sec. 12. Senior Cryptologic Executive Service.

“Sec. 13. Grants for cryptologic research.

“Sec. 14. Availability of certain appropriations.

“Sec. 15. Protection of agency name from unauthorized use.

“Sec. 16. Recruitment of qualified personnel.

“Sec. 17. Authority to pay certain expenses for employees dying while on rotational tour of duty in the United States.

“SEC. 2. GENERAL PERSONNEL AUTHORITIES.

“(a) IN GENERAL.—General personnel authorities of the Secretary of Defense with respect to the National Security Agency are provided in chapter 83 of title 10, United States Code.

“(b) AUTHORITY FOR ADDITIONAL COMPENSATION FOR CERTAIN EMPLOYEES.—Officers and employees of the National Security Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations which shall be prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 5941 of title 5, United States Code, for employees whose rates of basic compensation are fixed by statute.

“SEC. 3. PROTECTION OF IDENTITIES OF EMPLOYEES.

“Nothing in this Act or any other law shall be construed to require the disclosure of the organization or any function of the National Security Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

“SEC. 4. AUTHORITY TO LEASE REAL PROPERTY OUTSIDE THE UNITED STATES.

“(a) AUTHORITY.—Notwithstanding section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), section 5536 of title 5, United States Code, and section 2675 of title 10, United States Code, the Director of the National Security Agency, on behalf of the Secretary of Defense, may lease real property outside the United States, for periods not exceeding ten years, for the use of the National Security Agency for special cryptologic activities and for housing for personnel assigned to such activities.

“(b) LIMITATION TO APPROPRIATED FUNDS.—The authority of the Director of the National Security Agency, on behalf of the Secretary of Defense, to make payments under subsection (a), and under contracts for leases entered into under subsection (a), is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“SEC. 5. BENEFITS FOR PERSONNEL ASSIGNED TO SPECIAL CRYPTOLOGIC ACTIVITIES OUTSIDE THE UNITED STATES.

“(a) **AUTHORITY TO PROVIDE CERTAIN BENEFITS.**—The Director of the National Security Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptologic activities outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection the following:

“(1) Allowances and benefits—

“(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and

“(B) in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency.

“(2) Housing (including heat, light, and household equipment) without cost to such personnel, if the Director of the National Security Agency, on behalf of the Secretary of Defense, determines that it would be in the public interest to provide such housing.

“(3) Special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153) and in section 18 of the Central Intelligence Agency Act of 1949.

“(b) **LIMITATION TO APPROPRIATED FUNDS.**—The authority of the Director of the National Security Agency, on behalf of the Secretary of Defense, to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“(c) **PROHIBITION OF DUPLICATION OF BENEFITS.**—Members of the Armed Forces may not receive benefits under both subsection (a)(1) and under title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

“(d) **REGULATIONS.**—Regulations prescribed under subsection (a)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

“SEC. 10. LANGUAGE TRAINING FOR CRYPTOLOGIC PERSONNEL.

“(a) **LANGUAGE TRAINING PROGRAMS.**—The Director of the National Security Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director—

“(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;

“(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

“(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

“(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

“(b) **FOREIGN LANGUAGE PROFICIENCY INCENTIVES.**—(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

“(2) In order to provide linguistic training and support for cryptologic personnel, the Director—

“(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

“(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, United States Code, and to military personnel in accordance with chapter 7 of title 37, United States Code, and applicable provi-

sions of title 10, United States Code, when such personnel are assigned to training at sites away from their designated duty station.

“(c) CRYPTOLOGIC LINGUIST RESERVE.—(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director may establish a Cryptologic Linguist Reserve.

“(2) The Cryptologic Linguist Reserve may consist of former or retired civilian or military cryptologic personnel of the National Security Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the Cryptologic Linguist Reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the National Security Agency and shall perform such linguistic or linguistic-related duties as the Director may assign.

“(3) In order to attract individuals to become members of the Cryptologic Linguist Reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

“(4) In order to provide training and support for members of the Cryptologic Linguist Reserve, the Director—

“(A) may pay all or part of the tuition and other expenses related to the training of individuals in the Cryptologic Linguist Reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

“(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the Cryptologic Linguist Reserve who are assigned to training at sites away from their homes or regular places of business.

“(d) SERVICE AGREEMENTS.—(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

“(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

“(B) in the case of individuals accepted for membership in the Cryptologic Linguist Reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

“(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

“(e) LANGUAGE TRAINING FOR FAMILY MEMBERS.—(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

“(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

“(f) WAIVER AUTHORITY.—The Director may waive the applicability of any provision of chapter 41 of title 5, United States Code, to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

“(g) LIMITATION TO APPROPRIATED FUNDS.—The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“(h) REGULATIONS.—Regulations prescribed under this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

“(i) TRAVEL AND TRANSPORTATION EXPENSES IN CONNECTION WITH TRAINING OUTSIDE THE UNITED STATES.—The Director of the National Security Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, United States Code, pay travel, transportation, storage, and subsistence expenses

under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.

“SEC. 11. PROTECTION OF FACILITIES BY GENERAL SERVICES ADMINISTRATION.

“The Administrator of General Services, upon the application of the Director of the National Security Agency, may provide for the protection in accordance with section 3 of the Act of June 1, 1948 (40 U.S.C. 318b), of certain facilities (as designated by the Director of such Agency) which are under the administration and control of, or are used by, the National Security Agency in the same manner as if such facilities were property of the United States over which the United States has acquired exclusive or concurrent criminal jurisdiction.

“SEC. 12. SENIOR CRYPTOLOGIC EXECUTIVE SERVICE.

“(a) **AUTHORITY TO ESTABLISH SCES.**—(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the National Security Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall do the following:

“(A) Meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service.

“(B) Provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title.

“(C) Provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted.

“(D) Provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title.

“(E) Provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense).

“(F) Permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title.

“(G) Provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title.

“(H) Provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.

“(2) Except as otherwise provided in paragraph (1), the Secretary of Defense may—

“(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

“(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

“(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5, United States Code.

“(4) Notwithstanding any other provision of this section, the Director of the National Security Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the National Security Agency in which the member’s expertise and experience may be of benefit to the National Security Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

“(b) **MERIT PAY SYSTEM.**—The Secretary of Defense may by regulation establish a merit pay system for such employees of the National Security Agency as the Secretary of Defense considers appropriate. The merit pay system shall be designed to

carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

“(c) **LIMITATION ON TOTAL COMPENSATION.**—Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

“SEC. 13. GRANTS FOR CRYPTOLOGIC RESEARCH.

“(a) **GRANT AUTHORITY.**—The Director of the National Security Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this section may not be approved unless the Director determines that the award of the grant would be clearly consistent with the national security.

“(b) **APPLICABLE LAW.**—The grant program established by subsection (a) shall be conducted in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) to the extent that such Act is consistent with and in accordance with section 6 of this Act.

“(c) **LIMITATION TO APPROPRIATED FUNDS.**—The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

“SEC. 14. AVAILABILITY OF CERTAIN APPROPRIATIONS.

“Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the National Security Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

“SEC. 15. PROTECTION OF AGENCY NAME FROM UNAUTHORIZED USE.

“(a) **PROHIBITION ON UNAUTHORIZED USE.**—No person may, except with the written permission of the Director of the National Security Agency, knowingly use the words ‘National Security Agency’, the initials ‘NSA’, the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

“(b) **ENFORCEMENT.**—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“SEC. 16. RECRUITMENT OF QUALIFIED PERSONNEL.

“(a) **PURPOSE.**—The purpose of this section is to establish an undergraduate training program, which may lead to the baccalaureate degree, to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Security Agency, including mathematics, computer science, engineering, and foreign languages.

“(b) **ASSIGNMENT OF CIVILIAN EMPLOYEES.**—The Secretary of Defense may, in the Secretary’s discretion, assign civilian employees of the National Security Agency as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the Agency.

“(c) **LIMITATION TO APPROPRIATED FUNDS.**—The National Security Agency may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (b), in any fiscal year only to the extent that appropriated funds are available for such purpose.

“(d) **EMPLOYEE AGREEMENT.**—(1) To be eligible for assignment under subsection (b), an employee of the Agency must agree in writing to the following:

“(A) To continue in the service of the Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned.

“(B) To continue in the service of the Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof.

“(C) To reimburse the United States for the total cost of education (excluding the employee’s pay and allowances) provided under this section to the employee if, before the employee’s completing the educational course of training for which the employee is assigned, the assignment or the employee’s employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily.

“(D) To reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee’s employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily, before the employee’s completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee’s pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

“(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

“(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

“(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in the Secretary’s discretion, the Secretary determines that equity or the interests of the United States so require.

“(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee’s employment with the Agency, to satisfy his obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

“(e) DISCLOSURE TO EDUCATIONAL INSTITUTION OF AGENCY AFFILIATION OF EMPLOYEE.—(1) When an employee is assigned under this section to an institution, the Agency shall disclose to the institution to which the employee is assigned that the Agency employs the employee and that the Agency funds the employee’s education.

“(2) Agency efforts to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

“(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

“(g) REGULATIONS.—The Secretary of Defense may prescribe such regulations as may be necessary to implement this section.

“SEC. 17. AUTHORITY TO PAY CERTAIN EXPENSES FOR EMPLOYEES DYING WHILE ON ROTATIONAL TOUR OF DUTY IN THE UNITED STATES.

“(a) AUTHORITY.—The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

“(b) DEFINITION.—For the purposes of this section, the term ‘rotational tour of duty’, with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.”.

SEC. 602. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) PAY.—Section 5314 of title 5, United States Code, is amended by striking out “Deputy Director of Central Intelligence” and inserting in lieu thereof “Deputy Directors of Central Intelligence (2)”.

(b) MERIT SYSTEM PRINCIPLES.—Section 2305 of title 5, United States Code, is amended by striking out “section 102 of the National Security Act of 1947 (61 Stat. 495; 50 U.S.C. 403),” and inserting in lieu thereof “subtitle A of title I of the Intelligence Community Act,”.

SEC. 603. REPEAL OF PROVISIONS RECODIFIED IN NEW ACT.

(a) FISCAL YEAR 1996 INTELLIGENCE AUTHORIZATION ACT.—Section 306 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 50 U.S.C. 435 note; 109 Stat. 966) is repealed.

(b) FISCAL YEAR 1995 INTELLIGENCE AUTHORIZATION ACT.—The following provisions of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103–359) are repealed:

(1) Section 603 (50 U.S.C. 403–3 note; 108 Stat. 3433).

(2) Section 811 (50 U.S.C. 402a; 108 Stat. 3455).

(c) FISCAL YEAR 1992 INTELLIGENCE AUTHORIZATION ACT.—Section 403 of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 50 U.S.C. 403–2; 105 Stat. 1267) is repealed.

(d) NATIONAL SECURITY ACT OF 1947.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(e) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS ACT.—Section 8154 of the Department of Defense Appropriations Act, 1995 (10 U.S.C. 384 note; 50 U.S.C. 403f note; 108 Stat. 2658) is repealed.

(f) FISCAL YEAR 1994 DEFENSE APPROPRIATIONS ACT.—Section 8107 of the Department of Defense Appropriations Act, 1994 (50 U.S.C. 414 note; 107 Stat. 1464) is repealed.

SEC. 604. NATIONAL SECURITY ACT OF 1947.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by inserting after the item relating to section 2 the following new item:

“Sec. 3. Definitions.”;

(2) by striking out the items relating to the heading for title I and sections 101 through 107 and inserting in lieu thereof the following:

“TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

“Sec. 101. National Security Council.

“Sec. 104. National Counterintelligence Policy Board.”;

(3) by striking out the item relating to section 109 and the item following that item (relating to section 104); and

(4) by striking out the items relating to sections 202 through 204, 208 through 214, 301, 302, and 304 through 306.

(b) FORMAT AMENDMENTS.—Title IX of such Act is amended—

(1) in section 904 (50 U.S.C. 441c), by striking out “required to be imposed by” and all that follows and inserting in lieu thereof “required to be imposed by any of the following provisions of law:

“(1) The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102–182).

“(2) The Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103–236).

“(3) Section 11B of the Export Administration Act of 1979 (50 U.S.C. App. 2410b).

“(4) Chapter 7 of the Arms Export Control Act (22 U.S.C. 2797 et seq.).

“(5) The Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484).

“(6) The following provisions of annual appropriations Acts:

“(A) Section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87; 107 Stat. 972).

“(B) Section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1649).

“(C) Section 552 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 741).

“(7) Comparable provisions.”; and

(2) in section 905 (50 U.S.C. 441d), by striking out “on the date which is one year after the date of the enactment of this title” and inserting in lieu thereof “on January 6, 1997”.

SEC. 605. ABOLITION OF NATIONAL INTELLIGENCE COUNCIL.

The National Intelligence Council is abolished.

SEC. 606. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect six months after the date of the enactment of this Act, except that the President may prescribe an earlier date. Any such date prescribed by the President shall be published in the Federal Register.

PURPOSE AND SUMMARY

H.R. 3237, the Intelligence Community Act, would make broad structural and organizational reforms to the national intelligence community.

LEGISLATIVE HISTORY

H.R. 3237 was introduced on April 15, 1996 and was referred to the Permanent Select Committee on Intelligence and to the Committee on National Security. On June 13, 1996, the Permanent Select Committee on Intelligence agreed to an amendment in the nature of a substitute to H.R. 3237 and ordered the bill, as amended, favorably reported by a vote of 6 to 3.

On July 11, 1996, the Committee on National Security held a hearing to consider H.R. 3237. Testimony was received from: Honorable John P. White, Deputy Secretary of Defense; Lieutenant General Paul Van Riper, Commanding General of the Combat Development Command, U.S. Marine Corps; Major General Edward Anderson, Assistant Deputy Chief of Staff for Operations and Plans, U.S. Army; Major General Bobby O. Floyd, Director of Forces, Office of the Deputy Chief of Staff for Plans and Operations, U.S. Air Force; and Rear Admiral John Luecke, Assistant Deputy Chief of Naval Operations, U.S. Navy.

On July 17, 1996, the Committee on National Security met to consider H.R. 3237. The committee agreed to an amendment in the nature of a substitute and ordered the bill, as amended, reported favorably to the House by unanimous voice vote.

EXPLANATION OF THE COMMITTEE AMENDMENT

The committee adopted an amendment in the nature of a substitute during the consideration of H.R. 3237. The remainder of the report discusses the bill, as amended by the amendment in the nature of a substitute.

PURPOSE

The United States continues to need a strong, highly capable and increasingly flexible intelligence community. This need has not diminished since the end of the Cold War. Indeed, the current international situation is, in many ways, more complex and more difficult to manage than was the relatively stable, bi-polar Cold War. This changed security environment has particularly impacted on the military with a dramatic increase in participation in peacekeeping and humanitarian missions. Thus, the demands for military and non military intelligence remain significant and may likely increase. While the focus of national security challenges has changed, the mission of the intelligence community has not: to ensure that

the United States does not suffer a crippling, strategic surprise; to provide timely intelligence to civil and military policy-makers that may provide the basis for sound decision making; to support military operations; and, to carry out certain non-traditional intelligence operations in accordance with laws and as tasked by legally responsible officials.

The changed international scene may require, and improving technologies offer opportunities for, revolutionary advances in technical intelligence. Significant advances in technical intelligence and overall efficiency may also be promoted through reorganization of the intelligence community.

However, the intelligence community in its present form was a major contributor to the favorable end of the Cold War and generally continues to serve the nation well. The mission and structure of the intelligence community is complex, and its wholesale transformation, however well planned, runs the risk of inadvertent disruption or damage to U.S. intelligence capabilities through unforeseen consequences. Moreover, sudden comprehensive restructuring of the intelligence community in the face of an unpredictable international environment could, if a crisis arises while the intelligence community is undergoing upheaval, put at risk U.S. national security. Therefore, the committee believes that incremental change of the intelligence community is the more prudent course toward realizing the potential technological benefits and improved efficiencies that may derive from reorganization, without compromising national security.

Accordingly, this bill, as amended, provides for a number of changes in the intelligence community that move toward the promising revolution in technical intelligence and greater efficiencies that may be realized from a more far reaching reorganization. Specifically, this bill, as amended by the committee, establishes a National Imagery and Mapping Agency (NIMA), creates a second Deputy Director of Central Intelligence (DDCI), promotes increased cooperation between the Defense Human Intelligence Service (DHS) and the Directorate of Operations (DO) of the Central Intelligence Agency, requires the Director of Central Intelligence and the Secretary of Defense to report on the advisability of establishing a Director of Military Intelligence, consolidates and streamlines intelligence personnel authorities, and appropriately recodifies and restructures the National Security Act of 1947.

AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE

The bill, as amended, would retain the current balance of authorities and responsibility between the Director of Central Intelligence (DCI) and the Secretary of Defense over national intelligence components of the Department of Defense. While the committee acknowledges the argument that the present distribution of authority over intelligence community assets is complex and fragmented, it is not convinced that the solution rests with removing management, budgetary and programmatic execution responsibilities from the Secretary of Defense. To the extent that many of the national intelligence organizations remain integral elements of the Department of Defense with a clear combat support mission and responsibility, the committee continues to believe that statutory

authorities should remain clearly and unambiguously vested with the Secretary of Defense.

NATIONAL IMAGERY AND MAPPING AGENCY

The National Imagery and Mapping Agency (NIMA) would combine most imagery intelligence management and analysis functions into one consolidated Department of Defense agency. NIMA would subsume the Defense Mapping Agency (DMA), the Central Imagery Office (CIO), the CIA National Photographic Interpretation Center (NPIC), portions of the National Reconnaissance Office (NRO), portions of the Defense Intelligence Agency (DIA) and other minor components. The committee believes that it is essential to establish NIMA as a defense Combat Support Agency because, in taking over the Defense Mapping Agency, NIMA would control the Department of Defense's entire cartography capability, which is indispensable to military operations and mission success. However, a permanent Customer Advisory Board would ensure that NIMA is responsive to the needs of all intelligence consumers.

The objective in establishing NIMA is to fuse imagery and digital mapping technologies to provide promptly databases on terrain and targets for U.S. forces wherever they may deploy. Current U.S. capabilities to provide such intelligence are limited. By furthering the "digitization" of future potential battlefields, NIMA would create a new technical capability that would improve U.S. warfighting capabilities at every level, from precision-guided munitions to a rifle platoon on patrol. Moreover, the synergistic effects of merging imagery and mapping technologies promises to multiply U.S. reconnaissance capabilities against a host of intelligence problems, including arms control verification, countering denial and deception activities, and monitoring relocatable targets.

NIMA may also serve as the first in a series of evolutionary steps toward consolidation or increased coordination of intelligence disciplines. NIMA would provide a basis for further evaluation of the concept of combining mapping, imagery, signals intelligence (SIGINT), and measurement and signatures intelligence (MASINT) into a single technical collection agency or similar organization.

NIMA would also consolidate and streamline management for the production of imagery intelligence. NIMA would attempt to compensate for the shrinking workforce of imagery analysts by eliminating redundancy among several imagery organizations, better coordinating the efforts of scarce manpower, better prioritizing targets, and other efficiencies. Consolidating analysts in a single organization dedicated to imagery would create an opportunity to provide special training to improve the professional standards of all imagery analysts. Central management of imagery resources through NIMA would therefore facilitate the introduction of common architectures and improved management of emerging technologies to support the imagery mission.

NEW DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

The bill, as amended by the Committee on National Security, would establish a second Deputy Director of Central Intelligence to support the Director of Central Intelligence, consistent with the existing authorities of the DCI for community-wide management. The

Deputy Director of Central Intelligence for Community Management would be established to provide coordination for community-wide activities, such as identifying and reviewing intelligence gaps and shortfalls. The DDCI for Community Management would direct the operations of the Community Management Staff and coordinate community-wide resources, requirements, and research and development.

DIRECTOR OF MILITARY INTELLIGENCE

The bill, as amended by the Committee on National Security, would direct the Secretary of Defense to submit a report on the day-to-day coordination role of the intelligence activities of the military intelligence community performed by the Director of the Defense Intelligence Agency, as chairman of the Military Intelligence Board. The report would address the feasibility of formally establishing the Director of the Defense Intelligence Agency as the Director of Military Intelligence.

Establishing a Director of Military Intelligence holds the potential for improving coordination within the defense intelligence community and with the larger intelligence community. However, the consolidation of these responsibilities in a position which would be filled by a military officer raises legitimate and important questions about maintaining an appropriate level of civilian oversight over this critical intelligence function. Therefore, the committee-reported bill recommends deletion of the provision establishing a Director of Military Intelligence.

DHS AND CIA COORDINATION

The Defense Human Intelligence Service (DHS) of the Defense Intelligence Agency was recently established to consolidate the human intelligence (HUMINT) activities of the several military services into a single organization. The objective of DHS differs significantly from that of its counterpart in the Directorate of Operations in the CIA. DHS operations primarily support military operations and theater commanders, while CIA operations are oriented toward collection of national intelligence. Moreover, only a small fraction of DHS operations involve covert collection. Military officers serving in DHS must weigh the benefits of a covert operation against the risks to U.S. military-to-military relations with foreign governments. DHS and CIA missions are complementary, not redundant. Nonetheless, DHS and CIA may both benefit from closer coordination.

The bill, as amended by the Committee on National Security, would direct the Director of Central Intelligence and the Deputy Secretary of Defense to jointly prepare a report on the progress of ongoing efforts by DHS and CIA to improve coordination and, where practicable, consolidate the collection of clandestine intelligence from human sources. The report would be submitted to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives.

INTELLIGENCE PERSONNEL REFORM

The bill, as amended, would provide the foundation for common personnel practices and standards across the intelligence community. The adoption of common career development objectives, performance rating systems, and other personnel programs will ease the mobility between the components of the Intelligence Community and result in a new capability to respond to shifts in consumer needs in a demanding and dynamic national security environment. The bill would also fully integrate the National Imagery and Mapping Agency (NIMA) into the personnel management structure common to all components of the Defense Intelligence Community and would provide the unique personnel authorities required to make the implementation of NIMA a success.

PANEL ON THE FUTURE OF INTELLIGENCE COLLECTION

The bill, as amended by the Committee on National Security, would authorize the Director of Central Intelligence (DCI) and the Secretary of Defense to jointly conduct a study, to be performed by a panel selected by the DCI and Secretary of Defense, on the future of intelligence collection. In particular, the study would review and evaluate the implementation and effectiveness of the NIMA and possible synergistic benefits of future consolidation of other collection activities, particularly signals intelligence (SIGINT) and measurement and signatures intelligence (MASINT). The study would also evaluate the possible benefits that may derive from consolidating the development, testing, and procurement of reconnaissance systems for imagery, SIGINT, and MASINT required by the Intelligence Community.

The panel would submit their report no later than April 15, 1997 to the DCI and Secretary of Defense, who would forward the report to the President, the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on National Security of the House of Representatives.

DEPARTMENTAL DATA

The Committee on National Security received correspondence from the Department of Defense concerning H.R. 3237:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, May 31, 1996.

Hon. FLOYD D. SPENCE,
*Chairman, Committee on National Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On May 29, John Deutch and I appeared before House Permanent Select Committee on Intelligence (HPSCI) in an informal session to discuss the intelligence community reform IC-21 proposal. While I regard the discussion helpful, there remain several issues regarding the IC-21 Substitute bill that give the Department of Defense serious concern.

First, in accordance with the Administration's proposal for intelligence reform, the Department will be unable to support any bill that does not include the establishment of the National Imagery

and Mapping Agency (NIMA) as a combat support agency in Title 10, USC.

Second, the Department strongly rejects the bill's provision that provides the DCI the authority to unilaterally transfer National Foreign Intelligence Program (NFIP) funds in Defense accounts without the agreement of the Department. Defense cannot afford to find itself, after-the-fact, in the position of having Defense-appropriated dollars used for what Defense deems less important Defense initiatives or non-Defense requirements.

Third, the Department strongly objects to the proposal to transfer any Defense Human-Source Intelligence (HUMINT) Service (DHS) responsibilities, activities, or resources to the Central Intelligence Agency. The Department's conduct of HUMINT activities is mission-essential and the Secretary's oversight of the activities cannot be abrogated. Further, a phased plan concerning DHS has been agreed upon between the DCI and me, and no additional legislation is required.

It is the Department's position that, at a minimum, these three issues must be resolved in order to move the IC-21 Substitute forward. Without these corrections, the Department will not support any reform proposal. Additionally, I am providing the attached assessment of each of the provisions of the IC-21 Substitute that affect Defense. I also have provided this assessment to HPSCI Chairman Combust as an outcome of the May 29 discussion.

Mr. Chairman, as the HNSC begins its deliberations on this subject, I look forward to working with you to achieve sound and workable intelligence community reforms. A courtesy copy of this letter has been provided to Rep. Dellums.

Sincerely,

JOHN WHITE.

Attachment.

Subject: Defense positions on IC-21 and other intelligence reform issues.

Intelligence is critical to the success of military operations and the Department has been consistent throughout the development of the Administration's intelligence reform package and during subsequent reviews of other intelligence reform proposals to ensure that every change and every recommendation for change could be tied directly to improving the quality and timeliness of intelligence to the fighting forces.

NIMA: The Secretary and the Chairman, Joint Chiefs of Staff, worked with the DCI on a legislative proposal for the National Imagery and Mapping Agency, using concern for the warfighter as DoD's single most important qualifier for how NIMA would be structured. With the Department's entire mapping capability rolled up into NIMA—a capability without which there can be no successful planning for military operations or guarantee of mission success—it is essential that NIMA emerge as a combat support agency in legislation. That is not to say that there are not other, extremely significant customers of a NIMA, and those customers have been recognized and accommodated in the legislative proposal. The pre-eminent concern in the proposal to establish NIMA, however, was

to ensure we meet the needs of the most demanding and challenging customer—the warfighter.

DCI Unilateral Transfer Authority of NFIP Funds: The Department does not agree that the DCI should be allowed to transfer (or reprogram) up to five percent of NFIP funds in any year. DoD coordinates with the DCI on any proposed execution-year change in NFIP resources within Defense accounts. The Department must insist upon the same consideration from the DCI. Defense cannot afford to find itself, after-the-fact, in the position of having Defense-appropriated dollars used for what Defense deems less important Defense initiatives or non-Defense requirements.

DoD Clandestine HUMINT: In response to a Brown Commission recommendation, as well as proposals from the HPSCI and the SSCI, the Department and the DCI have agreed to changes in Defense HUMINT Service clandestine activities that respond to congressional concerns, while at the same time ensuring that Defense has not abrogated its responsibilities to conduct and oversee clandestine Departmental activities. The Department and the DCI can report back to the Committees on the implementation of those changes, as required. The Department does not support IC-21 proposed changes to the Defense HUMINT Service.

Personnel Reform: The Department forwarded to Congress a legislative package that reforms DoD intelligence personnel management. The Department also worked hard with the DCI to identify improvements to Intelligence Community wide personnel management and practices. The HPSCI has included this initiative in its intelligence reform package.

Establishment of the Director of Military Intelligence (DMI) and Military Intelligence Board (MIB): The Department appreciates the important role that the Director of the Defense Intelligence Agency performs as Chairman of the MIB to coordinate the day-to-day intelligence activities of the military intelligence community. However, Defense does not agree that there is a requirement to legislate the DMI position or the MIB.

IC-21 Substitute Proposal for a Collection Study: The Department recognizes that the HPSCI has not supported establishment of NIMA this year. DoD appreciates the fact that the original IC-21 proposal regarding the establishment of what the Department considers to be an extremely disruptive consolidation of all technical collection into one organization was modified to require a study of collection organizations in the IC-21 Substitute. Provided the Department participates in the development and conduct of such a study, there may be potential improvements in the way collection programs are managed and resourced beyond those programmatic process improvements already implemented by the Department and the DCI.

However, DoD only supports a collection study provided the Administration's proposed legislation is passed. Further, the Department cannot support any legislative proposal on intelligence reform that does not include establishment this year of NIMA as a combat support agency in Title 10.

Intelligence Community Inspector General Forum: IC-21 Substitute reflects agreement with a DOD Inspector General proposal to use the Inspector General Forum to look at issues across the In-

telligence Community without impinging on the need for the DoD Inspector General to look at Defense intelligence issues within a Departmental context. However, the Department does not support the IC-21 proposal to establish this Forum in statute. DCI Consultation on Defense Appointments: Since IC-21 Substitute changed the requirement for the DCI to concur in Defense appointments, the Department concurs in the IC-21 Substitute provision that requires the Secretary to consult with the DCI prior to selection of the Directors of the National Reconnaissance Office and the National Security Agency.

Establishment of the Deputy Director of Central intelligence f or Community Management: Such a Deputy Director could play an important role to provide direction for community-wide activities and to identify and review intelligence gaps and shortfalls, but it is essential that the clear lines of command and control from the Secretary of Defense to DoD intelligence activities and organizations remain unclouded.

Establishment of a DCI Infrastructure Support Office: Whether DoD could support establishment of such an office depends on the conduct of a thorough review of the functions proposed for consolidation and the identification of clear advantages, such as substantial resource savings or process improvements.

COMMITTEE POSITION

On July 17, 1996, the Committee on National Security, a quorum being present, approved H.R. 3237, as amended by a unanimous voice vote.

FISCAL DATA

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 1997 and the four following fiscal years. The results of such efforts are reflected in the cost estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, which is included in this report pursuant to clause 2(1)(3)(C) of House Rule XI.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 403(a) of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1996.

Hon. FLOYD D. SPENCE,
*Chairman, Committee on National Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3237, the Intelligence Community Act, as ordered reported by the House Committee on National Security (HNSC) on

July 17, 1996. H.R. 3237 would reorganize elements of the intelligence community, require further studies on organization and consolidation, and define the responsibilities of various federal agencies for intelligence functions.

CBO estimates that H.R. 3237 would not have a significant budgetary impact. On May 28, 1996, CBO prepared an estimate for H.R. 3237 as ordered reported by the House Permanent Select Committee on Intelligence; the HNSC amendments would remove provisions from the earlier bill that would have a measurable cost.

H.R. 3237 would not affect direct spending or revenues and thus would not be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 4 of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that all the provisions of H.R. 3237 fit within that exclusion.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeannette Van Winkle.

Sincerely,

JUNE E. O'NEILL, *Director*.

COMMITTEE COST ESTIMATE

Pursuant to clause 7(a) of rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimate as contained in the report of the Congressional Budget Office.

INFLATION IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee concludes that the bill would have no significant inflationary impact.

OVERSIGHT FINDINGS

With respect to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The fiscal features of this legislation are addressed in the estimate prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

With respect to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 3237.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104-4, this legislation contains no federal mandates with respect to state, local, and tribal

governments, nor with respect to the private sector. Similarly, the bill provides no federal intergovernmental mandates.

ROLLCALL VOTES

In accordance with clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives, only voice votes were taken with respect to the committee’s consideration of H.R. 3237. The committee ordered H.R. 3237 reported to the House with a favorable recommendation by a unanimous voice vote, a quorum being present.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 10, UNITED STATES CODE

* * * * *

Subtitle A—General Military Law

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

Chap.		Sec.
1.	Definitions	101
	* * * * *	
	[22. Miscellaneous Studies and Reports	451]
	22. <i>National Imagery and Mapping Agency</i>	441
	23. <i>Miscellaneous Studies and Reports</i>	471

PART II—PERSONNEL

	* * * * *	
	[83. Defense Intelligence Agency and Central Imagery	
	Office Civilian Personnel	1601]
	83. <i>Civilian Defense Intelligence Employees</i>	1601
	* * * * *	

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

	* * * * *	
[167.	Defense Mapping Agency	2791]
	* * * * *	

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

Chap.		Sec.
1.	Definitions	101
	* * * * *	
	[22. Miscellaneous Studies and Reports	451]
	22. <i>National Imagery and Mapping Agency</i>	441

23. <i>Miscellaneous Studies and Reports</i>	471
* * * * *	

PART II—PERSONNEL

* * * * *	
[83. Defense Intelligence Agency and Central Imagery	
Office Civilian Personnel	1601]
83. <i>Civilian Defense Intelligence Employees</i>	1601
* * * * *	

CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

* * * * *	
SUBCHAPTER I—COMMON SUPPLY AND SERVICE	
ACTIVITIES	
* * * * *	

§ 193. Combat support agencies: oversight

(a) * * *

* * * * *

(d) **[REVIEW OF NATIONAL SECURITY AGENCY.—]** *REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL IMAGERY AND MAPPING AGENCY.—*(1) Subsections (a), (b), and (c) shall apply to the National Security Agency and the National Imagery and Mapping Agency, but only with respect to combat support functions [the Agency] that the agencies performs for the Department of Defense.

(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency and the National Imagery and Mapping Agency.

(e) **COMBAT SUPPORT CAPABILITIES OF [DIA AND NSA] DIA, NSA, AND NIMA.—**The Secretary of Defense, in consultation with the Director of Central Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency [and the National Security Agency], the National Security Agency, and the National Imagery and Mapping Agency to accomplish assigned missions in support of military combat operations.

(f) **DEFINITION OF COMBAT SUPPORT AGENCY.—**In this section, the term “combat support agency” means any of the following Defense Agencies:

(1) * * *

* * * * *

[(4) The Defense Mapping Agency.]

(4) The National Imagery and Mapping Agency.

* * * * *

SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

Sec.
 [201. Consultation regarding appointment of certain intelligence officials.]
 201. Consultation regarding appointment of heads of certain intelligence components.
 * * * * *

[§ 201. Consultation regarding appointment of certain intelligence officials

[Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency or Director of the National Security Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.]

§ 201. Consultation regarding appointment of heads of certain intelligence components

Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the National Security Agency, Director of the Defense Intelligence Agency, Director of the National Reconnaissance Office, or Director of the National Imagery and Mapping Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.

* * * * *

CHAPTER 22—NATIONAL IMAGERY AND MAPPING AGENCY

<i>Subchapter</i>	<i>Sec.</i>
<i>I. Missions and Authority</i>	441
<i>II. Maps, Charts, and Geodetic Products</i>	451
<i>III. Personnel Management</i>	461
<i>IV. Definitions</i>	467

SUBCHAPTER I—MISSIONS AND AUTHORITY

Sec.
 441. Establishment.
 442. Missions.
 443. Imagery intelligence and geospatial information: support for foreign countries
 444. Support from Central Intelligence Agency.
 445. Protection of agency identifications and organizational information.

§ 441. Establishment

(a) *ESTABLISHMENT.*—*The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.*

(b) *DIRECTOR.*—(1) *The Director of the National Imagery and Mapping Agency is the head of the agency. The Director carries out the Director's functions subject to the authority, direction, and control of the Secretary of Defense.*

(2) *If an officer of the armed forces on active duty is appointed to the position of Director, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of this title and shall carry*

the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

(c) *DIRECTOR OF CENTRAL INTELLIGENCE COLLECTION TASKING AUTHORITY.*—Unless otherwise directed by the President, the Director of Central Intelligence may (except as otherwise agreed by the Director and the Secretary of Defense)—

- (1) approve collection requirements levied on national imagery collection assets;
- (2) determine priorities for such requirements; and
- (3) resolve conflicts in such priorities.

§ 442. Missions

(a) *NATIONAL SECURITY MISSIONS.*—(1) The Director of the National Imagery and Mapping Agency shall, in support of the national security objectives of the United States, provide the following:

- (A) Imagery.
- (B) Imagery intelligence.
- (C) Geospatial information.

(2) In carrying out paragraph (1), the Director shall ensure that the information and intelligence provided is timely, relevant, and accurate.

(b) *NAVIGATION INFORMATION.*—The Director of the National Imagery and Mapping Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

(c) *MAPS, CHARTS, ETC.*—The Director of the National Imagery and Mapping Agency shall prepare and distribute maps, charts, books, and geodetic products as authorized under subchapter II of this chapter.

(d) *NATIONAL MISSIONS.*—The National Imagery and Mapping Agency also has national missions as specified in section 120(a) of the National Security Act of 1947.

(e) *SYSTEMS.*—The Director of the Agency may, in furtherance of a mission of the Agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

- (1) the armed forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or
- (2) any other department or agency of the United States.

§ 443. Imagery intelligence and geospatial information: support for foreign countries

(a) *USE OF APPROPRIATED FUNDS.*—The Director of the National Imagery and Mapping Agency may use appropriated funds available to that Agency to provide foreign countries with imagery intelligence and geospatial information support.

(b) *FUNDS OTHER THAN APPROPRIATED FUNDS.*—The Director may use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information sup-

port, notwithstanding provisions of law relating to the expenditure of funds of the United States, except that—

(1) no such funds may be expended, in whole or in part, by or for the benefit of the National Imagery and Mapping Agency for a purpose for which Congress had previously denied funds.

(2) proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold; and

(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

(c) *ACCOMMODATION PROCUREMENTS.*—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

(d) *COORDINATION WITH DIRECTOR OF CENTRAL INTELLIGENCE.*—The Director of the Agency shall coordinate with the Director of Central Intelligence any action under this section that involves imagery intelligence or intelligence products or involves providing support to an intelligence or security service of a foreign country.

§ 444. Support from Central Intelligence Agency

(a) *SUPPORT AUTHORIZED.*—The Director of Central Intelligence may provide support in accordance with this section to the Director of the National Imagery and Mapping Agency. The Director of the National Imagery and Mapping Agency may accept support provided under this section.

(b) *ADMINISTRATIVE AND CONTRACT SERVICES.*—(1) In furtherance of the national intelligence effort, the Director of Central Intelligence may provide administrative and contract services to the National Imagery and Mapping Agency as if that agency were an organizational element of the Central Intelligence Agency.

(2) Services provided under paragraph (1) may include the services of security police. For purposes of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o), an installation of the National Imagery and Mapping Agency that is provided security police services under this section shall be considered an installation of the Central Intelligence Agency.

(3) Support provided under this subsection shall be provided under terms and conditions agreed upon by the Secretary of Defense and the Director of Central Intelligence.

(c) *DETAIL OF PERSONNEL.*—The Director of Central Intelligence may detail personnel of the Central Intelligence Agency indefinitely to the National Imagery and Mapping Agency without regard to any limitation on the duration of interagency details of Federal Government personnel.

(d) *REIMBURSABLE OR NONREIMBURSABLE SUPPORT.*—Support under this section may be provided and accepted on either a reimbursable basis or a nonreimbursable basis.

(e) *AUTHORITY TO TRANSFER FUNDS.*—(1) The Director of the National Imagery and Mapping Agency may transfer funds available for that agency to the Director of Central Intelligence for the Central Intelligence Agency.

(2) The Director of Central Intelligence—

(A) may accept funds transferred under paragraph (1); and

(B) shall expend such funds, in accordance with the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), to provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency under this section.

§445. Protection of agency identifications and organizational information

(a) UNAUTHORIZED USE OF AGENCY NAME, INITIALS, OR SEAL.—(1) Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following:

(A) The words “National Imagery and Mapping Agency”, the initials “NIMA”, or the seal of the National Imagery and Mapping Agency.

(B) The words “Defense Mapping Agency”, the initials “DMA”, or the seal of the Defense Mapping Agency.

(C) Any colorable imitation of such words, initials, or seals.

(2) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to a hearing and determination of such action and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

(b) PROTECTION OF ORGANIZATIONAL INFORMATION.—Notwithstanding any other provision of law, the Director of the National Imagery and Mapping Agency is not required to disclose the organization of the agency, any function of the agency, any information with respect to the activities of the agency, or the names, titles, salaries, or number of the persons employed by the agency. This subsection does not apply to disclosures of information to Congress.

SUBCHAPTER II—MAPS, CHARTS, AND GEODETIC PRODUCTS

Sec.

451. Maps, charts, and books.

452. Pilot charts.

453. Prices of maps, charts, and navigational publications.

454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations

455. Maps, charts, and geodetic data: public availability; exceptions.

456. Civil actions barred.

§451. Maps, charts, and books

The Secretary of Defense may—

(1) have the National Imagery and Mapping Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

§452. Pilot charts

(a) There shall be conspicuously printed on pilot charts prepared in the National Imagery and Mapping Agency the following: "Prepared from data furnished by the National Imagery and Mapping Agency of the Department of Defense and by the Department of Commerce, and published at the National Imagery and Mapping Agency under the authority of the Secretary of Defense".

(b) The Secretary of Commerce shall furnish to the National Imagery and Mapping Agency, as quickly as possible, all meteorological information received by the Secretary that is necessary for, and of the character used in, preparing pilot charts.

§453. Prices of maps, charts, and navigational publications

All maps, charts, and other publications offered for sale by the National Imagery and Mapping Agency shall be sold at prices and under regulations that may be prescribed by the Secretary of Defense.

§454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations

The Secretary of Defense may authorize the National Imagery and Mapping Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

§455. Maps, charts, and geodetic data: public availability; exceptions

(a) The National Imagery and Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources and methods used to obtain source material for production of the geodetic product; or

(C) that contains information that the Director of the National Imagery and Mapping Agency has determined in writing would, if disclosed, jeopardize or interfere with ongoing mili-

tary or intelligence operations or reveal military operational or contingency plans.

(2) In this subsection, the term “geodetic product” means any map, chart, geodetic data, or related product.

(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

(A) in the case of allies of the United States; and

(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

§ 456. Civil actions barred

(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the National Imagery and Mapping Agency.

(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the National Imagery and Mapping Agency prepares or disseminates navigational aids.

SUBCHAPTER III—PERSONNEL MANAGEMENT

Sec.
461. Management rights.

§ 461. Management rights

(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Imagery and Mapping Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Imagery and Mapping Agency.

(b) BARGAINING UNITS.—The National Imagery and Mapping Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5 only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on the day before the date on which employees and positions of the Defense Mapping Agency in that bargaining unit became employees and positions of the National Imagery and Mapping Agency under the Intelligence Community Act.

(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Imagery and Mapping Agency determines

that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

(2) A determination described in paragraph (1) that is made by the Director of the National Imagery and Mapping Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

SUBCHAPTER IV—DEFINITIONS

Sec.
467. Definitions.

§467. Definitions

In this chapter:

(1) The term “function” means any duty, obligation, responsibility, privilege, activity, or program.

(2)(A) The term “imagery” means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

(i) products produced by space-based national intelligence reconnaissance systems; and

(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

(3) The term “imagery intelligence” means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

(4) The term “geospatial information” means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies;

(B) mapping, charting, and geodetic data; and

(C) geodetic products, as defined in section 455(c) of this title.

* * * * *

**CHAPTER [22] 23—MISCELLANEOUS STUDIES AND
REPORTS**

Sec.

[451] 481. Racial and ethnic issues; biennial survey; biennial report.

[452] 482. Quarterly readiness reports.

【§ 451.】 § 481. Racial and ethnic issues; biennial survey; biennial report

(a) BIENNIAL SURVEY.—The Secretary of Defense shall carry out a biennial survey to measure the state of racial and ethnic issues and discrimination among members of the armed forces serving on active duty. The survey shall solicit information on the race relations climate in the armed forces, including—

- (1) indicators of positive and negative trends of relations between all racial and ethnic groups;
- (2) the effectiveness of Department of Defense policies designed to improve race and ethnic relations; and
- (3) the effectiveness of current processes for complaints on and investigations into racial and ethnic discrimination.

(b) IMPLEMENTING ENTITY.—The Secretary shall carry out each biennial survey through the entity in the Department of Defense known as the Armed Forces Survey on Race/Ethnic Issues.

(c) REPORTS TO CONGRESS.—Upon completion of each biennial survey under subsection (a), the Secretary shall submit to Congress a report containing the results of the survey.

【§ 452.】 § 482. Quarterly readiness reports

(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

- (1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;
- (2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and
- (3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

(b) MATTERS TO BE INCLUDED.—Each such report shall—

- (1) specifically describe identified readiness problems or deficiencies and planned remedial actions; and
- (2) include the key indicators and other relevant data related to the identified problem or deficiency.

(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.

* * * * *

PART II—PERSONNEL

	* * * * * *	
Chap.		Sec.
31.	Enlistments	501
	* * * * * *	
83.	【Defense Intelligence Agency and Central Imagery	
	Office Civilian Personnel	1601】
83.	<i>Civilian Defense Intelligence Employees</i>	<i>1601</i>
	* * * * * *	

CHAPTER 81—CIVILIAN EMPLOYEES

Sec.		
1581.	Foreign National Employees Separation Pay Account.	
	* * * * * *	
【1590.	Management of civilian intelligence personnel of the military departments.】	
	* * * * * *	
【1599.	Postemployment assistance: certain terminated intelligence employees.】	
	* * * * * *	

【§ 1590. Management of civilian intelligence personnel of the military departments

【(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

【(1) establish such positions, including positions in the Senior Executive Service, for civilian intelligence officers and employees of the military departments as may be necessary to carry out the intelligence functions of such departments, except that the total number of positions in the Senior Executive Service established pursuant to this section may not exceed one-half of one percent of the total number of all civilian intelligence positions established pursuant to this section;

【(2) appoint individuals to such positions; and

【(3) fix the compensation of such individuals for service in such positions.

【(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. The Secretary shall also fix rates of pay for positions in the Senior Executive Service established pursuant to this section that are not in excess of the maximum rate or less than the minimum rate of basic pay established pursuant to section 5382 of title 5. Except in the case of a civilian intelligence officer or employee of a military department serving as a member of the Senior Executive Service of a military department, no civilian intelligence officer or employee of a military department may be paid basic pay at a rate in excess of the highest rate of basic pay payable under such General Schedule.

【(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide

for prevailing rate systems of basic pay and to apply such provisions to positions for civilian intelligence officers or employees in or under which the military departments may employ individuals described by section 5342(a)(2)(A) of such title.

[(d) In addition to the basic pay payable under subsection (b), civilian intelligence officers and employees of the military departments who are citizens or nationals of the United States and who are stationed outside the continental United States or in Alaska may be paid allowances, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

[(1) living costs substantially higher than in the District of Columbia;

[(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

[(3) both of the factors described in paragraphs (1) and (2).

[(e)(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any civilian intelligence officer or employee of a military department whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

[(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

[(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Secretary concerned or both. An action to terminate any civilian intelligence officer or employee of a military department by either such officer shall be appealable to the Secretary of Defense.

[(f) With regard to any position in the Senior Executive Service which may be established pursuant to this section, the Secretary of Defense shall prescribe regulations to implement this section which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3393a, 3396(c), 3592, 3595(a), 5384, and 6304, subsections (a), (b), and (c) of section 7543 (except that any hearing or appeal to which a member of the Senior Executive Service is entitled shall be held or decided pursuant to regulations issued by the Secretary), and subchapter II of chapter 43 of title 5. The Secretary of Defense shall also prescribe, to the extent practicable, regulations to implement such other provisions of title 5 as apply to mem-

bers of the Senior Executive Service or to individuals applying for positions in the Senior Executive Service.

[(g) The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Senior Executive Service whose positions may be established pursuant to this section. The awarding of such a rank shall be made in a manner consistent with the provisions of that section.]

* * * * *

§ 1593. Uniform allowance: civilian employees

(a) ALLOWANCE AUTHORIZED.—(1) * * *

* * * * *

(3) This subsection shall not apply with respect to a civilian employee of the Defense Intelligence Agency who is entitled to an allowance under section [1606] 1622 of this title.

* * * * *

§ 1596. Foreign language proficiency: special pay

(a) * * *

* * * * *

(c) Special pay under this section may be paid in addition to any compensation authorized under section [1604(b)] 1602 of this title for which an officer or employee is eligible.

* * * * *

[CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL]

CHAPTER 83—CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES

- [Sec. 1601. Defense Intelligence Senior Executive Service.
- [1602. Defense Intelligence Agency merit pay system.
- [1603. Limit on pay.
- [1604. Civilian personnel management.
- [1605. Benefits for certain employees of the Defense Intelligence Agency.
- [1606. Uniform allowance: civilian employees.
- [1608. Financial assistance to certain employees in acquisition of critical skills.]

<i>Subchapter</i>		<i>Sec.</i>
<i>I. Defense-Wide Intelligence Personnel Policy</i>	1601
<i>II. Defense Intelligence Agency Personnel</i>	1621

SUBCHAPTER I—DEFENSE-WIDE INTELLIGENCE PERSONNEL POLICY

- Sec. 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay.*
- 1602. Basic pay.*
- 1603. Additional compensation, incentives, and allowances.*
- 1605. Benefits for certain employees assigned outside the United States.*
- 1606. Defense Intelligence Senior Executive Service.*
- 1607. Intelligence Senior Level positions.*
- 1608. Time-limited appointments.*

1609. *Termination of defense intelligence employees.*
 1610. *Reductions and other adjustments in force.*
 1611. *Postemployment assistance: certain terminated intelligence employees.*
 1612. *Merit system principles and civil service protections: applicability.*
 1613. *Miscellaneous provisions.*
 1614. *Definitions.*

§ 1601. Defense Intelligence Senior Executive Service

[(a) The Secretary of Defense may by regulation establish a personnel system for senior civilian personnel within the Defense Intelligence Agency and the Central Imagery Office to be known as the Defense Intelligence Senior Executive Service. The regulations establishing the Defense Intelligence Senior Executive Service shall—

[(1) meet the requirements set forth in section 3131 of title 5 for the Senior Executive Service;

[(2) provide that positions in the Defense Intelligence Senior Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of title 5;

[(3) provide rates of pay for the Defense Intelligence Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

[(4) provide a performance appraisal system for the Defense Intelligence Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;

[(5) provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the Defense Intelligence Senior Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense);

[(6) permit the payment of performance awards to members of the Defense Intelligence Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5;

[(7) provide that members of the Defense Intelligence Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5; and

[(8) provide for the recertification of members of the Defense Intelligence Senior Executive Service consistent with the provisions of section 3393a of title 5.

[(b) Except as otherwise provided in subsection (a), the Secretary of Defense may—

[(1) make applicable to the Defense Intelligence Senior Executive Service any of the provisions of title 5 applicable to applicants for or members of the Senior Executive Service; and

[(2) appoint, promote, and assign individuals to positions established within the Defense Intelligence Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

[(c) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Defense Intelligence Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.

[(d) Notwithstanding any other provision of this section, the Secretary of Defense may detail or assign any member of the Defense Intelligence Senior Executive Service to serve in a position outside the Defense Intelligence Agency or the Central Imagery Office in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency, the Central Imagery Office, or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Defense Intelligence Senior Executive Service.

[(e) The Secretary of Defense shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at the time the Budget is submitted by the President to the Congress for the next fiscal year, a report on the executive personnel in the Defense Intelligence Agency and the Central Imagery Office. The report shall include—

[(1) the total number of positions added to or deleted from the Defense Intelligence Senior Executive Service during the preceding fiscal year;

[(2) the number of executive personnel (including all members of the Defense Intelligence Senior Executive Service) being paid at each grade level and pay rate in effect at the end of the preceding fiscal year;

[(3) the number, distribution, and amount of awards paid to members of the Defense Intelligence Senior Executive Service during the preceding fiscal year; and

[(4) the number of individuals removed from the Defense Intelligence Senior Executive Service during the preceding fiscal year for less than fully successful performance.

[(§ 1603. Limit on pay

[(Nothing in sections 1601 and 1602 of this title shall be construed to allow the aggregate amount payable to a member of the Defense Intelligence Senior Executive Service under those sections during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

[(§ 1604. Civilian personnel management

[(a) GENERAL PERSONNEL AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of Federal employees—

[(1) establish such positions for employees in the Defense Intelligence Agency and the Central Imagery Office as the Secretary considers necessary to carry out the functions of that Agency and Office, including positions designated under subsection (f) as Defense Intelligence Senior Level positions;

[(2) appoint individuals to those positions; and

[(3) fix the compensation for service in those positions.

[(b) AUTHORITY TO FIX RATES OF BASIC PAY; OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the Defense Intelligence Agency or the Central Imagery Office may not be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of title 5.

[(2) The Secretary of Defense may provide employees of the Defense Intelligence Agency and the Central Imagery Office compensation (in addition to basic pay under paragraph (1)) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

[(c) PREVAILING RATES SYSTEMS.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the Defense Intelligence Agency or the Central Imagery Office may employ individuals described by section 5342(a)(2)(A) of such title.

[(d) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In addition to the basic compensation payable under subsection (b), employees of the Defense Intelligence Agency and the Central Imagery Office described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

[(2) Such allowance shall be based on—

[(A) living costs substantially higher than in the District of Columbia;

[(B) conditions of environment which—

[(i) differ substantially from conditions of environment in the continental United States; and

[(ii) warrant an allowance as a recruitment incentive; or

[(C) both of those factors.

[(3) This subsection applies to employees who—

[(A) are citizens or nationals of the United States; and

[(B) are stationed outside the continental United States or in Alaska.

[(e) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the Defense Intelligence Agency or the Central Imagery Office if the Secretary—

[(A) considers such action to be in the interests of the United States; and

[(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

[(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

[(3) The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

[(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

[(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency), and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office). An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.

[(f) DEFENSE INTELLIGENCE SENIOR LEVEL POSITIONS.—(1) In carrying out subsection (a)(1), the Secretary may designate positions described in paragraph (3) as Defense Intelligence Senior Level positions. The total number of positions designated under this subsection, when combined with the total number of positions in the Defense Intelligence Senior Executive Service under section 1601 of this title, may not exceed the total number of positions in the Defense Intelligence Senior Executive Service as of June 1, 1995.

[(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.

[(3) Positions that may be designated as Defense Intelligence Senior Level positions are positions in the Defense Intelligence Agency and Central Imagery Office that (A) are classified above the GS-15 level, (B) emphasize functional expertise and advisory activity, but (C) do not have the organizational or program management functions necessary for inclusion in the Defense Intelligence Senior Executive Service.

[(4) Positions referred to in paragraph (3) include Defense Intelligence Senior Technical positions and Defense Intelligence Senior Professional positions. For purposes of this subsection—

[(A) Defense Intelligence Senior Technical positions are positions covered by paragraph (3) that involve any of the following:

[(i) Research and development.

[(ii) Test and evaluation.

[(iii) Substantive analysis, liaison, or advisory activity focusing on engineering, physical sciences, computer science, mathematics, biology, chemistry, medicine, or other closely related scientific and technical fields.

[(iv) Intelligence disciplines including production, collection, and operations in close association with any of the ac-

tivities described in clauses (i), (ii), and (iii) or related activities; and

[(B) Defense Intelligence Senior Professional positions are positions covered by paragraph (3) that emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, security, and other appropriate fields.

[(g) “EMPLOYEE” DEFINED AS INCLUDING OFFICERS.—In this section, the term “employee”, with respect to the Defense Intelligence Agency or the Central Imagery Office, includes any civilian officer of that Agency or Office.]

§ 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay

(a) GENERAL AUTHORITY.—The Secretary of Defense may—

(1) establish, as positions in the excepted service, such defense intelligence positions in the intelligence components of the Department of Defense and the military departments as the Secretary determines necessary to carry out the intelligence functions of those components and departments, including—

(A) Intelligence Senior Level positions designated under section 1607 of this title; and

(B) positions in the Defense Intelligence Senior Executive Service;

(2) appoint individuals to those positions (after taking into consideration the availability of preference eligibles for appointment to those positions); and

(3) fix the compensation of such individuals for service in those positions.

(b) CONSTRUCTION WITH OTHER LAWS.—The authority of the Secretary of Defense under subsection (a) applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

§ 1602. Basic pay

(a) AUTHORITY TO FIX RATES OF BASIC PAY.—The Secretary of Defense (subject to the provisions of this section) shall fix the rates of basic pay for positions established under section 1601 of this title in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

(b) MAXIMUM RATES.—A rate of basic pay fixed under subsection (a) for a position established under section 1601 of this title may not (except as otherwise provided by law) exceed—

(1) in the case of a Defense Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

(2) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

(3) in the case of any other position, the maximum rate provided in section 5306(e) of title 5.

(c) *PREVAILING RATE SYSTEMS.*—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of that title.

§ 1603. Additional compensation, incentives, and allowances

(a) *ADDITIONAL COMPENSATION BASED ON TITLE 5 AUTHORITIES.*—The Secretary of Defense may provide employees in defense intelligence positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

(b) *ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT.*—
(1) In addition to basic pay, employees in defense intelligence positions who are citizens or nationals of the United States and are stationed outside the continental United States or in Alaska may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, while they are so stationed.

(2) An allowance under this subsection shall be based on—

(A) living costs substantially higher than in the District of Columbia;

(B) conditions of environment which (i) differ substantially from conditions of environment in the continental United States, and (ii) warrant an allowance as a recruitment incentive; or

(C) both of the factors specified in subparagraphs (A) and (B).

(3) An allowance under this subsection may not exceed the allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

§ 1605. Benefits for certain employees [of the Defense Intelligence Agency] assigned outside the United States

(a) * * *

* * * * *

§ 1606. Defense Intelligence Senior Executive Service

(a) *ESTABLISHMENT.*—The Secretary of Defense may establish a Defense Intelligence Senior Executive Service for defense intelligence positions established pursuant to section 1601(a) of this title that are equivalent to Senior Executive Service positions. The number of positions in the Defense Intelligence Senior Executive Service may not exceed the number of Defense Intelligence Senior Executive Service positions established as of January 1, 1996.

(b) *REGULATIONS CONSISTENT WITH TITLE 5 PROVISIONS.*—The Secretary of Defense shall prescribe regulations for the Defense Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3393a, 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Defense Intelligence Senior Executive Service is entitled shall be held or decided pursuant to those regulations),

and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Defense Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those provisions with respect to the Defense Intelligence Senior Executive Service.

(c) **AWARD OF RANK TO MEMBERS OF THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.**—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Defense Intelligence Senior Executive Service. The award of such rank shall be made in a manner consistent with the provisions of that section.

§ 1607. Intelligence Senior Level positions

(a) **DESIGNATION OF POSITIONS.**—The Secretary of Defense may designate as an Intelligence Senior Level position any defense intelligence position that, as determined by the Secretary—

- (1) is classifiable above grade GS-15 of the General Schedule;
- (2) does not satisfy functional or program management criteria for being designated a Defense Intelligence Senior Executive Service position; and
- (3) has no more than minimal supervisory responsibilities.

(b) **REGULATIONS.**—Subsection (a) shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

§ 1608. Time-limited appointments

(a) **AUTHORITY FOR TIME-LIMITED APPOINTMENTS.**—The Secretary of Defense may by regulation authorize appointing officials to make time-limited appointments to defense intelligence positions specified in the regulations.

(b) **REVIEW OF USE OF AUTHORITY.**—The Secretary of Defense shall review each time-limited appointment in a defense intelligence position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time-limited appointment after the first year shall be subject to the approval of the Secretary.

(c) **CONDITION ON PERMANENT APPOINTMENT TO DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.**—An employee serving in a defense intelligence position pursuant to a time-limited appointment is not eligible for a permanent appointment to a Defense Intelligence Senior Executive Service position (including a position in which the employee is serving) unless the employee is selected for the permanent appointment on a competitive basis.

(d) **TIME-LIMITED APPOINTMENT DEFINED.**—In this section, the term “time-limited appointment” means an appointment (subject to the condition in subsection (b)) for a period not to exceed two years.

§ 1609. Termination of defense intelligence employees

(a) **TERMINATION AUTHORITY.**—Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence position if the Secretary—

(1) considers that action to be in the interests of the United States; and

(2) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

(b) *FINALITY*.—A decision by the Secretary of Defense to terminate the employment of an employee under this section is final and may not be appealed or reviewed outside the Department of Defense.

(c) *NOTIFICATION TO CONGRESSIONAL COMMITTEES*.—Whenever the Secretary of Defense terminates the employment of an employee under the authority of this section, the Secretary shall promptly notify the congressional oversight committees of such termination.

(d) *PRESERVATION OF RIGHT TO SEEK OTHER EMPLOYMENT*.—Any termination of employment under this section does not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

(e) *LIMITATION ON DELEGATION*.—The authority of the Secretary of Defense under this section may be delegated only to the Deputy Secretary of Defense, the head of an intelligence component of the Department of Defense (with respect to employees of that component), or the Secretary of a military department (with respect to employees of that department). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

§ 1610. Reductions and other adjustments in force

(a) *IN GENERAL*.—The Secretary of Defense shall prescribe regulations for the separation of employees in defense intelligence positions, including members of the Defense Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, during a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

(b) *MATTERS TO BE GIVEN EFFECT*.—The regulations shall give effect to the following:

(1) Tenure of employment.

(2) Military preference, subject to sections 3501(a)(3) and 3502(b) of title 5.

(3) The veteran's preference under section 3502(b) of title 5.

(4) Performance.

(5) Length of service computed in accordance with the second sentence of section 3502(a) of title 5.

(c) *REGULATIONS RELATING TO DEFENSE INTELLIGENCE SES*.—The regulations relating to removal from the Defense Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

(d) *RIGHT OF APPEAL*.—(1) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of

Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

(2) Notwithstanding paragraph (1), a preference eligible referred to in section 7511(a)(1)(B) of title 5 may elect to have an appeal of a personnel action taken against the preference eligible under the regulation determined by the Merit Systems Protection Board instead of having the appeal determined within the Department of Defense. Section 7701 of title 5 shall apply to any such appeal to the Merit Systems Protection Board.

(e) CONSULTATION WITH OPM.—Regulations under this section shall be prescribed in consultation with the Director of the Office of Personnel Management.

【§ 1599.】 § 1611. Postemployment assistance: certain terminated intelligence employees

(a) **AUTHORITY.**—Subject to subsection (c), the Secretary of Defense may, in the case of any individual who is a qualified former intelligence employee, use appropriated funds—

(1) to assist that individual in finding and qualifying for employment other than in an intelligence component of the Department of Defense;

(2) to assist that individual in meeting the expenses of treatment of medical or psychological disabilities of that individual; and

(3) to provide financial support to that individual during periods of unemployment.

(b) **QUALIFIED FORMER INTELLIGENCE EMPLOYEES.**—For purposes of this section, a qualified former intelligence employee is an individual who was employed as a civilian employee of the Department of Defense in a sensitive position in an intelligence component of the Department of Defense—

(1) who has been found to be ineligible for continued access to information designated as “Sensitive Compartmented Information” and employment with the intelligence component; or

(2) whose employment with the intelligence component has been terminated.

(c) **CONDITIONS.**—Assistance may be provided to a qualified former intelligence employee under subsection (a) only if the Secretary determines that such assistance is essential to—

(1) maintain the judgment and emotional stability of the qualified former intelligence employee; and

(2) avoid circumstances that might lead to the unlawful disclosure of classified information to which the qualified former intelligence employee had access.

(d) **DURATION OF ASSISTANCE.**—Assistance may not be provided under this section in the case of any individual after the end of the five-year period beginning on the date of the termination of the employment of the individual with an intelligence component of the Department of Defense.

(e) **ANNUAL REPORT.**—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report with respect to any expenditure made under this section.

(2) The committees referred to in paragraph (1) are the following:

(A) The Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(f) DEFINITION.—In this section, the term “intelligence component of the Department of Defense” means any of the following:

[(1) The National Security Agency.

[(2) The Defense Intelligence Agency.

[(3) The National Reconnaissance Office.

[(4) The Central Imagery Office.

[(5) The intelligence components of any of the military departments.] *includes the National Reconnaissance Office and any intelligence component of a military department.*

§ 1612. Merit system principles and civil service protections: applicability

(a) *APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this subchapter (other than sections 1605 and 1611).*

(b) *CIVIL SERVICE PROTECTIONS.—(1) If, in the case of a position established under authority other than section 1601(a)(1) of this title that is reestablished as an excepted service position under that section, the provisions of law referred to in paragraph (2) applied to the person serving in that position immediately before the position is so reestablished and such provisions of law would not otherwise apply to the person while serving in the position as so reestablished, then such provisions of law shall continue to apply to the person with respect to service in that position for as long as the person continues to serve in the position without a break in service.*

(2) The provisions of law referred to in paragraph (1) are the following provisions of title 5:

(A) Section 2302, relating to prohibited personnel practices.

(B) Chapter 75, relating to adverse actions, unless, in the case of any individual employee, that employee elects to have an appeal determined within the Department of Defense.

§ 1613. Miscellaneous provisions

(a) *COLLECTIVE BARGAINING AGREEMENTS.—Nothing in sections 1601 through 1604 and 1606 through 1610 may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.*

(b) *NOTICE TO CONGRESS OF REGULATIONS.—The Secretary of Defense shall notify Congress of any regulations prescribed to carry out this subchapter (other than sections 1605 and 1611). Such notice shall be provided by submitting a copy of the regulations to the congressional oversight committees not less than 60 days before such regulations take effect.*

§ 1614. Definitions

In this subchapter:

(1) The term “defense intelligence position” means a civilian position as an intelligence officer or intelligence employee of an intelligence component of the Department of Defense or of a military department.

(2) The term “intelligence component of the Department of Defense” means any of the following:

(A) The National Security Agency.

(B) The Defense Intelligence Agency.

(C) The National Imagery and Mapping Agency.

(D) Any other component of the Department of Defense that performs intelligence functions and is designated by the Secretary of Defense as an intelligence component of the Department of Defense.

(E) Any successor to a component specified in, or designated pursuant to, this paragraph.

(3) The term “congressional oversight committees” means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) The term “excepted service” has the meaning given such term in section 2103 of title 5.

(5) The term “preference eligible” has the meaning given such term in section 2108(3) of title 5.

(6) The term “Senior Executive Service position” has the meaning given such term in section 3132(a)(2) of title 5.

(7) The term “collective bargaining agreement” has the meaning given such term in section 7103(8) of title 5.

SUBCHAPTER II—DEFENSE INTELLIGENCE AGENCY PERSONNEL

Sec.

1621. Defense Intelligence Agency merit pay system.

1622. Uniform allowance: civilian employees.

1623. Financial assistance to certain employees in acquisition of critical skills.

§ [1602.] 1621. Defense Intelligence Agency merit pay system

The Secretary of Defense may by regulation establish a merit pay system for such employees of the Defense Intelligence Agency [and Central Imagery Office] as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401 of title 5, as in effect on October 31, 1993.

§ [1606.] 1622. Uniform allowance: civilian employees

(a) The Secretary of Defense may pay an allowance under this section to any civilian employee of the Defense Intelligence Agency who—

(1) is assigned to a Defense Attaché Office outside the United States; and

(2) is required by regulation to wear a prescribed uniform in performance of official duties.

(b) Notwithstanding section 5901(a) of title 5, the amount of any such allowance shall be the greater of the following:

(1) The amount provided for employees of the Department of State assigned to positions outside the United States and required by regulation to wear a prescribed uniform in performance of official duties.

(2) The maximum allowance provided under section 1593(b) of this title.

(c) An allowance paid under this section shall be treated in the same manner as is provided in subsection (c) of section 5901 of title 5 for an allowance paid under that section.

§ [1608.] 1623. Financial assistance to certain employees in acquisition of critical skills

(a) The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees of the Defense Intelligence Agency that is similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

(b) Any payments made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

* * * * *

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Chap.	Sec.
131. Planning and Coordination	2201
* * * * *	
[167. Defense Mapping Agency	2791]
* * * * *	

[CHAPTER 167—DEFENSE MAPPING AGENCY

- [Sec. 2791. Establishment and duties.
- [2792. Maps, charts, and books.
- [2793. Pilot charts.
- [2794. Prices of maps, charts, and navigational publications.
- [2795. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations
- [2796. Maps, charts, and geodetic data: public availability; exceptions.
- [2797. Unauthorized use of Defense Mapping Agency name, initials, or seal.
- [2798. Civil actions barred.

[§ 2791. Establishment and duties

[The Defense Mapping Agency is an agency of the Department of Defense. The Defense Mapping Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation,

and manuals of instructions for the use of all vessels of the United States and of navigators generally.

【§ 2792. Maps, charts, and books

【The Secretary of Defense may—

【(1) have the Defense Mapping Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

【(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

【§ 2793. Pilot charts

【(a) There shall be conspicuously printed on pilot charts prepared in the Defense Mapping Agency the following: “Prepared from data furnished by the Defense Mapping Agency of the Department of Defense and by the Department of Commerce, and published at the Defense Mapping Agency under the authority of the Secretary of Defense”.

【(b) The Secretary of Commerce shall furnish to the Defense Mapping Agency, as quickly as possible, all meteorological information received by the Secretary that is necessary for, and of the character used in, preparing pilot charts.

【§ 2794. Prices of maps, charts, and navigational publications

【All maps, charts, and other publications offered for sale by the Defense Mapping Agency shall be sold at prices and under regulations that may be prescribed by the Secretary of Defense.

【§ 2795. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.

【The Secretary of Defense may authorize the Defense Mapping Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

【§ 2796. Maps, charts, and geodetic data: public availability; exceptions

【(a) The Defense Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

【(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

【(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts

use of such product or information to government purposes only;

[(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources and methods used to obtain source material for production of the geodetic product; or

[(C) that contains information that the Director of the Defense Mapping Agency has determined in writing would, if disclosed, jeopardize or interfere with ongoing military or intelligence operations or reveal military operational or contingency plans.

[(2) In this subsection, the term “geodetic product” means any map, chart, geodetic data, or related product.

[(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

[(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

[(A) in the case of allies of the United States; and

[(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

【§ 2797. Unauthorized use of Defense Mapping Agency name, initials, or seal

[(a) No person may, except with the written permission of the Secretary of Defense, knowingly use the words “Defense Mapping Agency”, the initials “DMA”, the seal of the Defense Mapping Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense.

[(b) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to hearing and determination of such action and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

【§ 2798. Civil actions barred

[(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the Defense Mapping Agency.

[(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the Defense Mapping Agency prepares or disseminates navigational aids.]

* * * * *

**SECTION 207 OF THE LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1993**

SEC. 207. (a)(1) None of the funds appropriated for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement of any printing related to the production of Government publications (including printed forms), unless such procurement is by or through the Government Printing Office.

(2) Paragraph (1) does not apply to (A) individual printing orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, if the work is included in a class of work which cannot be provided more economically through the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, *National Imagery and Mapping Agency*, or the National Security Agency, or (C) printing from other sources that is specifically authorized by law.

* * * * *

CHAPTER 13 OF TITLE 44, UNITED STATES CODE

CHAPTER 13—PARTICULAR REPORTS AND DOCUMENTS

Sec.

1301. Agriculture, Department of: report of Secretary.

* * * * *

[1336. Naval Oceanographic Office: special publications.]

1336. *National Imagery and Mapping Agency: special publications.*

* * * * *

[§ 1336. Naval Oceanographic Office: special publications]

§ 1336. *National Imagery and Mapping Agency: special publications*

The [Secretary of the Navy] *Director of the National Imagery and Mapping Agency* may authorize the printing of notices to mariners, light lists, sailing directions, bulletins, and other special publications of the [United States Naval Oceanographic Office] *National Imagery and Mapping Agency* in editions the interests of the Government and of the public may require.

* * * * *

TITLE 5, UNITED STATES CODE

* * * * *

PART III—EMPLOYEES

Subpart A—General Provisions

* * * * *

CHAPTER 23—MERIT SYSTEM PRINCIPLES

* * * * *

§ 2302. Prohibited personnel practices

(a)(1) For the purpose of this title, “prohibited personnel practice” means any action described in subsection (b) of this section.

(2) For the purpose of this section—

(A) * * *

* * * * *

(C) “agency” means an Executive agency and the Government Printing Office, but does not include—

(i) a Government corporation, except in the case of an alleged prohibited personnel practice described under subsection (b)(8);

(ii) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the [Central Imagery Office] *National Imagery and Mapping Agency*, the National Security Agency, and, as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities; or

* * * * *

§ 2305. Coordination with certain other provisions of law

No provision of this chapter, or action taken under this chapter, shall be construed to impair the authorities and responsibilities set forth in [section 102 of the National Security Act of 1947 (61 Stat. 495; 50 U.S.C. 403),] *subtitle A of title I of the Intelligence Community Act*, the Central Intelligence Agency Act of 1949 (63 Stat. 208; 50 U.S.C. 403a and following), the Act entitled “An Act to provide certain administrative authorities for the National Security Agency, and for other purposes”, approved May 29, 1959 (73 Stat. 63; 50 U.S.C. 402 note), and the Act entitled “An Act to amend the Internal Security Act of 1950”, approved March 26, 1964 (78 Stat. 168; 50 U.S.C. 831–835).

* * * * *

Subpart B—Employment and Retention

* * * * *

CHAPTER 31—THE SENIOR EXECUTIVE SERVICE

* * * * *

SUBCHAPTER II—THE SENIOR EXECUTIVE SERVICE

* * * * *

§ 3132. Definitions and exclusions

(a) For the purpose of this subchapter—

(1) “agency” means an Executive agency, except a Government corporation and the General Accounting Office, but does not include—

(A) any agency or unit thereof excluded from coverage by the President under subsection (c) of this section; or

(B) the Federal Bureau of Investigation, the Drug Enforcement Administration, the Central Intelligence Agency, the Defense Intelligence Agency, the [Central Imagery Office] *National Imagery and Mapping Agency*, the National Security Agency, Department of Defense intelligence activities the civilian employees of which are subject to section 1590 of title 10, and, as determined by the President, an Executive agency, or unit thereof, whose principal function is the conduct of foreign intelligence or counterintelligence activities;

* * * * *

Subpart C—Employee Performance

* * * * *

CHAPTER 43—PERFORMANCE APPRAISAL

* * * * *

SUBCHAPTER I—GENERAL PROVISIONS

§ 4301. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency; and

(B) the Government Printing Office;

but does not include—

(i) a Government corporation;

(ii) the Central Intelligence Agency, the Defense Intelligence Agency, the [Central Imagery Office] *National Imagery and Mapping Agency*, the National Security Agency, or any Executive agency or unit thereof which is designated by the President and the principal function of which is the conduct of foreign intelligence or counterintelligence activities; or

* * * * *

CHAPTER 47—PERSONNEL RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

* * * * *

§ 4701. Definitions

- (a) For the purpose of this chapter—
 - (1) “agency” means an Executive agency and the Government Printing Office, but does not include—
 - (A) a Government corporation;
 - (B) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the [Central Imagery Office] *National Imagery and Mapping Agency*, the National Security Agency, and, as determined by the President, any Executive agency or unit thereof which is designated by the President and which has as its principal function the conduct of foreign intelligence or counterintelligence activities; or

* * * * *

Subpart D—Pay and Allowances

CHAPTER 51—CLASSIFICATION

* * * * *

§ 5102. Definitions; application

- (a) For the purpose of this chapter—
 - (1) “agency” means—
 - (A) * * *

* * * * *

but does not include—

 - (i) * * *

* * * * *

 - (xi) the [Central Imagery Office] *National Imagery and Mapping Agency*, Department of Defense.

* * * * *

CHAPTER 53—EXECUTIVE SCHEDULE PAY RATES

* * * * *

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

* * * * *

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Solicitor General of the United States. * * *
- [Deputy Director of Central Intelligence] *Deputy Directors of Central Intelligence* (2).

* * * * *

SUBCHAPTER IV—PREVAILING RATE SYSTEMS

§ 5342. Definitions; application

- (a) For the purpose of this subchapter—
 - (1) “agency” means an Executive agency; but does not include—
 - (A) * * *

* * * * *

(L) the **【Central Imagery Office】** *National Imagery and Mapping Agency*, Department of Defense;

* * * * *

Subpart E—Attendance and Leave

* * * * *

CHAPTER 63—VOLUNTARY TRANSFERS OF LEAVE

* * * * *

SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE

* * * * *

§ 6339. Additional leave transfer programs

- (a) For the purpose of this section—
 - (1) the term “excepted agency” means—
 - (A) * * *
 - (E) the **【Central Imagery Office】** *National Imagery and Mapping Agency*; and
 - (2) the term “head of an excepted agency” means—
 - (A) * * *

* * * * *

(E) with respect to the **【Central Imagery Office, the Director of the Central Imagery Office】** *National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency*; and

(F) with respect to an Executive agency designated under paragraph (1)(F), the head of such Executive agency, and with respect to a unit of an Executive agency designated under paragraph (1)(F), such individual as the President may determine.

* * * * *

Subpart F—Labor-Management and Employee Relations

CHAPTER 71—LABOR-MANAGEMENT RELATIONS

* * * * *

SUBCHAPTER I—GENERAL PROVISIONS

* * * * *

§ 7103. Definitions; application

(a) For the purpose of this chapter—

(1) * * *

* * * * *

(3) “agency” means an Executive agency (including a non-appropriated fund instrumentality described in section 2105(c) of this title and the Veterans’ Canteen Service, Department of Veterans Affairs), the Library of Congress, and the Government Printing Office, but does not include—

(A) * * *

* * * * *

(F) the Federal Labor Relations Authority; or

(G) the Federal Service Impasses Panel[; or].

[(H) the Central Imagery Office;]

* * * * *

SUBCHAPTER III—POLITICAL ACTIVITIES

§ 7323. Political activity authorized; prohibitions

(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

(B) The provisions of subparagraph (A) shall apply to—

(i) an employee of—

(I) * * *

* * * * *

(XIII) the [Central Imagery Office] *National Imagery and Mapping Agency*; or

* * * * *

CHAPTER 75—REMOVAL FOR MORE THAN 14 DAYS

* * * * *

SUBCHAPTER II—REMOVAL, SUSPENSION FOR MORE THAN 14 DAYS, REDUCTION IN GRADE OR PAY, OR FURLOUGH FOR 30 DAYS OR LESS

§ 7511. Definitions; application

(a) For the purpose of this subchapter—

(b) This subchapter does not apply to an employee—

(1) * * *

* * * * *

(8) whose position is within the United States Postal Service, the Postal Rate Commission, the Panama Canal Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, [the National Security Agency, the Defense Intelligence Agency, the Central Imagery Office, or an intelligence activity of a military department covered under section 1590 of title 10] *an intelligence component of the Department of Defense (as defined in section 1614 of title 10), or an intelligence activity of a military department covered under subchapter I of chapter 83 of title 10*, unless subsection (a)(1)(B) of this section or section 1005(a) of title 39 is the basis for this subchapter's applicability;

* * * * *

NATIONAL SECURITY ACT OF 1947

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947".

TABLE OF CONTENTS

Sec. 2. Declaration of policy.
 Sec. 3. *Definitions.*

* * * * *

[TITLE I—COORDINATION FOR NATIONAL SECURITY

- [**Sec. 101. National Security Council.
- [**Sec. 102. Central Intelligence Agency.
- [**Sec. 103. Responsibilities of the Director of Central Intelligence.
- [**Sec. 104. Authorities of the Director of Central Intelligence.
- [**Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.
- [**Sec. 106. Administrative provisions pertaining to defense elements within the intelligence community.
- [**Sec. 107. National Security Resources Board.**]**

TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

- Sec. 101. National Security Council.*
- Sec. 104. National Counterintelligence Policy Board.*
- * * * * *
- Sec. 108. Annual National Security Strategy Report.
- [**Sec. 109. Annual report on intelligence community activities.
- [**Sec. 104. Annual national security strategy report.**]**

TITLE II—THE DEPARTMENT OF DEFENSE

- Sec. 201. Department of Defense.
- [**Sec. 202. Secretary of Defense.
- [**Sec. 203. Military Assistants to the Secretary.
- [**Sec. 204. Civilian personnel.**]**
- Sec. 205. Department of the Army.
- Sec. 206. Department of the Navy.
- Sec. 207. Department of the Air Force.
- [**Sec. 208. United States Air Force.
- [**Sec. 209. Effective date of transfers.

- 【Sec. 210. War Council.
- 【Sec. 211. Joint Chiefs of Staff.
- 【Sec. 212. Joint Staff.
- 【Sec. 213. Munitions Board.
- 【Sec. 214. Research and Development Board.】

TITLE III—MISCELLANEOUS

- 【Sec. 301. Compensation of Secretaries.
- 【Sec. 302. Under Secretaries and Assistant Secretaries.】
- Sec. 303. Advisory committees and personnel.
- 【Sec. 304. Status of transferred civilian personnel.
- 【Sec. 305. Saving provisions.
- 【Sec. 306. Transfer of funds.】

* * * * *

DEFINITIONS

SEC. 3. As used in this Act:

(1) * * *

* * * * *

(4) The term “intelligence community” includes—

(A) * * *

* * * * *

(E) the 【Central Imagery Office】 *National Imagery and Mapping Agency*;

* * * * *

【TITLE I—COORDINATION FOR NATIONAL SECURITY

【NATIONAL SECURITY COUNCIL

【SEC. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the “Council”).

【The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

【The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

【The Council shall be composed of—

- 【(1) the President;
- 【(2) the Vice President;
- 【(3) the Secretary of State;
- 【(4) the Secretary of Defense;
- 【(5) the Director for Mutual Security;
- 【(6) the Chairman of the National Security Resources Board;

and

【(7) The Secretaries and Under Secretaries of other executive departments and the military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure.

[(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

[(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

[(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

[(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of \$10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

[(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require.

[(e) The Chairman (or in his absence the Vice Chairman) of the Joint Chiefs of Staff may, in his role as principal military adviser to the National Security Council and subject to the direction of the President, attend and participate in meetings of the National Security Council.

[(f) The Director of National Drug Control Policy may, in his role as principal adviser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.

[(g) The President shall establish with the National Security Council a board to be known as the “Board for Low Intensity Conflict”. The principal function of the board shall be to coordinate the policies of the United States for low intensity conflict.

[(h) The Director of Central Intelligence (or, in the Director’s absence, the Deputy Director of Central Intelligence) may, in the performance of the Director’s duties under this Act and subject to the direction of the President, attend and participate in meetings of the National Security Council.

[CENTRAL INTELLIGENCE AGENCY

[SEC. 102. (a)(1) There is hereby established a Central Intelligence Agency.

[(2) There shall be a Director of Central Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall—

[(A) serve as head of the United States intelligence community;

[(B) act as the principal adviser to the President for intelligence matters related to the national security; and

[(C) serve as head of the Central Intelligence Agency.

[(b) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be a Deputy Director of Central Intelligence, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall act for, and exercise the powers of, the Director during the Director's absence or disability.

[(c)(1) The Director or Deputy Director of Central Intelligence may be appointed from among the commissioned officers of the Armed Forces, or from civilian life, but at no time shall both positions be simultaneously occupied by commissioned officers of the Armed Forces, whether in an active or retired status.

[(2) It is the sense of the Congress that under ordinary circumstances, it is desirable that either the Director or the Deputy Director be a commissioned officer of the Armed Forces or that either such appointee otherwise have, by training or experience, an appreciation of military intelligence activities and requirements.

[(3)(A) A commissioned officer of the Armed Forces appointed to the position of Director or Deputy Director, while serving in such position—

[(i) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

[(ii) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

[(iii) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of which such officer is a member.

[(B) Except as provided in clause (i) or (ii) of subparagraph (A), the appointment of a commissioned officer of the Armed Forces to the position of Director or Deputy Director shall in no way affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

[(C) A commissioned officer of the Armed Forces on active duty who is appointed to the position of Director or Deputy Director, while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for the Director or Deputy Director. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director.

[(d) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.

[(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of

the rank and grade of such officer authorized for the armed force of which such officer is a member.

【RESPONSIBILITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

【SEC. 103. (a) PROVISION OF INTELLIGENCE.—(1) Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing national intelligence—

【(A) to the President;

【(B) to the heads of departments and agencies of the executive branch;

【(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

【(D) where appropriate, to the Senate and House of Representatives and the committees thereof.

【(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

【(b) NATIONAL INTELLIGENCE COUNCIL.—(1)(A) There is established within the Office of the Director of Central Intelligence the National Intelligence Council (hereafter in this section referred to as the “Council”). The Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of Central Intelligence.

【(B) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

【(2) The Council shall—

【(A) produce national intelligence estimates for the Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community; and

【(B) otherwise assist the Director in carrying out the responsibilities described in subsection (a).

【(3) Within their respective areas of expertise and under the direction of the Director, the members of the Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the Government.

【(4) The Director shall make available to the Council such staff as may be necessary to permit the Council to carry out its responsibilities under this subsection and shall take appropriate measures to ensure that the Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

【(5) The heads of elements within the intelligence community shall, as appropriate, furnish such support to the Council, including the preparation of intelligence analyses, as may be required by the Director.

【(c) HEAD OF THE INTELLIGENCE COMMUNITY.—In the Director’s capacity as head of the intelligence community, the Director shall—

【(1) develop and present to the President an annual budget for the National Foreign Intelligence Program of the United States;

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

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

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

【(5) protect intelligence sources and methods from unauthorized disclosure; and

【(6) perform such other functions as the President or the National Security Council may direct.

【(d) HEAD OF THE CENTRAL INTELLIGENCE AGENCY.—In the Director's capacity as head of the Central Intelligence Agency, the Director shall—

【(1) collect intelligence through human sources and by other appropriate means, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

【(2) provide overall direction for the collection of national intelligence through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized;

【(3) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

【(4) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Central Intelligence determines can be more efficiently accomplished centrally; and

【(5) perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct.

【AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

【SEC. 104. (a) ACCESS TO INTELLIGENCE.—To the extent recommended by the National Security Council and approved by the President, the Director of Central Intelligence shall have access to all intelligence related to the national security which is collected by any department, agency, or other entity of the United States.

【(b) APPROVAL OF BUDGETS.—The Director of Central Intelligence shall provide guidance to elements of the intelligence community for the preparation of their annual budgets and shall approve such budgets before their incorporation in the National Foreign Intelligence Program.

【(c) ROLE OF DCI IN REPROGRAMMING.—No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without

the prior approval of the Director of Central Intelligence except in accordance with procedures issued by the Director.

[(d) TRANSFER OF FUNDS OR PERSONNEL WITHIN THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1) In addition to any other authorities available under law for such purposes, the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program and, in accordance with procedures to be developed by the Director and the heads of affected departments and agencies, may transfer personnel authorized for an element of the intelligence community to another such element for periods up to a year.

[(2) A transfer of funds or personnel may be made under this subsection only if—

[(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

[(B) the need for funds or personnel for such activity is based on unforeseen requirements;

[(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;

[(D) the transfer does not involve a transfer of funds or personnel from the Federal Bureau of Investigation; and

[(E) the Secretary or head of the department which contains the affected element or elements of the intelligence community does not object to such transfer.

[(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

[(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this section.

[(5) The Director shall promptly submit to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

[(e) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the National Security Council and in a manner consist-

ent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

[(f) USE OF PERSONNEL.—The Director shall, in coordination with the heads of departments and agencies with elements in the intelligence community, institute policies and programs within the intelligence community—

[(1) to provide for the rotation of personnel between the elements of the intelligence community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions; and

[(2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the intelligence community.

[(g) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—Notwithstanding the provisions of any other law, the Director may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director shall deem such termination necessary or advisable in the interests of the United States. Any such termination shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the Office of Personnel Management.

[RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM

[SEC. 105. (a) IN GENERAL.—The Secretary of Defense shall—

[(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing governmentwide functions, the needs of other departments and agencies;

[(2) ensure appropriate implementation of the policies and resource decisions of the Director of Central Intelligence by elements of the Department of Defense within the National Foreign Intelligence Program;

[(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Foreign Intelligence Program;

[(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

[(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

[(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

[(b) RESPONSIBILITY FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with sections 103 and 104 of this Act, the Secretary of Defense shall ensure—

[(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

[(2) through the Central Imagery Office (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense for carrying out tasking of imagery collection, for the coordination of imagery processing and exploitation activities, and for ensuring the dissemination of imagery in a timely manner to authorized recipients;

[(3) through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the intelligence community;

[(4) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients;

[(5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence activities, including defense attaches; and

[(6) that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—

[(A) the requirements of the Director of Central Intelligence;

[(B) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;

[(C) the requirements of the unified and specified combatant commands and of joint operations; and

[(D) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.

[(c) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as

may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.

【ADMINISTRATIVE PROVISIONS PERTAINING TO DEFENSE ELEMENTS
WITHIN THE INTELLIGENCE COMMUNITY

【SEC. 106. (a) CONSULTATIONS WITH REGARD TO CERTAIN APPOINTMENTS.—The Secretary of Defense shall undertake appropriate consultations with the Director of Central Intelligence before the appointment of any individual as head of the National Security Agency, the National Reconnaissance Office, or the Defense Intelligence Agency.

【(b) APPOINTMENT OF HEAD OF CENTRAL IMAGERY OFFICE.—The Secretary shall appoint, upon the recommendation of the Director, the head of the Central Imagery Office within the Department of Defense.

【NATIONAL SECURITY RESOURCES BOARD

【SEC. 107. (a) The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

【(b) It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

【(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war.

【(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

【(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

【(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

【(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

【(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

【(c) In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.】

TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

SEC. 101. NATIONAL SECURITY COUNCIL.

(a) *IN GENERAL.*—There is in the Executive Office of the President the National Security Council. The Council is composed of the following:

- (1) *The President.*
- (2) *The Vice President.*
- (3) *The Secretary of State.*
- (4) *The Secretary of Defense.*

(b) *ADDITIONAL PARTICIPANTS.*—Subject to the direction of the President, the following officers may attend and participate in meetings of the National Security Council:

(1) *DIRECTOR OF CENTRAL INTELLIGENCE.*—The Director of Central Intelligence (or, in the Director's absence, a Deputy Director of Central Intelligence), in the performance of the Director's duties under this Act and the Intelligence Community Act.

(2) *CHAIRMAN OF THE JOINT CHIEFS OF STAFF.*—The Chairman (or, in the Chairman's absence, the Vice Chairman) of the Joint Chiefs of Staff, in the Chairman's role as principal military adviser to the National Security Council.

(3) *DIRECTOR OF NATIONAL DRUG CONTROL POLICY.*—The Director of National Drug Control Policy, in the Director's role as principal adviser to the National Security Council on national drug control policy, but only through the date specified in section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1506).

(4) *OTHERS DESIGNATED BY THE PRESIDENT.*—Such additional officers as may be designated by the President.

(c) *FUNCTIONS.*—The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security. In addition to performing such other functions as the President may direct, the Council (subject to the direction of the President) shall, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security—

(1) *assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and*

(2) *consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security and make recommendations to the President in connection therewith.*

(d) *RECOMMENDATIONS AND REPORTS.*—The Council shall, from time to time, make such recommendations and such other reports to

the President as it considers appropriate or as the President may require.

(e) STAFF.—The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President. The executive secretary, subject to the direction of the Council, may subject to the civil-service laws, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

SEC. 104. NATIONAL COUNTERINTELLIGENCE POLICY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is within the executive branch of the Government a National Counterintelligence Policy Board. The Board shall report to the President through the National Security Council.

(b) FUNCTION OF THE BOARD.—The Board shall serve as the principal mechanism for—

(1) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.

* * * * *

[ANNUAL REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES

[SEC. 109. (a) IN GENERAL.—The Director of Central Intelligence shall submit to Congress an annual report on the activities of the intelligence community. The annual report under this section shall be unclassified.

[(b) MATTERS TO BE COVERED IN ANNUAL REPORT.—Each report under this section shall describe—

[(1) the activities of the intelligence community during the preceding fiscal year, including significant successes and failures that can be described in an unclassified manner; and

[(2) the areas of the world and the issues that the Director expects will require increased or unusual attention from the intelligence community during the next fiscal year.

[(c) TIME FOR SUBMISSION.—The report under this section for any year shall be submitted at the same time that the President submits the budget for the next fiscal year pursuant to section 1105 of title 31, United States Code.]

* * * * *

TITLE IX—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

* * * * *

LAWS SUBJECT TO STAY

SEC. 904. The President may use the authority of sections 901 and 902 to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government related to the proliferation of weapons of mass destruction,

their delivery systems, or advanced conventional weapons otherwise [required to be imposed by the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102–182); the Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103–236); title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) (relating to the nonproliferation of missile technology); the Iran-Iraq Arms Nonproliferation Act of 1992 (title XVI of Public Law 102–484); section 573 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1994 (Public Law 103–87); section 563 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1995 (Public Law 103–306); and comparable provisions.] *required to be imposed by any of the following provisions of law:*

- (1) *The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102–182).*
- (2) *The Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103–236).*
- (3) *Section 11B of the Export Administration Act of 1979 (50 U.S.C. App. 2410b).*
- (4) *Chapter 7 of the Arms Export Control Act (22 U.S.C. 2797 et seq.).*
- (5) *The Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484).*
- (6) *The following provisions of annual appropriations Acts:*
 - (A) *Section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87; 107 Stat. 972).*
 - (B) *Section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1649).*
 - (C) *Section 552 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 741).*
- (7) *Comparable provisions.*

APPLICATION

SEC. 905. This title shall cease to be effective [on the date which is one year after the date of the enactment of this title] *on January 6, 1997.*

SECTION 105 OF THE ETHICS IN GOVERNMENT ACT OF 1978

CUSTODY OF AND PUBLIC ACCESS TO REPORTS

SEC. 105. (a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

- (1) this section does not require public availability of a report filed by any individual in the Central Intelligence Agency, the

Defense Intelligence Agency, the **Central Imagery Office** *National Imagery and Mapping Agency*, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

* * * * *

SECTION 7 OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

SEC. 7. EXEMPTIONS.

(a) **NO APPLICATION TO GOVERNMENTAL EMPLOYERS.**—This Act shall not apply with respect to the United States Government, any State or local government, or any political subdivision of a State or local government.

(b) **NATIONAL DEFENSE AND SECURITY EXEMPTION.**—

(1) * * *

(2) **SECURITY.**—Nothing in this Act shall be construed to prohibit the administration, by the Federal Government, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, assigned to, or detailed to, the National Security Agency, the Defense Intelligence Agency, the **Central Imagery Office** *National Imagery and Mapping Agency*, or the Central Intelligence Agency,

* * * * *

SECTION 82 OF TITLE 14, UNITED STATES CODE

§ 82. Cooperation with Administrator of the Federal Aviation Administration

The Coast Guard, in establishing, maintaining, or operating any aids to air navigation herein provided, shall solicit the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to

limit the authority granted by [chapter 167] *subchapter II of chapter 22* of title 10 or part A of subtitle VII of title 49.

NATIONAL SECURITY ACT OF 1959

AN ACT To provide certain administrative authorities for the National Security Agency, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That this Act may be cited as the “National Security Agency Act of 1959”].

[SEC. 2. (a) The Secretary of Defense (or his designee) is authorized to establish such positions, and to appoint thereto, without regard to the civil service laws, such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic pay for such positions shall be fixed by the Secretary of Defense (or his designee for this purpose) in relation to the rates of basic pay provided for in subpart D of part III of title 5, United States Code, for positions subject to such title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, no officer or employee of the National Security Agency shall be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of such title and not more than 70 such officers and employees shall be paid within the range of rates authorized in section 5376 of such title.

[(b) The Secretary of Defense (or his designee) may provide officers and employees of the National Security Agency other compensation, benefits, incentives, and allowances which are consistent with, and do not exceed the levels authorized for, such compensation, benefits, incentives, or allowances by title 5, United States Code.

[SEC. 3. Section 1581(a) of title 10, United States Code, as modified by section 12(a) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 213), is amended by striking out “, and not more than fifty civilian positions in the National Security Agency,” and the words “and the National Security Agency, respectively,”.

[SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to—

[(1) establish in the National Security Agency (A) professional engineering positions primarily concerned with research and development and (B) professional positions in the physical and natural sciences, medicine, and cryptology; and

[(2) fix the respective rates of pay of such positions at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

Officers and employees appointed to positions established under this section shall be in addition to the number of officers and employees appointed to positions under section 2 of this Act who may be paid at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule.

[SEC. 5. Officers and employees of the National Security Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations which

shall be prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h), for employees whose rates of basic compensation are fixed by statute.

【SEC. 6. (a) Except as provided in subsection (b) of this section, nothing in this Act or any other law (including, but not limited to, the first section and section 2 of the Act of August 28, 1935 (5 U.S.C. 654)) shall be construed to require the disclosure of the organization or any function of the National Security Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

【(b) The reporting requirements of section 1582 of title 10, United States Code, shall apply to positions established in the National Security Agency in the manner provided by section 4 of this Act.

【SEC. 8. The foregoing provisions of this Act shall take effect on the first day of the first pay period which begins later than the thirtieth day following the date of enactment of this Act.

【SEC. 9. (a) Notwithstanding section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), section 5536 of title 5, United States Code, and section 2675 of title 10, United States Code, the Director of the National Security Agency, on behalf of the Secretary of Defense, may lease real property outside the United States, for periods not exceeding ten years, for the use of the National Security Agency for special cryptologic activities and for housing for personnel assigned to such activities.

【(b) The Director of the National Security Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptologic activities outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection—

【(1) allowances and benefits—

【(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and

【(B) in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency;

【(2) housing (including heat, light, and household equipment) without cost to such personnel, if the Director of the National Security Agency, on behalf of the Secretary of Defense determines that it would be in the public interest to provide such housing; and

【(3) special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) and in section 18 of the Central Intelligence Agency Act of 1949.

【(c) The authority of the Director of the National Security Agency, on behalf of the Secretary of Defense, to make payments under subsections (a) and (b), and under contracts for leases entered into

under subsection (a), is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

[(d) Members of the Armed Forces may not receive benefits under both subsection (b)(1) and title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

[(e) Regulations issued pursuant to subsection (b)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

[SEC. 10. (a) The Director of the National Security Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director—

[(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;

[(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

[(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

[(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

[(b)(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

[(2) In order to provide linguistic training and support for cryptologic personnel, the Director—

[(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

[(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, United States Code, and to military personnel in accordance with chapter 7 of title 37, United States Code, and applicable provisions of title 10, United States Code, when such personnel are assigned to training at sites away from their designated duty station.

[(c)(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign lan-

guage skills and related abilities needed by the National Security Agency, the Director may establish a cryptologic linguist reserve. The cryptologic linguist reserve may consist of former or retired civilian or military cryptologic personnel of the National Security Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the cryptologic linguist reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the National Security Agency and shall perform such linguistic or linguistic-related duties as the Director may assign.

[(2) In order to attract individuals to become members of the cryptologic linguist reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

[(3) In order to provide training and support for members of the cryptologic linguist reserve, the Director—

[(A) may pay all or part of the tuition and other expenses related to the training of individuals in the cryptologic linguist reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

[(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the cryptologic linguist reserve who are assigned to training at sites away from their homes or regular places of business.

[(d)(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

[(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

[(B) in the case of individuals accepted for membership in the cryptologic linguist reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

[(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

[(e)(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

[(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or

other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

[(f) The Director may waive the applicability of any provision of chapter 41 of title 5, United States Code, to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

[(g) The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

[(h) Regulations issued pursuant to this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

[(i) The Director of the National Security Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, United States Code, pay travel, transportation, storage, and subsistence expenses under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.

[SEC. 11. The Administrator of General Services, upon the application of the Director of the National Security Agency, may provide for the protection in accordance with section 3 of the Act of June 1, 1948 (40 U.S.C. 318b), of certain facilities (as designated by the Director of such Agency) which are under the administration and control of, or are used by, the National Security Agency in the same manner as if such facilities were property of the United States over which the United States has acquired exclusive or concurrent criminal jurisdiction.

[SEC. 12. (a)(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the National Security Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall—

[(A) meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

[(B) provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title;

[(C) provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

[(D) provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title;

[(E) provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections

(a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense or his designee);

[(F) permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title;

[(G) provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title.

[(H) provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.

[(2) Except as otherwise provided in subsection (a), the Secretary of Defense (or his designee) may—

[(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

[(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

[(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5, United States Code.

[(4) Notwithstanding any other provision of this section, the Director of the National Security Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the National Security Agency in which the member's expertise and experience may be of benefit to the National Security Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

[(b) The Secretary of Defense (or his designee) may by regulation establish a merit pay system for such employees of the National Security Agency as the Secretary of Defense (or his designee) considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

[(c) Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

[SEC. 13. (a) The Director of the National Security Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this section may not be approved unless the Director determines that the

award of the grant would be clearly consistent with the national security.

[(b) The grant program established by subsection (a) shall be conducted in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) to the extent that such Act is consistent with and in accordance with section 6 of this Act.

[(c) The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

[SEC. 14. Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the National Security Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

[SEC. 15. (a) No person may, except with the written permission of the Director of the National Security Agency, knowingly use the words "National Security Agency", the initials "NSA", the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

[(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

[SEC. 16. (a) The purpose of this section is to establish an undergraduate training program, which may lead to the baccalaureate degree, to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Security Agency, including mathematics, computer science, engineering, and foreign languages.

[(b) The Secretary of Defense is authorized, in his discretion, to assign civilian employees of the National Security Agency as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the Agency.

[(c) The National Security Agency may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (b), in any fiscal year only to the extent that appropriated funds are available for such purpose.

[(d)(1) To be eligible for assignment under subsection (b), an employee of the Agency must agree in writing—

[(A) to continue in the service of the Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned;

[(B) to continue in the service of the Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

[(C) to reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, prior to the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily; and

[(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily, prior to the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

[(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

[(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

[(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

[(C) The Secretary of Defense shall permit an employee assigned under this section who, prior to commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the Agency, to satisfy his obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

[(e)(1) When an employee is assigned under this section to an institution, the Agency shall disclose to the institution to which the

employee is assigned that the Agency employs the employee and that the Agency funds the employee's education.

[(2) Agency efforts to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

[(f) Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

[(g) The Secretary of Defense may issue such regulations as may be necessary to implement this section.

[SEC. 18. (a) The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

[(b) For the purposes of this section, the term "rotational tour of duty", with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—*This Act may be cited as the "National Security Agency Act of 1959".*

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

Sec. 1. Short title; table of contents.

Sec. 2. General personnel authorities.

Sec. 3. Protection of identities of employees.

Sec. 4. Authority to lease real property outside the United States.

Sec. 5. Benefits for personnel assigned to special cryptologic activities outside the United States.

Sec. 10. Language training for cryptologic personnel.

Sec. 11. Protection of facilities by General Services Administration.

Sec. 12. Senior Cryptologic Executive Service.

Sec. 13. Grants for cryptologic research.

Sec. 14. Availability of certain appropriations.

Sec. 15. Protection of agency name from unauthorized use.

Sec. 16. Recruitment of qualified personnel.

Sec. 17. Authority to pay certain expenses for employees dying while on rotational tour of duty in the United States.

SEC. 2. GENERAL PERSONNEL AUTHORITIES.

(a) *IN GENERAL.*—*General personnel authorities of the Secretary of Defense with respect to the National Security Agency are provided in chapter 83 of title 10, United States Code.*

(b) *AUTHORITY FOR ADDITIONAL COMPENSATION FOR CERTAIN EMPLOYEES.*—*Officers and employees of the National Security Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations which shall be prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 5941 of title 5, United*

States Code, for employees whose rates of basic compensation are fixed by statute.

SEC. 3. PROTECTION OF IDENTITIES OF EMPLOYEES.

Nothing in this Act or any other law shall be construed to require the disclosure of the organization or any function of the National Security Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

SEC. 4. AUTHORITY TO LEASE REAL PROPERTY OUTSIDE THE UNITED STATES.

(a) *AUTHORITY.*—Notwithstanding section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), section 5536 of title 5, United States Code, and section 2675 of title 10, United States Code, the Director of the National Security Agency, on behalf of the Secretary of Defense, may lease real property outside the United States, for periods not exceeding ten years, for the use of the National Security Agency for special cryptologic activities and for housing for personnel assigned to such activities.

(b) *LIMITATION TO APPROPRIATED FUNDS.*—The authority of the Director of the National Security Agency, on behalf of the Secretary of Defense, to make payments under subsection (a), and under contracts for leases entered into under subsection (a), is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

SEC. 5. BENEFITS FOR PERSONNEL ASSIGNED TO SPECIAL CRYPTOLOGIC ACTIVITIES OUTSIDE THE UNITED STATES.

(a) *AUTHORITY TO PROVIDE CERTAIN BENEFITS.*—The Director of the National Security Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptologic activities outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection the following:

(1) *Allowances and benefits—*

(A) *comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and*

(B) *in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency.*

(2) *Housing (including heat, light, and household equipment) without cost to such personnel, if the Director of the National Security Agency, on behalf of the Secretary of Defense, determines that it would be in the public interest to provide such housing.*

(3) *Special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153) and in section 18 of the Central Intelligence Agency Act of 1949.*

(b) *LIMITATION TO APPROPRIATED FUNDS.*—The authority of the Director of the National Security Agency, on behalf of the Secretary

of Defense, to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(c) **PROHIBITION OF DUPLICATION OF BENEFITS.**—Members of the Armed Forces may not receive benefits under both subsection (a)(1) and under title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

(d) **REGULATIONS.**—Regulations prescribed under subsection (a)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

SEC. 10. LANGUAGE TRAINING FOR CRYPTOLOGIC PERSONNEL.

(a) **LANGUAGE TRAINING PROGRAMS.**—The Director of the National Security Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director—

(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;

(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

(b) **FOREIGN LANGUAGE PROFICIENCY INCENTIVES.**—(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

(2) In order to provide linguistic training and support for cryptologic personnel, the Director—

(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, United States Code, and to military personnel in accordance with chapter 7 of title 37, United States Code, and applicable provisions of title

10, United States Code, when such personnel are assigned to training at sites away from their designated duty station.

(c) **CRYPTOLOGIC LINGUIST RESERVE.**—(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director may establish a Cryptologic Linguist Reserve.

(2) The Cryptologic Linguist Reserve may consist of former or retired civilian or military cryptologic personnel of the National Security Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the Cryptologic Linguist Reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the National Security Agency and shall perform such linguistic or linguistic-related duties as the Director may assign.

(3) In order to attract individuals to become members of the Cryptologic Linguist Reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

(4) In order to provide training and support for members of the Cryptologic Linguist Reserve, the Director—

(A) may pay all or part of the tuition and other expenses related to the training of individuals in the Cryptologic Linguist Reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the Cryptologic Linguist Reserve who are assigned to training at sites away from their homes or regular places of business.

(d) **SERVICE AGREEMENTS.**—(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

(B) in the case of individuals accepted for membership in the Cryptologic Linguist Reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

(e) **LANGUAGE TRAINING FOR FAMILY MEMBERS.**—(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational

duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

(f) WAIVER AUTHORITY.—The Director may waive the applicability of any provision of chapter 41 of title 5, United States Code, to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

(g) LIMITATION TO APPROPRIATED FUNDS.—The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(h) REGULATIONS.—Regulations prescribed under this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

(i) TRAVEL AND TRANSPORTATION EXPENSES IN CONNECTION WITH TRAINING OUTSIDE THE UNITED STATES.—The Director of the National Security Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, United States Code, pay travel, transportation, storage, and subsistence expenses under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.

SEC. 11. PROTECTION OF FACILITIES BY GENERAL SERVICES ADMINISTRATION.

The Administrator of General Services, upon the application of the Director of the National Security Agency, may provide for the protection in accordance with section 3 of the Act of June 1, 1948 (40 U.S.C. 318b), of certain facilities (as designated by the Director of such Agency) which are under the administration and control of, or are used by, the National Security Agency in the same manner as if such facilities were property of the United States over which the United States has acquired exclusive or concurrent criminal jurisdiction.

SEC. 12. SENIOR CRYPTOLOGIC EXECUTIVE SERVICE.

(a) AUTHORITY TO ESTABLISH SCES.—(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the National Security Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall do the following:

(A) Meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service.

(B) Provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title.

(C) Provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted.

(D) Provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title.

(E) Provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense).

(F) Permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title.

(G) Provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title.

(H) Provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.

(2) Except as otherwise provided in paragraph (1), the Secretary of Defense may—

(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5, United States Code.

(4) Notwithstanding any other provision of this section, the Director of the National Security Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the National Security Agency in which the member's expertise and experience may be of benefit to the National Security Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

(b) MERIT PAY SYSTEM.—The Secretary of Defense may by regulation establish a merit pay system for such employees of the National Security Agency as the Secretary of Defense considers appropriate. The merit pay system shall be designed to carry out purposes con-

sistent with those set forth in section 5401(a) of title 5, United States Code.

(c) *LIMITATION ON TOTAL COMPENSATION.*—Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

SEC. 13. GRANTS FOR CRYPTOLOGIC RESEARCH.

(a) *GRANT AUTHORITY.*—The Director of the National Security Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this section may not be approved unless the Director determines that the award of the grant would be clearly consistent with the national security.

(b) *APPLICABLE LAW.*—The grant program established by subsection (a) shall be conducted in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) to the extent that such Act is consistent with and in accordance with section 6 of this Act.

(c) *LIMITATION TO APPROPRIATED FUNDS.*—The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

SEC. 14. AVAILABILITY OF CERTAIN APPROPRIATIONS.

Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the National Security Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

SEC. 15. PROTECTION OF AGENCY NAME FROM UNAUTHORIZED USE.

(a) *PROHIBITION ON UNAUTHORIZED USE.*—No person may, except with the written permission of the Director of the National Security Agency, knowingly use the words “National Security Agency”, the initials “NSA”, the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

(b) *ENFORCEMENT.*—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

SEC. 16. RECRUITMENT OF QUALIFIED PERSONNEL.

(a) *PURPOSE.*—The purpose of this section is to establish an undergraduate training program, which may lead to the baccalaureate degree, to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Security Agency, including mathematics, computer science, engineering, and foreign languages.

(b) *ASSIGNMENT OF CIVILIAN EMPLOYEES.*—The Secretary of Defense may, in the Secretary's discretion, assign civilian employees of the National Security Agency as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the Agency.

(c) *LIMITATION TO APPROPRIATED FUNDS.*—The National Security Agency may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (b), in any fiscal year only to the extent that appropriated funds are available for such purpose.

(d) *EMPLOYEE AGREEMENT.*—(1) To be eligible for assignment under subsection (b), an employee of the Agency must agree in writing to the following:

(A) To continue in the service of the Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned.

(B) To continue in the service of the Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof.

(C) To reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, before the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily.

(D) To reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with the Agency is terminated either by the Agency due to misconduct by the employee or by the employee voluntarily, before the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within

five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in the Secretary's discretion, the Secretary determines that equity or the interests of the United States so require.

(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the Agency, to satisfy his obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

(e) **DISCLOSURE TO EDUCATIONAL INSTITUTION OF AGENCY AFFILIATION OF EMPLOYEE.**—(1) When an employee is assigned under this section to an institution, the Agency shall disclose to the institution to which the employee is assigned that the Agency employs the employee and that the Agency funds the employee's education.

(2) Agency efforts to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

(f) **INAPPLICABILITY OF CERTAIN LAWS.**—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

(g) **REGULATIONS.**—The Secretary of Defense may prescribe such regulations as may be necessary to implement this section.

SEC. 17. AUTHORITY TO PAY CERTAIN EXPENSES FOR EMPLOYEES DYING WHILE ON ROTATIONAL TOUR OF DUTY IN THE UNITED STATES.

(a) **AUTHORITY.**—The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

(b) **DEFINITION.**—For the purposes of this section, the term "rotational tour of duty", with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.

SECTION 303 OF THE INTERNAL SECURITY ACT OF 1950

【TERMINATION OF EMPLOYMENT

【SEC. 303. (a) Notwithstanding section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22-1), or

any other provision of law, the Secretary may terminate the employment of any officer or employee of the Agency whenever he considers that action to be in the interest of the United States, and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of that officer or employee cannot be invoked consistently with the national security. Such a determination is final.

[(b) Termination of employment under this section shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the United States Civil Service Commission.

[(c) Notwithstanding section 113(d) of title 10, United States Code, any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both.]

**SECTION 306 OF THE INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 1996**

[SEC. 306. SECRECY AGREEMENTS USED IN INTELLIGENCE ACTIVITIES.

[Notwithstanding any other provision of law not specifically referencing this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum—

[(1) require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government; and

[(2) provide that the form or agreement does not bar—

[(A) disclosures to Congress; or

[(B) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.]

**INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
1995**

* * * * *

TITLE VI—CONSTRUCTION OF FACILITIES FOR THE INTELLIGENCE COMMUNITY

* * * * *

[SEC. 603. IDENTIFICATION OF CONSTITUENT COMPONENTS OF BASE INTELLIGENCE BUDGET.

【The Director of Central Intelligence shall include the same level of budgetary detail for the Base Budget that is provided for Ongoing Initiatives and New Initiatives to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate in the congressional justification materials for the annual submission of the National Foreign Intelligence Program of each fiscal year.】

* * * * *

TITLE VIII—COUNTERINTELLIGENCE AND SECURITY

* * * * *

[SEC. 811. COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.

【(a) ESTABLISHMENT OF COUNTERINTELLIGENCE POLICY BOARD.—There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the “Board”). The Board shall report to the President through the National Security Council.

【(b) FUNCTION OF THE BOARD.—The Board shall serve as the principal mechanism for—

【(1) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

【(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.

【(c) COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.—(1) Except as provided in paragraph (3), the head of each department or agency within the executive branch shall ensure that—

【(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

【(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

【(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

【(2) Except as provided in paragraph (3), the Director of the Federal Bureau of Investigation shall ensure that espionage informa-

tion obtained by the Federal Bureau of Investigation pertaining to the personnel, operations, or information of departments or agencies of the executive branch, is provided through appropriate channels to the department or agency concerned, and that such departments or agencies are consulted with respect to espionage investigations undertaken by the Federal Bureau of Investigation which involve the personnel, operations, or information of such department or agency after a report has been provided pursuant to paragraph (1)(A).

[(3) Where essential to meet extraordinary circumstances affecting vital national security interests of the United States, the President may on a case-by-case basis waive the requirements of paragraph (1) or (2), as they apply to the head of a particular department or agency, or the Director of the Federal Bureau of Investigation. Such waiver shall be in writing and shall fully state the justification for such waiver. Within thirty days, the President shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that such waiver has been issued, and at that time or as soon as national security considerations permit, provide these committees with a complete explanation of the circumstances which necessitated such waiver.

[(4) The Director of the Federal Bureau of Investigation shall, in consultation with the Director of Central Intelligence and the Secretary of Defense, report annually, beginning on February 1, 1995, and continuing each year thereafter, to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in accordance with applicable security procedures, the Committees on the Judiciary of the House of Representatives and the Senate with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

[(5) Nothing in this section may be construed to alter the existing jurisdictional arrangements between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice, nor to impose additional reporting requirements upon the Department of Defense with respect to such investigations beyond those required by existing law and executive branch policy.

[(6) As used in this section, the terms "foreign power" and "agent of a foreign power" have the same meanings as set forth in sections 101 (a) and (b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).]

SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1992

[SEC. 403. INTELLIGENCE COMMUNITY CONTRACTING.

[The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, shall award contracts in a manner that would maximize the procurement of prod-

ucts in the United States. For purposes of this provision, the term "Intelligence Community" has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.】

* * * * *

**SECTION 8154 OF THE DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 1995**

【SEC. 8154. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

【(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.】

**SECTION 8107 OF THE DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 1994**

【(TRANSFER OF FUNDS)】

【SEC. 8107. During the current fiscal year and thereafter, no funds may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.】

○