

106TH CONGRESS
2D SESSION

H. R. 5630

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2000

Mr. GOSS (for himself, Mr. DIXON, and Mr. LEWIS of California) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

NOVEMBER 13, 2000

The Permanent Select Committee on Intelligence discharged; considered and passed

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2001”.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
 Sec. 102. Classified schedule of authorizations.
 Sec. 103. Personnel ceiling adjustments.
 Sec. 104. Community management account.
 Sec. 105. Transfer authority of the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

- Sec. 301. Increase in employee compensation and benefits authorized by law.
 Sec. 302. Restriction on conduct of intelligence activities.
 Sec. 303. Sense of the Congress on intelligence community contracting.
 Sec. 304. National Security Agency voluntary separation.
 Sec. 305. Authorization for travel on any common carrier for certain intelligence collection personnel.
 Sec. 306. Update of report on effects of foreign espionage on United States trade secrets.
 Sec. 307. POW/MIA analytic capability within the intelligence community.
 Sec. 308. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
 Sec. 309. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
 Sec. 310. Designation of Daniel Patrick Moynihan Place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS- PO)

- Sec. 321. Reorganization of Diplomatic Telecommunications Service Program Office.
 Sec. 322. Personnel.
 Sec. 323. Diplomatic Telecommunications Service Oversight Board.
 Sec. 324. General provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Modifications to Central Intelligence Agency's central services program.
 Sec. 402. Technical corrections.
 Sec. 403. Expansion of Inspector General actions requiring a report to Congress.
 Sec. 404. Detail of employees to the National Reconnaissance Office.
 Sec. 405. Transfers of funds to other agencies for acquisition of land.

Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Contracting authority for the National Reconnaissance Office.
 Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
 Sec. 503. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
 Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
 Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
 Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
 Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
 Sec. 606. Enhancing protection of national security at the Department of Justice.
 Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
 Sec. 608. Severability.

TITLE VII—DECLASSIFICATION OF INFORMATION

Sec. 701. Short title.
 Sec. 702. Findings.
 Sec. 703. Public Interest Declassification Board.
 Sec. 704. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
 Sec. 705. Protection of national security information and other information.
 Sec. 706. Standards and procedures.
 Sec. 707. Judicial review.
 Sec. 708. Funding.
 Sec. 709. Definitions.
 Sec. 710. Sunset.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

Sec. 801. Short title.
 Sec. 802. Designation.
 Sec. 803. Requirement of disclosure of records.
 Sec. 804. Expedited processing of requests for Japanese Imperial Government records.
 Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings

1 as of September 30, 2001, for the conduct of the intel-
2 ligence and intelligence-related activities of the elements
3 listed in such section, are those specified in the classified
4 Schedule of Authorizations prepared to accompany the
5 conference report on the bill H.R. 4392 of the One Hun-
6 dred Sixth Congress (House Report 106–969).

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

14 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

15 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
16 proval of the Director of the Office of Management and
17 Budget, the Director of Central Intelligence may authorize
18 employment of civilian personnel in excess of the number
19 authorized for fiscal year 2001 under section 102 when
20 the Director of Central Intelligence determines that such
21 action is necessary to the performance of important intel-
22 ligence functions, except that the number of personnel em-
23 ployed in excess of the number authorized under such sec-
24 tion may not, for any element of the intelligence commu-

1 nity, exceed 2 percent of the number of civilian personnel
2 authorized under such section for such element.

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

9 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated for the Community Manage-
12 ment Account of the Director of Central Intelligence for
13 fiscal year 2001 the sum of \$163,231,000. Within such
14 amount, funds identified in the classified Schedule of Au-
15 thorizations referred to in section 102(a) for the Advanced
16 Research and Development Committee shall remain avail-
17 able until September 30, 2002.

18 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
19 ments within the Community Management Account of the
20 Director of Central Intelligence are authorized 313 full-
21 time personnel as of September 30, 2001. Personnel serv-
22 ing in such elements may be permanent employees of the
23 Community Management Account or personnel detailed
24 from other elements of the United States Government.

25 (c) CLASSIFIED AUTHORIZATIONS.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to amounts authorized to be appropriated
3 for the Community Management Account by sub-
4 section (a), there are also authorized to be appro-
5 priated for the Community Management Account for
6 fiscal year 2001 such additional amounts as are
7 specified in the classified Schedule of Authorizations
8 referred to in section 102(a). Such additional
9 amounts shall remain available until September 30,
10 2002.

11 (2) AUTHORIZATION OF PERSONNEL.—In addi-
12 tion to the personnel authorized by subsection (b)
13 for elements of the Community Management Ac-
14 count as of September 30, 2001, there are hereby
15 authorized such additional personnel for such ele-
16 ments as of that date as are specified in the classi-
17 fied Schedule of Authorizations.

18 (d) REIMBURSEMENT.—Except as provided in section
19 113 of the National Security Act of 1947 (50 U.S.C.
20 404h), during fiscal year 2001, any officer or employee
21 of the United States or a member of the Armed Forces
22 who is detailed to the staff of the Community Management
23 Account from another element of the United States Gov-
24 ernment shall be detailed on a reimbursable basis, except
25 that any such officer, employee, or member may be de-

1 tailed on a nonreimbursable basis for a period of less than
2 1 year for the performance of temporary functions as re-
3 quired by the Director of Central Intelligence.

4 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

5 (1) IN GENERAL.—Of the amount authorized to
6 be appropriated in subsection (a), \$34,100,000 shall
7 be available for the National Drug Intelligence Cen-
8 ter. Within such amount, funds provided for re-
9 search, development, test, and evaluation purposes
10 shall remain available until September 30, 2002, and
11 funds provided for procurement purposes shall re-
12 main available until September 30, 2003.

13 (2) TRANSFER OF FUNDS.—The Director of
14 Central Intelligence shall transfer to the Attorney
15 General funds available for the National Drug Intel-
16 ligence Center under paragraph (1). The Attorney
17 General shall utilize funds so transferred for the ac-
18 tivities of the National Drug Intelligence Center.

19 (3) LIMITATION.—Amounts available for the
20 National Drug Intelligence Center may not be used
21 in contravention of the provisions of section
22 103(d)(1) of the National Security Act of 1947 (50
23 U.S.C. 403–3(d)(1)).

24 (4) AUTHORITY.—Notwithstanding any other
25 provision of law, the Attorney General shall retain

1 full authority over the operations of the National
2 Drug Intelligence Center.

3 **SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF**
4 **CENTRAL INTELLIGENCE.**

5 (a) LIMITATION ON DELEGATION OF AUTHORITY OF
6 DEPARTMENTS TO OBJECT TO TRANSFERS.—Section
7 104(d)(2) of the National Security Act of 1947 (50 U.S.C.
8 403–4(d)(2)) is amended—

9 (1) by inserting “(A)” after “(2)”;

10 (2) by redesignating subparagraphs (A), (B),
11 (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and
12 (v), respectively;

13 (3) in clause (v), as so redesignated, by striking
14 “the Secretary or head” and inserting “subject to
15 subparagraph (B), the Secretary or head”; and

16 (4) by adding at the end the following new sub-
17 paragraph:

18 “(B)(i) Except as provided in clause (ii), the author-
19 ity to object to a transfer under subparagraph (A)(v) may
20 not be delegated by the Secretary or head of the depart-
21 ment involved.

22 “(ii) With respect to the Department of Defense, the
23 authority to object to such a transfer may be delegated
24 by the Secretary of Defense, but only to the Deputy Sec-
25 retary of Defense.

1 “(iii) An objection to a transfer under subparagraph
 2 (A)(v) shall have no effect unless submitted to the Direc-
 3 tor of Central Intelligence in writing.”.

4 (b) LIMITATION ON DELEGATION OF DUTIES OF DI-
 5 RECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1)
 6 of such Act (50 U.S.C. 403–4(d)(1)) is amended—

7 (1) by inserting “(A)” after “(1)”; and

8 (2) by adding at the end the following new sub-
 9 paragraph:

10 “(B) The Director may only delegate any duty or au-
 11 thority given the Director under this subsection to the
 12 Deputy Director of Central Intelligence for Community
 13 Management.”.

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

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated for the Cen-
 20 tral Intelligence Agency Retirement and Disability Fund
 21 for fiscal year 2001 the sum of \$216,000,000.

**TITLE III—GENERAL
PROVISIONS
Subtitle A—Intelligence
Community**

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

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

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

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

**SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE
COMMUNITY CONTRACTING.**

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where

1 fiscally sound, should competitively award contracts in a
 2 manner that maximizes the procurement of products prop-
 3 erly designated as having been made in the United States.

4 **SEC. 304. NATIONAL SECURITY AGENCY VOLUNTARY SEPA-**
 5 **RATION ACT.**

6 (a) IN GENERAL.—Title III of the National Security
 7 Act of 1947 (50 U.S.C. 405 et seq.) is amended by insert-
 8 ing at the beginning the following new section 301:

9 “NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION
 10 “SEC. 301. (a) SHORT TITLE.—This section may be
 11 cited as the ‘National Security Agency Voluntary Separa-
 12 tion Act’.

13 “(b) DEFINITIONS.—For purposes of this section—

14 “(1) the term ‘Director’ means the Director of
 15 the National Security Agency; and

16 “(2) the term ‘employee’ means an employee of
 17 the National Security Agency, serving under an ap-
 18 pointment without time limitation, who has been
 19 currently employed by the National Security Agency
 20 for a continuous period of at least 12 months prior
 21 to the effective date of the program established
 22 under subsection (c), except that such term does not
 23 include—

24 “(A) a reemployed annuitant under sub-
 25 chapter III of chapter 83 or chapter 84 of title

1 5, United States Code, or another retirement
2 system for employees of the Government; or

3 “(B) an employee having a disability on
4 the basis of which such employee is or would be
5 eligible for disability retirement under any of
6 the retirement systems referred to in subpara-
7 graph (A).

8 “(c) ESTABLISHMENT OF PROGRAM.—Notwith-
9 standing any other provision of law, the Director, in his
10 sole discretion, may establish a program under which em-
11 ployees may, after October 1, 2000, be eligible for early
12 retirement, offered separation pay to separate from service
13 voluntarily, or both.

14 “(d) EARLY RETIREMENT.—An employee who—

15 “(1) is at least 50 years of age and has com-
16 pleted 20 years of service; or

17 “(2) has at least 25 years of service,
18 may, pursuant to regulations promulgated under this sec-
19 tion, apply and be retired from the National Security
20 Agency and receive benefits in accordance with chapter 83
21 or 84 of title 5, United States Code, if the employee has
22 not less than 10 years of service with the National Secu-
23 rity Agency.

24 “(e) AMOUNT OF SEPARATION PAY AND TREATMENT
25 FOR OTHER PURPOSES.—

1 “(1) AMOUNT.—Separation pay shall be paid in
2 a lump sum and shall be equal to the lesser of—

3 “(A) an amount equal to the amount the
4 employee would be entitled to receive under sec-
5 tion 5595(c) of title 5, United States Code, if
6 the employee were entitled to payment under
7 such section; or

8 “(B) \$25,000.

9 “(2) TREATMENT.—Separation pay shall not—

10 “(A) be a basis for payment, and shall not
11 be included in the computation, of any other
12 type of Government benefit; and

13 “(B) be taken into account for the purpose
14 of determining the amount of any severance pay
15 to which an individual may be entitled under
16 section 5595 of title 5, United States Code,
17 based on any other separation.

18 “(f) REEMPLOYMENT RESTRICTIONS.—An employee
19 who receives separation pay under such program may not
20 be reemployed by the National Security Agency for the
21 12-month period beginning on the effective date of the em-
22 ployee’s separation. An employee who receives separation
23 pay under this section on the basis of a separation occur-
24 ring on or after the date of the enactment of the Federal
25 Workforce Restructuring Act of 1994 (Public Law 103–

1 236; 108 Stat. 111) and accepts employment with the
2 Government of the United States within 5 years after the
3 date of the separation on which payment of the separation
4 pay is based shall be required to repay the entire amount
5 of the separation pay to the National Security Agency. If
6 the employment is with an Executive agency (as defined
7 by section 105 of title 5, United States Code), the Director
8 of the Office of Personnel Management may, at the re-
9 quest of the head of the agency, waive the repayment if
10 the individual involved possesses unique abilities and is the
11 only qualified applicant available for the position. If the
12 employment is with an entity in the legislative branch, the
13 head of the entity or the appointing official may waive the
14 repayment if the individual involved possesses unique abili-
15 ties and is the only qualified applicant available for the
16 position. If the employment is with the judicial branch,
17 the Director of the Administrative Office of the United
18 States Courts may waive the repayment if the individual
19 involved possesses unique abilities and is the only qualified
20 applicant available for the position.

21 “(g) BAR ON CERTAIN EMPLOYMENT.—

22 “(1) BAR.—An employee may not be separated
23 from service under this section unless the employee
24 agrees that the employee will not—

1 “(A) act as agent or attorney for, or other-
2 wise represent, any other person (except the
3 United States) in any formal or informal ap-
4 pearance before, or, with the intent to influence,
5 make any oral or written communication on be-
6 half of any other person (except the United
7 States) to the National Security Agency; or

8 “(B) participate in any manner in the
9 award, modification, or extension of any con-
10 tract for property or services with the National
11 Security Agency,

12 during the 12-month period beginning on the effec-
13 tive date of the employee’s separation from service.

14 “(2) PENALTY.—An employee who violates an
15 agreement under this subsection shall be liable to
16 the United States in the amount of the separation
17 pay paid to the employee pursuant to this section
18 multiplied by the proportion of the 12-month period
19 during which the employee was in violation of the
20 agreement.

21 “(h) LIMITATIONS.—Under this program, early re-
22 tirement and separation pay may be offered only—

23 “(1) with the prior approval of the Director;

24 “(2) for the period specified by the Director;

25 and

1 “(3) to employees within such occupational
2 groups or geographic locations, or subject to such
3 other similar limitations or conditions, as the Direc-
4 tor may require.

5 “(i) REGULATIONS.—Before an employee may be eli-
6 gible for early retirement, separation pay, or both, under
7 this section, the Director shall prescribe such regulations
8 as may be necessary to carry out this section.

9 “(j) REPORTING REQUIREMENTS.—

10 “(1) NOTIFICATION.—The Director may not
11 make an offer of early retirement, separation pay, or
12 both, pursuant to this section until 15 days after
13 submitting to the Permanent Select Committee on
14 Intelligence of the House of Representatives and the
15 Select Committee on Intelligence of the Senate a re-
16 port describing the occupational groups or geo-
17 graphic locations, or other similar limitations or con-
18 ditions, required by the Director under subsection
19 (h), and includes the proposed regulations issued
20 pursuant to subsection (i).

21 “(2) ANNUAL REPORT.—The Director shall
22 submit to the President and the Permanent Select
23 Committee on Intelligence of the House of Rep-
24 resentatives and the Select Committee on Intel-

1 ligence of the Senate an annual report on the effec-
2 tiveness and costs of carrying out this section.

3 “(k) REMITTANCE OF FUNDS.—In addition to any
4 other payment that is required to be made under sub-
5 chapter III of chapter 83 or chapter 84 of title 5, United
6 States Code, the National Security Agency shall remit to
7 the Office of Personnel Management for deposit in the
8 Treasury of the United States to the credit of the Civil
9 Service Retirement and Disability Fund, an amount equal
10 to 15 percent of the final basic pay of each employee to
11 whom a voluntary separation payment has been or is to
12 be paid under this section. The remittance required by this
13 subsection shall be in lieu of any remittance required by
14 section 4(a) of the Federal Workforce Restructuring Act
15 of 1994 (5 U.S.C. 8331 note).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 for title III of the National Security Act of 1947 is amend-
18 ed by inserting at the beginning the following new item:

“Sec. 301. National Security Agency voluntary separation.”.

19 **SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON**
20 **CARRIER FOR CERTAIN INTELLIGENCE COL-**
21 **LECTION PERSONNEL.**

22 (a) IN GENERAL.—Title I of the National Security
23 Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding
24 at the end the following new section:

1 “TRAVEL ON ANY COMMON CARRIER FOR CERTAIN
2 INTELLIGENCE COLLECTION PERSONNEL

3 “SEC. 116. (a) IN GENERAL.—Notwithstanding any
4 other provision of law, the Director of Central Intelligence
5 may authorize travel on any common carrier when such
6 travel, in the discretion of the Director—

7 “(1) is consistent with intelligence community
8 mission requirements, or

9 “(2) is required for cover purposes, operational
10 needs, or other exceptional circumstances necessary
11 for the successful performance of an intelligence
12 community mission.

13 “(b) AUTHORIZED DELEGATION OF DUTY.—The Di-
14 rector may only delegate the authority granted by this sec-
15 tion to the Deputy Director of Central Intelligence, or with
16 respect to employees of the Central Intelligence Agency
17 the Director may delegate such authority to the Deputy
18 Director for Operations.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for the National Security Act of 1947 is amended by in-
21 serting after the item relating to section 115 the following
22 new item:

“Sec. 116. Travel on any common carrier for certain intelligence collection per-
sonnel.”.

1 **SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN**
2 **ESPIONAGE ON UNITED STATES TRADE SE-**
3 **CRETS.**

4 Not later than 270 days after the date of the enact-
5 ment of this Act, the Director of Central Intelligence shall
6 submit to Congress a report that updates and revises, as
7 necessary, the report prepared by the Director pursuant
8 to section 310 of the Intelligence Authorization Act for
9 Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1606).

10 **SEC. 307. POW/MIA ANALYTIC CAPABILITY WITHIN THE IN-**
11 **TELLIGENCE COMMUNITY.**

12 (a) IN GENERAL.—Title I of the National Security
13 Act of 1947 (50 U.S.C. 402 et seq.), as amended by sec-
14 tion 305(a), is further amended by adding at the end the
15 following:

16 “POW/MIA ANALYTIC CAPABILITY

17 “SEC. 117. (a) REQUIREMENT.—(1) The Director of
18 Central Intelligence shall, in consultation with the Sec-
19 retary of Defense, establish and maintain in the intel-
20 ligence community an analytic capability with responsi-
21 bility for intelligence in support of the activities of the
22 United States relating to individuals who, after December
23 31, 1990, are unaccounted for United States personnel.

24 “(2) The analytic capability maintained under para-
25 graph (1) shall be known as the ‘POW/MIA analytic capa-
26 bility of the intelligence community’.

1 “(b) UNACCOUNTED FOR UNITED STATES PER-
 2 SONNEL.—In this section, the term ‘unaccounted for
 3 United States personnel’ means the following:

4 “(1) Any missing person (as that term is de-
 5 fined in section 1513(1) of title 10, United States
 6 Code).

7 “(2) Any United States national who was killed
 8 while engaged in activities on behalf of the United
 9 States and whose remains have not been repatriated
 10 to the United States.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 for the National Security Act of 1947, as amended by sec-
 13 tion 305(b), is further amended by inserting after the item
 14 relating to section 116 the following new item:

“Sec. 117. POW/MIA analytic capability.”.

15 **SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES IN-**
 16 **TELLIGENCE ACTIVITIES OF FEDERAL LAWS**
 17 **IMPLEMENTING INTERNATIONAL TREATIES**
 18 **AND AGREEMENTS.**

19 (a) IN GENERAL.—The National Security Act of
 20 1947 (50 U.S.C. 401 et seq.) is amended by adding at
 21 the end the following new title:

3 “APPLICABILITY TO UNITED STATES INTELLIGENCE AC-
4 TIVITIES OF FEDERAL LAWS IMPLEMENTING INTER-
5 NATIONAL TREATIES AND AGREEMENTS

6 “SEC. 1001. (a) IN GENERAL.—No Federal law en-
7 acted on or after the date of the enactment of the Intel-
8 ligence Authorization Act for Fiscal Year 2001 that imple-
9 ments a treaty or other international agreement shall be
10 construed as making unlawful an otherwise lawful and au-
11 thorized intelligence activity of the United States Govern-
12 ment or its employees, or any other person to the extent
13 such other person is carrying out such activity on behalf
14 of, and at the direction of, the United States, unless such
15 Federal law specifically addresses such intelligence activ-
16 ity.

17 “(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An
18 intelligence activity shall be treated as authorized for pur-
19 poses of subsection (a) if the intelligence activity is author-
20 ized by an appropriate official of the United States Gov-
21 ernment, acting within the scope of the official duties of
22 that official and in compliance with Federal law and any
23 applicable Presidential directive.”.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting at the end the following new items:

“TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

“Sec. 1001. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.”.

SEC. 309. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compli-

1 ance with any directive referred to in subsection (a), the
2 Director shall promptly notify the appropriate committees
3 of Congress of such determination.

4 (d) EFFECTS OF CERTIFICATION OF NON-FULL
5 COMPLIANCE.—(1) Subject to subsection (e), effective as
6 of January 1, 2001, a covered element of the Department
7 of State may not retain or store covered classified material
8 unless the Director has certified under subsection (a) as
9 of such date that the covered element is in full compliance
10 with the directives referred to in subsection (a).

11 (2) If the prohibition in paragraph (1) takes effect
12 in accordance with that paragraph, the prohibition shall
13 remain in effect until the date on which the Director cer-
14 tifies under subsection (a) that the covered element in-
15 volved is in full compliance with the directives referred to
16 in that subsection.

17 (e) WAIVER BY DIRECTOR OF CENTRAL INTEL-
18 LIGENCE.—(1) The Director of Central Intelligence may
19 waive the applicability of the prohibition in subsection (d)
20 to an element of the Department of State otherwise cov-
21 ered by such prohibition if the Director determines that
22 the waiver is in the national security interests of the
23 United States.

1 (2) The Director shall submit to appropriate commit-
2 tees of Congress a report on each exercise of the waiver
3 authority in paragraph (1).

4 (3) Each report under paragraph (2) with respect to
5 the exercise of authority under paragraph (1) shall set
6 forth the following:

7 (A) The covered element of the Department of
8 State addressed by the waiver.

9 (B) The reasons for the waiver.

10 (C) The actions that will be taken to bring such
11 element into full compliance with the directives re-
12 ferred to in subsection (a), including a schedule for
13 completion of such actions.

14 (D) The actions taken by the Director to pro-
15 tect any covered classified material to be handled,
16 retained, or stored by such element pending achieve-
17 ment of full compliance of such element with such
18 directives.

19 (f) DEFINITIONS.—In this section:

20 (1) The term “appropriate committees of Con-
21 gress” means the following:

22 (A) The Select Committee on Intelligence
23 and the Committee on Foreign Relations of the
24 Senate.

1 (B) The Permanent Select Committee on
2 Intelligence and the Committee on International
3 Relations of the House of Representatives.

4 (2) The term “covered classified material”
5 means any material classified at the Sensitive Com-
6 partmented Information (SCI) level.

7 (3) The term “covered element of the Depart-
8 ment of State” means each element of the Depart-
9 ment of State that handles, retains, or stores cov-
10 ered classified material.

11 (4) The term “material” means any data, re-
12 gardless of physical form or characteristic, including
13 written or printed matter, automated information
14 systems storage media, maps, charts, paintings,
15 drawings, films, photographs, engravings, sketches,
16 working notes, papers, reproductions of any such
17 things by any means or process, and sound, voice,
18 magnetic, or electronic recordings.

19 (5) The term “Sensitive Compartmented Infor-
20 mation (SCI) level”, in the case of classified mate-
21 rial, means a level of classification for information in
22 such material concerning or derived from intelligence
23 sources, methods, or analytical processes that re-
24 quires such information to be handled within formal

1 access control systems established by the Director of
2 Central Intelligence.

3 **SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN**
4 **PLACE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) during the second half of the twentieth cen-
7 tury, Senator Daniel Patrick Moynihan promoted
8 the importance of architecture and urban planning
9 in the Nation’s Capital, particularly with respect to
10 the portion of Pennsylvania Avenue between the
11 White House and the United States Capitol (re-
12 ferred to in this subsection as the “Avenue”);

13 (2) Senator Moynihan has stressed the unique
14 significance of the Avenue as conceived by Pierre
15 Charles L’Enfant to be the “grand axis” of the Na-
16 tion’s Capital as well as a symbolic representation of
17 the separate yet unified branches of the United
18 States Government;

19 (3) through his service to the Ad Hoc Com-
20 mittee on Federal Office Space (1961–1962), as a
21 member of the President’s Council on Pennsylvania
22 Avenue (1962–1964), and as vice-chairman of the
23 President’s Temporary Commission on Pennsylvania
24 Avenue (1965–1969), and in his various capacities
25 in the executive and legislative branches, Senator

1 Moynihan has consistently and creatively sought to
2 fulfill President Kennedy’s recommendation of June
3 1, 1962, that the Avenue not become a “solid phalanx
4 of public and private office buildings which
5 close down completely at night and on weekends,”
6 but that it be “lively, friendly, and inviting, as well
7 as dignified and impressive”;

8 (4)(A) Senator Moynihan helped draft a Federal
9 architectural policy, known as the “Guiding
10 Principles for Federal Architecture,” that recommends
11 a choice of designs that are “efficient and
12 economical” and that provide “visual testimony to
13 the dignity, enterprise, vigor, and stability” of the
14 United States Government; and

15 (B) the Guiding Principles for Federal Architecture
16 further state that the “development of an official
17 style must be avoided. Design must flow from
18 the architectural profession to the Government, and
19 not vice versa.”;

20 (5) Senator Moynihan has encouraged—

21 (A) the construction of new buildings along
22 the Avenue, such as the Ronald Reagan Building
23 and International Trade Center; and

24 (B) the establishment of an academic institution
25 along the Avenue, namely the Woodrow

1 Wilson International Center for Scholars, a liv-
2 ing memorial to President Wilson; and

3 (6) as Senator Moynihan’s service in the Senate
4 concludes, it is appropriate to commemorate his leg-
5 acy of public service and his commitment to
6 thoughtful urban design in the Nation’s Capital.

7 (b) DESIGNATION.—The parcel of land located in the
8 northwest quadrant of Washington, District of Columbia,
9 and described in subsection (c) shall be known and des-
10 ignated as “Daniel Patrick Moynihan Place”.

11 (c) BOUNDARIES.—The parcel of land described in
12 this subsection is the portion of Woodrow Wilson Plaza
13 (as designated by Public Law 103–284 (108 Stat. 1448))
14 that is bounded—

15 (1) on the west by the eastern facade of the
16 Ronald Reagan Building and International Trade
17 Center;

18 (2) on the east by the western facade of the
19 Ariel Rios Building;

20 (3) on the north by the southern edge of the
21 sidewalk abutting Pennsylvania Avenue; and

22 (4) on the south by the line that extends west
23 to the facade of the Ronald Reagan Building and
24 International Trade Center, from the point where

1 the west facade of the Ariel Rios Building intersects
 2 the north end of the west hemisphere of that building.

3 (d) REFERENCES.—Any reference in a law, map, reg-
 4 ulation, document, paper, or other record of the United
 5 States to the parcel of land described in subsection (c)
 6 shall be deemed to be a reference to Daniel Patrick Moy-
 7 nihan Place.

8 (e) MARKERS.—The Administrator of General Serv-
 9 ices shall erect appropriate gateways or other markers in
 10 Daniel Patrick Moynihan Place so denoting that place.

11 **Subtitle B—Diplomatic Tele-**
 12 **communications Service Pro-**
 13 **gram Office (DTS-PO)**

14 **SEC. 321. REORGANIZATION OF DIPLOMATIC TELE-**
 15 **COMMUNICATIONS SERVICE PROGRAM OF-**
 16 **FICE.**

17 (a) REORGANIZATION.—Effective 60 days after the
 18 date of the enactment of this Act, the Diplomatic Tele-
 19 communications Service Program Office (DTS-PO) estab-
 20 lished pursuant to title V of Public Law 102–140 shall
 21 be reorganized in accordance with this subtitle.

22 (b) PURPOSE AND DUTIES OF DTS-PO.—The pur-
 23 pose and duties of DTS-PO shall be to carry out a pro-
 24 gram for the establishment and maintenance of a diplo-
 25 matic telecommunications system and communications

1 network (hereinafter in this subtitle referred to as
2 “DTS”) capable of providing multiple levels of service to
3 meet the wide ranging needs of all United States Govern-
4 ment agencies and departments at diplomatic facilities
5 abroad, including national security needs for secure, reli-
6 able, and robust communications capabilities.

7 **SEC. 322. PERSONNEL.**

8 (a) ESTABLISHMENT OF POSITION OF CHIEF EXECU-
9 TIVE OFFICER.—

10 (1) IN GENERAL.—Effective 60 days after the
11 date of the enactment of this Act, there is estab-
12 lished the position of Chief Executive Officer of the
13 Diplomatic Telecommunications Service Program
14 Office (hereinafter in this subtitle referred to as the
15 “CEO”).

16 (2) QUALIFICATIONS.—

17 (A) IN GENERAL.—The CEO shall be an
18 individual who—

19 (i) is a communications professional;

20 (ii) has served in the commercial tele-
21 communications industry for at least 7
22 years;

23 (iii) has an extensive background in
24 communications system design, mainte-

1 nance, and support and a background in
2 organizational management; and

3 (iv) submits to a background inves-
4 tigation and possesses the necessary quali-
5 fications to obtain a security clearance re-
6 quired to meet the highest United States
7 Government security standards.

8 (B) LIMITATIONS.—The CEO may not be
9 an individual who was an officer or employee of
10 DTS-PO prior to the date of the enactment of
11 this Act.

12 (3) APPOINTMENT AUTHORITY.—The CEO of
13 DTS-PO shall be appointed by the Director of the
14 Office of Management and Budget.

15 (4) FIRST APPOINTMENT.—

16 (i) DEADLINE.—The first appoint-
17 ment under this subsection shall be made
18 not later than May 1, 2001.

19 (ii) LIMITATION ON USE OF FUNDS.—
20 Of the funds available for DTS-PO on the
21 date of the enactment of this Act, not
22 more than 75 percent of such funds may
23 be obligated or expended until a CEO is
24 appointed under this subsection and as-
25 sumes such position.

1 (iii) MAY NOT BE AN OFFICER OR EM-
2 PLOYEE OF FEDERAL GOVERNMENT.—The
3 individual first appointed as CEO under
4 this subtitle may not have been an officer
5 or employee of the Federal government
6 during the 1-year period immediately pre-
7 ceding such appointment.

8 (5) VACANCY.—In the event of a vacancy in the
9 position of CEO or during the absence or disability
10 of the CEO, the Director of the Office of Manage-
11 ment and Budget may designate an officer or em-
12 ployee of DTS-PO to perform the duties of the posi-
13 tion as the acting CEO.

14 (6) AUTHORITIES AND DUTIES.—

15 (A) IN GENERAL.—The CEO shall have re-
16 sponsibility for day-to-day management and op-
17 erations of DTS, subject to the supervision of
18 the Diplomatic Telecommunication Service
19 Oversight Board established under this subtitle.

20 (B) SPECIFIC AUTHORITIES.—In carrying
21 out the responsibility for day-to-day manage-
22 ment and operations of DTS, the CEO shall, at
23 a minimum, have—

24 (i) final decision-making authority for
25 implementing DTS policy; and

1 (ii) final decision-making authority for
2 managing all communications technology
3 and security upgrades to satisfy DTS user
4 requirements.

5 (C) CERTIFICATION REGARDING SECUR-
6 RITY.—The CEO shall certify to the appro-
7 priate congressional committees that the oper-
8 ational and communications security require-
9 ments and practices of DTS conform to the
10 highest security requirements and practices re-
11 quired by any agency utilizing the DTS.

12 (D) REPORTS TO CONGRESS.—

13 (i) SEMIANNUAL REPORTS.—Begin-
14 ning on August 1, 2001, and every 6
15 months thereafter, the CEO shall submit
16 to the appropriate congressional commit-
17 tees of jurisdiction a report regarding the
18 activities of DTS-PO during the preceding
19 6 months, the current capabilities of DTS-
20 PO, and the priorities of DTS-PO for the
21 subsequent 6-month period. Each report
22 shall include a discussion about any ad-
23 ministrative, budgetary, or management
24 issues that hinder the ability of DTS-PO
25 to fulfill its mandate.

1 (ii) OTHER REPORTS.—In addition to
2 the report required by clause (i), the CEO
3 shall keep the appropriate congressional
4 committees of jurisdiction fully and cur-
5 rently informed with regard to DTS-PO
6 activities, particularly with regard to any
7 significant security infractions or major
8 outages in the DTS.

9 (b) ESTABLISHMENT OF POSITIONS OF DEPUTY EX-
10 ECUTIVE OFFICER.—

11 (1) IN GENERAL.—There shall be two Deputy
12 Executive Officers of the Diplomatic Telecommuni-
13 cations Service Program Office, each to be appointed
14 by the President.

15 (2) DUTIES.—The Deputy Executive Officers
16 shall perform such duties as the CEO may require.

17 (c) TERMINATION OF POSITIONS OF DIRECTOR AND
18 DEPUTY DIRECTOR.—Effective upon the first appoint-
19 ment of a CEO pursuant to subsection (a), the positions
20 of Director and Deputy Director of DTS-PO shall termi-
21 nate.

22 (d) EMPLOYEES OF DTS-PO.—

23 (1) IN GENERAL.—DTS-PO is authorized to
24 have the following employees: a CEO established
25 under subsection (a), two Deputy Executive Officers

1 established under subsection (b), and not more than
2 four other employees.

3 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The CEO and other officers and employees
5 of DTS-PO may be appointed without regard to the
6 provisions of title 5, United States Code, governing
7 appointments in the competitive service, and may be
8 paid without regard to the provisions of chapter 51
9 and subchapter III of chapter 53 of that title relat-
10 ing to classification and General Schedule pay rates.

11 (3) AUTHORITY OF DIRECTOR OF OMB TO PRE-
12 SCRIBE PAY OF EMPLOYEES.—The Director of the
13 Office of Management and Budget shall prescribe
14 the rates of basic pay for positions to which employ-
15 ees are appointed under this section on the basis of
16 their unique qualifications.

17 (e) STAFF OF FEDERAL AGENCIES.—

18 (1) IN GENERAL.—Upon request of the CEO,
19 the head of any Federal department or agency may
20 detail, on a reimbursable basis, any of the personnel
21 of that department or agency to DTS-PO to assist
22 it in carrying out its duties under this subtitle.

23 (2) CONTINUATION OF SERVICE.—An employee
24 of a Federal department or agency who was per-
25 forming services on behalf of DTS-PO prior to the

1 effective date of the reorganization under this sub-
2 title shall continue to be detailed to DTS-PO after
3 that date, upon request.

4 **SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE**
5 **OVERSIGHT BOARD.**

6 (a) OVERSIGHT BOARD ESTABLISHED.—

7 (1) IN GENERAL.—There is hereby established
8 the Diplomatic Telecommunications Service Over-
9 sight Board (hereinafter in this subtitle referred to
10 as the “Board”) as an instrumentality of the United
11 States with the powers and authorities herein pro-
12 vided.

13 (2) STATUS.—The Board shall oversee and
14 monitor the operations of DTS-PO and shall be ac-
15 countable for the duties assigned to DTS-PO under
16 this subtitle.

17 (3) MEMBERSHIP.—

18 (A) IN GENERAL.—The Board shall consist
19 of three members as follows:

20 (i) The Deputy Director of the Office
21 of Management and Budget.

22 (ii) Two members to be appointed by
23 the President.

1 (B) CHAIRPERSON.—The chairperson of
2 the Board shall be the Deputy Director of the
3 Office of Management and Budget.

4 (C) TERMS.—Members of the Board ap-
5 pointed by the President shall serve at the
6 pleasure of the President.

7 (D) QUORUM REQUIRED.—A quorum shall
8 consist of all members of the Board and all de-
9 cisions of the Board shall require a majority
10 vote.

11 (4) PROHIBITION ON COMPENSATION.—Mem-
12 bers of the Board may not receive additional pay, al-
13 lowances, or benefits by reason of their service on
14 the Board.

15 (5) DUTIES AND AUTHORITIES.—The Board
16 shall have the following duties and authorities with
17 respect to DTS-PO:

18 (A) To review and approve overall strate-
19 gies, policies, and goals established by DTS-PO
20 for its activities.

21 (B) To review and approve financial plans,
22 budgets, and periodic financing requests devel-
23 oped by DTS-PO.

24 (C) To review the overall performance of
25 DTS-PO on a periodic basis, including its work,

1 management activities, and internal controls,
2 and the performance of DTS-PO relative to ap-
3 proved budget plans.

4 (D) To require from DTS-PO any reports,
5 documents, and records the Board considers
6 necessary to carry out its oversight responsibil-
7 ities.

8 (E) To evaluate audits of DTS-PO.

9 (6) LIMITATION ON AUTHORITY.—The CEO
10 shall have the authority, without any prior review or
11 approval by the Board, to make such determinations
12 as the CEO considers appropriate and take such ac-
13 tions as the CEO considers appropriate with respect
14 to the day-to-day management and operation of
15 DTS-PO and to carry out the reforms of DTS-PO
16 authorized by section 305 of the Admiral James W.
17 Nance and Meg Donovan Foreign Relations Author-
18 ization Act, Fiscal Years 2000 and 2001 (section
19 305 of appendix G of Public Law 106–113).

20 **SEC. 324. GENERAL PROVISIONS.**

21 (a) REPORT TO CONGRESS.—Not later than March
22 1, 2001, the Director of the Office of Management and
23 Budget shall submit to the appropriate congressional com-
24 mittees of jurisdiction a report which includes the fol-
25 lowing elements with respect to DTS-PO:

1 (1) Clarification of the process for the CEO to
2 report to the Board.

3 (2) Details of the CEO's duties and responsibil-
4 ities.

5 (3) Details of the compensation package for the
6 CEO and other employees of DTS-PO.

7 (4) Recommendations to the Overseas Security
8 Policy Board (OSPB) for updates.

9 (5) Security standards for information tech-
10 nology.

11 (6) The upgrade precedence plan for overseas
12 posts with national security interests.

13 (7) A spending plan for the additional funds
14 provided for the operation and improvement of DTS
15 for fiscal year 2001.

16 (b) NOTIFICATION REQUIREMENTS.—The notifica-
17 tion requirements of sections 502 and 505 of the National
18 Security Act of 1947 shall apply to DTS-PO and the
19 Board.

20 (c) PROCUREMENT AUTHORITY OF DTS-PO.—The
21 procurement authorities of any of the users of DTS shall
22 be available to the DTS-PO.

23 (d) DEFINITION OF APPROPRIATE CONGRESSIONAL
24 COMMITTEES OF JURISDICTION.—As used in this subtitle,
25 the term “appropriate congressional committees of juris-

1 diction” means the Committee on Appropriations, the
 2 Committee on Foreign Relations, and the Select Com-
 3 mittee on Intelligence of the Senate and the Committee
 4 on Appropriations, the Committee on International Rela-
 5 tions, and the Permanent Select Committee on Intel-
 6 ligence of the House of Representatives.

7 (e) STATUTORY CONSTRUCTION.—Nothing in this
 8 subtitle shall be construed to negate or to reduce the stat-
 9 utory obligations of any United States department or
 10 agency head.

11 (f) AUTHORIZATION OF APPROPRIATIONS FOR DTS-
 12 PO.—For each of the fiscal years 2002 through 2006,
 13 there are authorized to be appropriated directly to DTS-
 14 PO such sums as may be necessary to carry out the man-
 15 agement, oversight, and security requirements of this sub-
 16 title.

17 **TITLE IV—CENTRAL** 18 **INTELLIGENCE AGENCY**

19 **SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE** 20 **AGENCY’S CENTRAL SERVICES PROGRAM.**

21 (a) DEPOSITS IN CENTRAL SERVICES WORKING CAP-
 22 ITAL FUND.—Subsection (c)(2) of section 21 of the Cen-
 23 tral Intelligence Agency Act of 1949 (50 U.S.C.
 24 403u(c)(2)) is amended—

1 (1) by redesignating subparagraph (F) as sub-
2 paragraph (H); and

3 (2) by inserting after subparagraph (E) the fol-
4 lowing new subparagraphs:

5 “(F) Receipts from individuals in reimburse-
6 ment for utility services and meals provided under
7 the program.

8 “(G) Receipts from individuals for the rental of
9 property and equipment under the program.”.

10 (b) CLARIFICATION OF COSTS RECOVERABLE UNDER
11 PROGRAM.—Subsection (e)(1) of that section is amended
12 in the second sentence by inserting “other than structures
13 owned by the Agency” after “depreciation of plant and
14 equipment”.

15 (c) FINANCIAL STATEMENTS OF PROGRAM.—Sub-
16 section (g)(2) of that section is amended in the first sen-
17 tence by striking “annual audits under paragraph (1)”
18 and inserting the following: “financial statements to be
19 prepared with respect to the program. Office of Manage-
20 ment and Budget guidance shall also determine the proce-
21 dures for conducting annual audits under paragraph (1).”.

22 **SEC. 402. TECHNICAL CORRECTIONS.**

23 (a) CLARIFICATION REGARDING REPORTS ON EXER-
24 CISE OF AUTHORITY.—Section 17 of the Central Intel-

1 ligence Agency Act of 1949 (50 U.S.C. 403q) is
2 amended—

3 (1) in subsection (d)(1), by striking subpara-
4 graph (E) and inserting the following new subpara-
5 graph (E):

6 “(E) a description of the exercise of the sub-
7 poena authority under subsection (e)(5) by the In-
8 spector General during the reporting period; and”;
9 and

10 (2) in subsection (e)(5), by striking subpara-
11 graph (E).

12 (b) TERMINOLOGY WITH RESPECT TO GOVERNMENT
13 AGENCIES.—Section 17(e)(8) of such Act (50 U.S.C.
14 403q(e)(8)) is amended by striking “Federal” each place
15 it appears and inserting “Government”.

16 **SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS**
17 **REQUIRING A REPORT TO CONGRESS.**

18 Section 17(d)(3) of the Central Intelligence Agency
19 Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by strik-
20 ing all that follows after subparagraph (A) and inserting
21 the following:

22 “(B) an investigation, inspection, or audit car-
23 ried out by the Inspector General should focus on
24 any current or former Agency official who—

1 “(i) holds or held a position in the Agency
2 that is subject to appointment by the President,
3 by and with the advise and consent of the Sen-
4 ate, including such a position held on an acting
5 basis; or

6 “(ii) holds or held the position in the
7 Agency, including such a position held on an
8 acting basis, of—

9 “(I) Executive Director;

10 “(II) Deputy Director for Operations;

11 “(III) Deputy Director for Intel-
12 ligence;

13 “(IV) Deputy Director for Adminis-
14 tration; or

15 “(V) Deputy Director for Science and
16 Technology;

17 “(C) a matter requires a report by the Inspec-
18 tor General to the Department of Justice on possible
19 criminal conduct by a current or former Agency offi-
20 cial described or referred to in subparagraph (B);

21 “(D) the Inspector General receives notice from
22 the Department of Justice declining or approving
23 prosecution of possible criminal conduct of any of
24 the officials described in subparagraph (B); or

1 “(E) the Inspector General, after exhausting all
 2 possible alternatives, is unable to obtain significant
 3 documentary information in the course of an inves-
 4 tigation, inspection, or audit,
 5 the Inspector General shall immediately notify and submit
 6 a report on such matter to the intelligence committees.”.

7 **SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RE-**
 8 **CONNAISSANCE OFFICE.**

9 The Central Intelligence Agency Act of 1949 (50
 10 U.S.C. 403a et seq.) is amended by adding at the end the
 11 following new section:

12 “DETAIL OF EMPLOYEES

13 “SEC. 22. The Director may—

14 “(1) detail any personnel of the Agency on a re-
 15 imbursable basis indefinitely to the National Recon-
 16 naissance Office without regard to any limitation
 17 under law on the duration of details of Federal Gov-
 18 ernment personnel; and

19 “(2) hire personnel for the purpose of any de-
 20 tail under paragraph (1).”.

21 **SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR**
 22 **ACQUISITION OF LAND.**

23 (a) IN GENERAL.—Section 5 of the Central Intel-
 24 ligence Agency Act of 1949 (50 U.S.C. 403f) is amended
 25 by adding at the end the following new subsection:

1 “(c) TRANSFERS FOR ACQUISITION OF LAND.—(1)
2 Sums appropriated or otherwise made available to the
3 Agency for the acquisition of land that are transferred to
4 another department or agency for that purpose shall re-
5 main available for 3 years.

6 “(2) The Director shall submit to the Select Com-
7 mittee on Intelligence of the Senate and the Permanent
8 Select Committee on Intelligence of the House of Rep-
9 resentatives an annual report on the transfers of sums de-
10 scribed in paragraph (1).”.

11 (b) CONFORMING STYLISTIC AMENDMENTS.—That
12 section is further amended—

13 (1) in subsection (a), by inserting “IN GEN-
14 ERAL.—” after “(a)”; and

15 (2) in subsection (b), by inserting “SCOPE OF
16 AUTHORITY FOR EXPENDITURE.—” after “(b)”.

17 (c) APPLICABILITY.—Subsection (c) of section 5 of
18 the Central Intelligence Agency Act of 1949, as added by
19 subsection (a) of this section, shall apply with respect to
20 amounts appropriated or otherwise made available for the
21 Central Intelligence Agency for fiscal years after fiscal
22 year 2000.

1 **SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR**
2 **REIMBURSEMENT FOR PROFESSIONAL LI-**
3 **ABILITY INSURANCE.**

4 (a) IN GENERAL.—Notwithstanding any provision of
5 title VI, section 636 of the Treasury, Postal Service, and
6 General Government Appropriations Act, 1997 (5 U.S.C.
7 prec. 5941 note), the Director of Central Intelligence
8 may—

9 (1) designate as qualified employees within the
10 meaning of subsection (b) of that section appro-
11 priate categories of employees not otherwise covered
12 by that subsection; and

13 (2) use appropriated funds available to the Di-
14 rector to reimburse employees within categories so
15 designated for one-half of the costs incurred by such
16 employees for professional liability insurance in ac-
17 cordance with subsection (a) of that section.

18 (b) REPORTS.—The Director of Central Intelligence
19 shall submit to the Select Committee on Intelligence of
20 the Senate and the Permanent Select Committee of Intel-
21 ligence of the House of Representatives a report on each
22 designation of a category of employees under paragraph
23 (1) of subsection (a), including the approximate number
24 of employees covered by such designation and an estimate
25 of the amount to be expended on reimbursement of such
26 employees under paragraph (2) of that subsection.

1 **TITLE V—DEPARTMENT OF DE-**
2 **FENSE INTELLIGENCE AC-**
3 **TIVITIES**

4 **SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL**
5 **RECONNAISSANCE OFFICE.**

6 (a) IN GENERAL.—The National Reconnaissance Of-
7 fice (“NRO”) shall negotiate, write, execute, and manage
8 contracts for launch vehicle acquisition or launch that af-
9 fect or bind the NRO and to which the United States is
10 a party.

11 (b) EFFECTIVE DATE.—This section shall apply to
12 any contract described in subsection (a) that is entered
13 into after the date of the enactment of this Act.

14 (c) RETROACTIVITY.—This section shall not apply to
15 any contract described in subsection (a) in effect as of the
16 date of the enactment of this Act.

17 **SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE**
18 **IN EXPERIMENTAL PERSONNEL PROGRAM**
19 **FOR CERTAIN SCIENTIFIC AND TECHNICAL**
20 **PERSONNEL.**

21 If the Director of Central Intelligence requests that
22 the Secretary of Defense exercise any authority available
23 to the Secretary under section 1101(b) of the Strom Thur-
24 mond National Defense Authorization Act for Fiscal Year
25 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry

1 out a program of special personnel management authority
2 at the National Imagery and Mapping Agency and the Na-
3 tional Security Agency in order to facilitate recruitment
4 of eminent experts in science and engineering at such
5 agencies, the Secretary shall respond to such request not
6 later than 30 days after the date of such request.

7 **SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE.**

8 (a) STUDY OF OPTIONS.—The Director of Central
9 Intelligence shall, in coordination with the Secretary of
10 Defense, conduct a study of the utility and feasibility of
11 various options for improving the management and orga-
12 nization of measurement and signature intelligence,
13 including—

14 (1) the option of establishing a centralized
15 tasking, processing, exploitation, and dissemination
16 facility for measurement and signature intelligence;

17 (2) options for recapitalizing and reconfiguring
18 the current systems for measurement and signature
19 intelligence; and

20 (3) the operation and maintenance costs of the
21 various options.

22 (b) REPORT.—Not later than April 1, 2001, the Di-
23 rector and the Secretary shall jointly submit to the appro-
24 priate committees of Congress a report on their findings
25 as a result of the study required by subsection (a). The

1 report shall set forth any recommendations that the Direc-
 2 tor and the Secretary consider appropriate.

3 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
 4 FINED.—In this section, the term “appropriate commit-
 5 tees of Congress” means the following:

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

8 (2) The Committee on Armed Services and the
 9 Permanent Select Committee on Intelligence of the
 10 House of Representatives.

11 **TITLE VI—COUNTERINTEL-** 12 **LIGENCE MATTERS**

13 **SEC. 601. SHORT TITLE.**

14 This title may be cited as the “Counterintelligence
 15 Reform Act of 2000”.

16 **SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE** 17 **UNDER THE FOREIGN INTELLIGENCE SUR-** 18 **VEILLANCE ACT OF 1978.**

19 (a) REQUIREMENTS REGARDING CERTAIN APPLICA-
 20 TIONS.—Section 104 of the Foreign Intelligence Surveil-
 21 lance Act of 1978 (50 U.S.C. 1804) is amended by adding
 22 at the end the following new subsection:

23 “(e)(1)(A) Upon written request of the Director of
 24 the Federal Bureau of Investigation, the Secretary of De-
 25 fense, the Secretary of State, or the Director of Central

1 Intelligence, the Attorney General shall personally review
2 under subsection (a) an application under that subsection
3 for a target described in section 101(b)(2).

4 “(B) Except when disabled or otherwise unavailable
5 to make a request referred to in subparagraph (A), an
6 official referred to in that subparagraph may not delegate
7 the authority to make a request referred to in that sub-
8 paragraph.

9 “(C) Each official referred to in subparagraph (A)
10 with authority to make a request under that subparagraph
11 shall take appropriate actions in advance to ensure that
12 delegation of such authority is clearly established in the
13 event such official is disabled or otherwise unavailable to
14 make such request.

15 “(2)(A) If as a result of a request under paragraph
16 (1) the Attorney General determines not to approve an
17 application under the second sentence of subsection (a) for
18 purposes of making the application under this section, the
19 Attorney General shall provide written notice of the deter-
20 mination to the official making the request for the review
21 of the application under that paragraph. Except when dis-
22 abled or otherwise unavailable to make a determination
23 under the preceding sentence, the Attorney General may
24 not delegate the responsibility to make a determination
25 under that sentence. The Attorney General shall take ap-

1 appropriate actions in advance to ensure that delegation of
2 such responsibility is clearly established in the event the
3 Attorney General is disabled or otherwise unavailable to
4 make such determination.

5 “(B) Notice with respect to an application under sub-
6 paragraph (A) shall set forth the modifications, if any, of
7 the application that are necessary in order for the Attor-
8 ney General to approve the application under the second
9 sentence of subsection (a) for purposes of making the ap-
10 plication under this section.

11 “(C) Upon review of any modifications of an applica-
12 tion set forth under subparagraph (B), the official notified
13 of the modifications under this paragraph shall modify the
14 application if such official determines that such modifica-
15 tion is warranted. Such official shall supervise the making
16 of any modification under this subparagraph. Except when
17 disabled or otherwise unavailable to supervise the making
18 of any modification under the preceding sentence, such of-
19 ficial may not delegate the responsibility to supervise the
20 making of any modification under that preceding sentence.
21 Each such official shall take appropriate actions in ad-
22 vance to ensure that delegation of such responsibility is
23 clearly established in the event such official is disabled or
24 otherwise unavailable to supervise the making of such
25 modification.”.

1 (b) PROBABLE CAUSE.—Section 105 of that Act (50
2 U.S.C. 1805) is amended—

3 (1) by redesignating subsections (b), (c), (d),
4 (e), (f), and (g) as subsections (c), (d), (e), (f), (g),
5 and (h), respectively;

6 (2) by inserting after subsection (a) the fol-
7 lowing new subsection (b):

8 “(b) In determining whether or not probable cause
9 exists for purposes of an order under subsection (a)(3),
10 a judge may consider past activities of the target, as well
11 as facts and circumstances relating to current or future
12 activities of the target.”; and

13 (3) in subsection (d), as redesignated by para-
14 graph (1), by striking “subsection (b)(1)” and in-
15 serting “subsection (c)(1)”.

16 **SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE**
17 **FOREIGN INTELLIGENCE SURVEILLANCE ACT**
18 **OF 1978.**

19 (a) REQUIREMENTS REGARDING CERTAIN APPLICA-
20 TIONS.—Section 303 of the Foreign Intelligence Surveil-
21 lance Act of 1978 (50 U.S.C. 1823) is amended by adding
22 at the end the following new subsection:

23 “(d)(1)(A) Upon written request of the Director of
24 the Federal Bureau of Investigation, the Secretary of De-
25 fense, the Secretary of State, or the Director of Central

1 Intelligence, the Attorney General shall personally review
2 under subsection (a) an application under that subsection
3 for a target described in section 101(b)(2).

4 “(B) Except when disabled or otherwise unavailable
5 to make a request referred to in subparagraph (A), an
6 official referred to in that subparagraph may not delegate
7 the authority to make a request referred to in that sub-
8 paragraph.

9 “(C) Each official referred to in subparagraph (A)
10 with authority to make a request under that subparagraph
11 shall take appropriate actions in advance to ensure that
12 delegation of such authority is clearly established in the
13 event such official is disabled or otherwise unavailable to
14 make such request.

15 “(2)(A) If as a result of a request under paragraph
16 (1) the Attorney General determines not to approve an
17 application under the second sentence of subsection (a) for
18 purposes of making the application under this section, the
19 Attorney General shall provide written notice of the deter-
20 mination to the official making the request for the review
21 of the application under that paragraph. Except when dis-
22 abled or otherwise unavailable to make a determination
23 under the preceding sentence, the Attorney General may
24 not delegate the responsibility to make a determination
25 under that sentence. The Attorney General shall take ap-

1 appropriate actions in advance to ensure that delegation of
2 such responsibility is clearly established in the event the
3 Attorney General is disabled or otherwise unavailable to
4 make such determination.

5 “(B) Notice with respect to an application under sub-
6 paragraph (A) shall set forth the modifications, if any, of
7 the application that are necessary in order for the Attor-
8 ney General to approve the application under the second
9 sentence of subsection (a) for purposes of making the ap-
10 plication under this section.

11 “(C) Upon review of any modifications of an applica-
12 tion set forth under subparagraph (B), the official notified
13 of the modifications under this paragraph shall modify the
14 application if such official determines that such modifica-
15 tion is warranted. Such official shall supervise the making
16 of any modification under this subparagraph. Except when
17 disabled or otherwise unavailable to supervise the making
18 of any modification under the preceding sentence, such of-
19 ficial may not delegate the responsibility to supervise the
20 making of any modification under that preceding sentence.
21 Each such official shall take appropriate actions in ad-
22 vance to ensure that delegation of such responsibility is
23 clearly established in the event such official is disabled or
24 otherwise unavailable to supervise the making of such
25 modification.”.

1 (b) PROBABLE CAUSE.—Section 304 of that Act (50
2 U.S.C. 1824) is amended—

3 (1) by redesignating subsections (b), (c), (d),
4 and (e) as subsections (c), (d), (e), and (f), respec-
5 tively; and

6 (2) by inserting after subsection (a) the fol-
7 lowing new subsection (b):

8 “(b) In determining whether or not probable cause
9 exists for purposes of an order under subsection (a)(3),
10 a judge may consider past activities of the target, as well
11 as facts and circumstances relating to current or future
12 activities of the target.”.

13 **SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED**
14 **UNDER THE FOREIGN INTELLIGENCE SUR-**
15 **VEILLANCE ACT OF 1978 FOR LAW ENFORCE-**
16 **MENT PURPOSES.**

17 (a) INCLUSION OF INFORMATION ON DISCLOSURE IN
18 SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of
19 the Foreign Intelligence Surveillance Act of 1978 (50
20 U.S.C. 1808(a)) is amended—

21 (1) by inserting “(1)” after “(a)”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(2) Each report under the first sentence of para-
25 graph (1) shall include a description of—

1 “(A) each criminal case in which information
2 acquired under this Act has been passed for law en-
3 forcement purposes during the period covered by
4 such report; and

5 “(B) each criminal case in which information
6 acquired under this Act has been authorized for use
7 at trial during such reporting period.”.

8 (b) REPORT ON MECHANISMS FOR DETERMINATIONS
9 OF DISCLOSURE OF INFORMATION FOR LAW ENFORCE-
10 MENT PURPOSES.—(1) The Attorney General shall submit
11 to the appropriate committees of Congress a report on the
12 authorities and procedures utilized by the Department of
13 Justice for determining whether or not to disclose infor-
14 mation acquired under the Foreign Intelligence Surveil-
15 lance Act of 1978 (50 U.S.C. 1801 et seq.) for law en-
16 forcement purposes.

17 (2) In this subsection, the term “appropriate commit-
18 tees of Congress” means the following:

19 (A) The Select Committee on Intelligence and
20 the Committee on the Judiciary of the Senate.

21 (B) The Permanent Select Committee on Intel-
22 ligence and the Committee on the Judiciary of the
23 House of Representatives.

1 **SEC. 605. COORDINATION OF COUNTERINTELLIGENCE**
2 **WITH THE FEDERAL BUREAU OF INVESTIGA-**
3 **TION.**

4 (a) TREATMENT OF CERTAIN SUBJECTS OF INVES-
5 TIGATION.—Subsection (c) of section 811 of the Intel-
6 ligence Authorization Act for Fiscal Year 1995 (50 U.S.C.
7 402a) is amended—

8 (1) in paragraphs (1) and (2), by striking
9 “paragraph (3)” and inserting “paragraph (5)”;

10 (2) by redesignating paragraphs (3), (4), (5),
11 and (6) as paragraphs (5), (6), (7), and (8), respec-
12 tively;

13 (3) by inserting after paragraph (2) the fol-
14 lowing new paragraph (3):

15 “(3)(A) The Director of the Federal Bureau of Inves-
16 tigation shall submit to the head of the department or
17 agency concerned a written assessment of the potential im-
18 pact of the actions of the department or agency on a coun-
19 terintelligence investigation.

20 “(B) The head of the department or agency con-
21 cerned shall—

22 “(i) use an assessment under subparagraph (A)
23 as an aid in determining whether, and under what
24 circumstances, the subject of an investigation under
25 paragraph (1) should be left in place for investiga-
26 tive purposes; and

1 “(ii) notify in writing the Director of the Fed-
2 eral Bureau of Investigation of such determination.

3 “(C) The Director of the Federal Bureau of Inves-
4 tigation and the head of the department or agency con-
5 cerned shall continue to consult, as appropriate, to review
6 the status of an investigation covered by this paragraph,
7 and to reassess, as appropriate, a determination of the
8 head of the department or agency concerned to leave a
9 subject in place for investigative purposes.”; and

10 (4) in paragraph (5), as so redesignated, by
11 striking “paragraph (1) or (2)” and inserting “para-
12 graph (1), (2), or (3)”.

13 (b) TIMELY PROVISION OF INFORMATION AND CON-
14 SULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph
15 (2) of that subsection is further amended—

16 (1) by inserting “in a timely manner” after
17 “through appropriate channels”; and

18 (2) by inserting “in a timely manner” after
19 “are consulted”.

20 (c) INTERFERENCE WITH FULL FIELD ESPIONAGE
21 INVESTIGATIONS.—That subsection is further amended by
22 inserting after paragraph (3), as amended by subsection
23 (a) of this section, the following new paragraph (4):

24 “(4)(A) The Federal Bureau of Investigation shall
25 notify appropriate officials within the executive branch, in-

cluding the head of the department or agency concerned,
of the commencement of a full field espionage investiga-
tion with respect to an employee within the executive
branch.

“(B) A department or agency may not conduct a
polygraph examination, interrogate, or otherwise take any
action that is likely to alert an employee covered by a no-
tice under subparagraph (A) of an investigation described
in that subparagraph without prior coordination and con-
sultation with the Federal Bureau of Investigation.”.

**SEC. 606. ENHANCING PROTECTION OF NATIONAL SECU-
RITY AT THE DEPARTMENT OF JUSTICE.**

(a) AUTHORIZATION FOR INCREASED RESOURCES TO
FULFILL NATIONAL SECURITY MISSION OF THE DEPART-
MENT OF JUSTICE.—There are authorized to be appro-
priated to the Department of Justice for the activities of
the Office of Intelligence Policy and Review to help meet
the increased personnel demands to combat terrorism,
process applications to the Foreign Intelligence Surveil-
lance Court, participate effectively in counter-espionage
investigations, provide policy analysis on national security
issues, and enhance secure computer and telecommuni-
cations facilities—

(1) \$7,000,000 for fiscal year 2001;

(2) \$7,500,000 for fiscal year 2002; and

1 (3) \$8,000,000 for fiscal year 2003.

2 (b) AVAILABILITY OF FUNDS.—(1) No funds author-
3 ized to be appropriated by subsection (a) for the Office
4 of Intelligence Policy and Review for fiscal years 2002 and
5 2003 may be obligated or expended until the date on
6 which the Attorney General submits the report required
7 by paragraph (2) for the year involved.

8 (2)(A) The Attorney General shall submit to the com-
9 mittees of Congress specified in subparagraph (B) an an-
10 nual report on the manner in which the funds authorized
11 to be appropriated by subsection (a) for the Office of Intel-
12 ligence Policy and Review will be used by that Office—

13 (i) to improve and strengthen its oversight of
14 Federal Bureau of Investigation field offices in the
15 implementation of orders under the Foreign Intel-
16 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et
17 seq.); and

18 (ii) to streamline and increase the efficiency of
19 the application process under that Act.

20 (B) The committees of Congress referred to in this
21 subparagraph are the following:

22 (i) The Select Committee on Intelligence and
23 the Committee on the Judiciary of the Senate.

1 (ii) The Permanent Select Committee on Intel-
2 ligence and the Committee on the Judiciary of the
3 House of Representatives.

4 (3) In addition to the report required by paragraph
5 (2), the Attorney General shall also submit to the Select
6 Committee on Intelligence of the Senate and the Perma-
7 nent Select Committee on Intelligence of the House of
8 Representatives a report that addresses the issues identi-
9 fied in the semiannual report of the Attorney General to
10 such committees under section 108(a) of the Foreign In-
11 telligence Surveillance Act of 1978 (50 U.S.C. 1808(a))
12 that was submitted in April 2000, including any corrective
13 actions with regard to such issues. The report under this
14 paragraph shall be submitted in classified form.

15 (4) Funds made available pursuant to subsection (a),
16 in any fiscal year, shall remain available until expended.

17 (c) REPORT ON COORDINATING NATIONAL SECURITY
18 AND INTELLIGENCE FUNCTIONS WITHIN THE DEPART-
19 MENT OF JUSTICE.—The Attorney General shall report to
20 the committees of Congress specified in subsection
21 (b)(2)(B) within 120 days on actions that have been or
22 will be taken by the Department to—

23 (1) promote quick and efficient responses to na-
24 tional security issues;

1 (2) centralize a point-of-contact within the De-
2 partment on national security matters for external
3 entities and agencies; and

4 (3) coordinate the dissemination of intelligence
5 information within the appropriate components of
6 the Department and the formulation of policy on na-
7 tional security issues.

8 **SEC. 607. COORDINATION REQUIREMENTS RELATING TO**
9 **THE PROSECUTION OF CASES INVOLVING**
10 **CLASSIFIED INFORMATION.**

11 The Classified Information Procedures Act (18
12 U.S.C. App.) is amended by inserting after section 9 the
13 following new section:

14 “COORDINATION REQUIREMENTS RELATING TO THE
15 PROSECUTION OF CASES INVOLVING CLASSIFIED IN-
16 FORMATION

17 “SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assist-
18 ant Attorney General for the Criminal Division and the
19 appropriate United States attorney, or the designees of
20 such officials, shall provide briefings to the senior agency
21 official, or the designee of such official, with respect to
22 any case involving classified information that originated
23 in the agency of such senior agency official.

24 “(b) TIMING OF BRIEFINGS.—Briefings under sub-
25 section (a) with respect to a case shall occur—

1 “(1) as soon as practicable after the Depart-
2 ment of Justice and the United States attorney con-
3 cerned determine that a prosecution or potential
4 prosecution could result; and

5 “(2) at such other times thereafter as are nec-
6 essary to keep the senior agency official concerned
7 fully and currently informed of the status of the
8 prosecution.

9 “(c) SENIOR AGENCY OFFICIAL DEFINED.—In this
10 section, the term ‘senior agency official’ has the meaning
11 given that term in section 1.1 of Executive Order No.
12 12958.”.

13 **SEC. 608. SEVERABILITY.**

14 If any provision of this title (including an amendment
15 made by this title), or the application thereof, to any per-
16 son or circumstance, is held invalid, the remainder of this
17 title (including the amendments made by this title), and
18 the application thereof, to other persons or circumstances
19 shall not be affected thereby.

20 **TITLE VII—DECLASSIFICATION**
21 **OF INFORMATION**

22 **SEC. 701. SHORT TITLE.**

23 This title may be cited as the “Public Interest Declassi-
24 fication Act of 2000”.

1 **SEC. 702. FINDINGS.**

2 Congress makes the following findings:

3 (1) It is in the national interest to establish an
4 effective, coordinated, and cost-effective means by
5 which records on specific subjects of extraordinary
6 public interest that do not undermine the national
7 security interests of the United States may be col-
8 lected, retained, reviewed, and disseminated to Con-
9 gress, policymakers in the executive branch, and the
10 public.

11 (2) Ensuring, through such measures, public
12 access to information that does not require contin-
13 ued protection to maintain the national security in-
14 terests of the United States is a key to striking the
15 balance between secrecy essential to national secu-
16 rity and the openness that is central to the proper
17 functioning of the political institutions of the United
18 States.

19 **SEC. 703. PUBLIC INTEREST DECLASSIFICATION BOARD.**

20 (a) ESTABLISHMENT.—There is established within
21 the executive branch of the United States a board to be
22 known as the “Public Interest Declassification Board” (in
23 this title referred to as the “Board”).

24 (b) PURPOSES.—The purposes of the Board are as
25 follows:

1 (1) To advise the President, the Assistant to
2 the President for National Security Affairs, the Di-
3 rector of the Office of Management and Budget, and
4 such other executive branch officials as the Board
5 considers appropriate on the systematic, thorough,
6 coordinated, and comprehensive identification, collec-
7 tion, review for declassification, and release to Con-
8 gress, interested agencies, and the public of declas-
9 sified records and materials (including donated his-
10 torical materials) that are of archival value, includ-
11 ing records and materials of extraordinary public in-
12 terest.

13 (2) To promote the fullest possible public access
14 to a thorough, accurate, and reliable documentary
15 record of significant United States national security
16 decisions and significant United States national se-
17 curity activities in order to—

18 (A) support the oversight and legislative
19 functions of Congress;

20 (B) support the policymaking role of the
21 executive branch;

22 (C) respond to the interest of the public in
23 national security matters; and

1 (D) promote reliable historical analysis and
2 new avenues of historical study in national se-
3 curity matters.

4 (3) To provide recommendations to the Presi-
5 dent for the identification, collection, and review for
6 declassification of information of extraordinary pub-
7 lic interest that does not undermine the national se-
8 curity of the United States, to be undertaken in ac-
9 cordance with a declassification program that has
10 been established or may be established by the Presi-
11 dent by Executive order.

12 (4) To advise the President, the Assistant to
13 the President for National Security Affairs, the Di-
14 rector of the Office of Management and Budget, and
15 such other executive branch officials as the Board
16 considers appropriate on policies deriving from the
17 issuance by the President of Executive orders re-
18 garding the classification and declassification of na-
19 tional security information.

20 (c) MEMBERSHIP.—(1) The Board shall be composed
21 of nine individuals appointed from among citizens of the
22 United States who are preeminent in the fields of history,
23 national security, foreign policy, intelligence policy, social
24 science, law, or archives, including individuals who have
25 served in Congress or otherwise in the Federal Govern-

1 ment or have otherwise engaged in research, scholarship,
2 or publication in such fields on matters relating to the na-
3 tional security of the United States, of whom—

4 (A) five shall be appointed by the President;

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

7 (C) one shall be appointed by the majority lead-
8 er of the Senate;

9 (D) one shall be appointed by the minority lead-
10 er of the Senate; and

11 (E) one shall be appointed by the minority lead-
12 er of the House of Representatives.

13 (2)(A) Of the members initially appointed to the
14 Board by the President—

15 (i) three shall be appointed for a term of 4
16 years;

17 (ii) one shall be appointed for a term of 3
18 years; and

19 (iii) one shall be appointed for a term of 2
20 years.

21 (B) The members initially appointed to the Board by
22 the Speaker of the House of Representatives or by the ma-
23 jority leader of the Senate shall be appointed for a term
24 of 3 years.

1 (C) The members initially appointed to the Board by
2 the minority leader of the House of Representatives or the
3 Senate shall be appointed for a term of 2 years.

4 (D) Any subsequent appointment to the Board shall
5 be for a term of 3 years.

6 (3) A vacancy in the Board shall be filled in the same
7 manner as the original appointment. A member of the
8 Board appointed to fill a vacancy before the expiration of
9 a term shall serve for the remainder of the term.

10 (4) A member of the Board may be appointed to a
11 new term on the Board upon the expiration of the mem-
12 ber's term on the Board, except that no member may serve
13 more than three full terms on the Board.

14 (d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A)
15 The President shall designate one of the members of the
16 Board as the Chairperson of the Board.

17 (B) The term of service as Chairperson of the Board
18 shall be 2 years.

19 (C) A member serving as Chairperson of the Board
20 may be redesignated as Chairperson of the Board upon
21 the expiration of the member's term as Chairperson of the
22 Board, except that no member shall serve as Chairperson
23 of the Board for more than 6 years.

1 (2) The Director of the Information Security Over-
2 sight Office shall serve as the Executive Secretary of the
3 Board.

4 (e) MEETINGS.—The Board shall meet as needed to
5 accomplish its mission, consistent with the availability of
6 funds. A majority of the members of the Board shall con-
7 stitute a quorum.

8 (f) STAFF.—Any employee of the Federal Govern-
9 ment may be detailed to the Board, with the agreement
10 of and without reimbursement to the detailing agency, and
11 such detail shall be without interruption or loss of civil,
12 military, or foreign service status or privilege.

13 (g) SECURITY.—(1) The members and staff of the
14 Board shall, as a condition of appointment to or employ-
15 ment with the Board, hold appropriate security clearances
16 for access to the classified records and materials to be re-
17 viewed by the Board or its staff, and shall follow the guid-
18 ance and practices on security under applicable Executive
19 orders and Presidential or agency directives.

20 (2) The head of an agency shall, as a condition of
21 granting access to a member of the Board, the Executive
22 Secretary of the Board, or a member of the staff of the
23 Board to classified records or materials of the agency
24 under this title, require the member, the Executive Sec-

1 retary, or the member of the staff, as the case may be,
2 to—

3 (A) execute an agreement regarding the secu-
4 rity of such records or materials that is approved by
5 the head of the agency; and

6 (B) hold an appropriate security clearance
7 granted or recognized under the standard procedures
8 and eligibility criteria of the agency, including any
9 special access approval required for access to such
10 records or materials.

11 (3) The members of the Board, the Executive Sec-
12 retary of the Board, and the members of the staff of the
13 Board may not use any information acquired in the course
14 of their official activities on the Board for nonofficial pur-
15 poses.

16 (4) For purposes of any law or regulation governing
17 access to classified information that pertains to the na-
18 tional security of the United States, and subject to any
19 limitations on access arising under section 706(b), and to
20 facilitate the advisory functions of the Board under this
21 title, a member of the Board seeking access to a record
22 or material under this title shall be deemed for purposes
23 of this subsection to have a need to know the contents
24 of the record or material.

1 (h) COMPENSATION.—(1) Each member of the Board
2 shall receive compensation at a rate not to exceed the daily
3 equivalent of the annual rate of basic pay payable for posi-
4 tions at ES–1 of the Senior Executive Service under sec-
5 tion 5382 of title 5, United States Code, for each day such
6 member is engaged in the actual performance of duties
7 of the Board.

8 (2) Members of the Board shall be allowed travel ex-
9 penses, including per diem in lieu of subsistence at rates
10 authorized for employees of agencies under subchapter I
11 of chapter 57 of title 5, United States Code, while away
12 from their homes or regular places of business in the per-
13 formance of the duties of the Board.

14 (i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of
15 the President, the Assistant to the President for National
16 Security Affairs shall provide guidance on policy to the
17 Board.

18 (2) The Executive Secretary of the Board, under the
19 direction of the Chairperson of the Board and the Board,
20 and acting in consultation with the Archivist of the United
21 States, the Assistant to the President for National Secu-
22 rity Affairs, and the Director of the Office of Management
23 and Budget, shall prepare the annual budget of the Board.

24 (j) SUPPORT.—The Information Security Oversight
25 Office may support the activities of the Board under this

1 title. Such support shall be provided on a reimbursable
2 basis.

3 (k) PUBLIC AVAILABILITY OF RECORDS AND RE-
4 PORTS.—(1) The Board shall make available for public in-
5 spection records of its proceedings and reports prepared
6 in the course of its activities under this title to the extent
7 such records and reports are not classified and would not
8 be exempt from release under the provisions of section 552
9 of title 5, United States Code.

10 (2) In making records and reports available under
11 paragraph (1), the Board shall coordinate the release of
12 such records and reports with appropriate officials from
13 agencies with expertise in classified information in order
14 to ensure that such records and reports do not inadvert-
15 ently contain classified information.

16 (l) APPLICABILITY OF CERTAIN ADMINISTRATIVE
17 LAWS.—The provisions of the Federal Advisory Com-
18 mittee Act (5 U.S.C. App.) shall not apply to the activities
19 of the Board under this title. However, the records of the
20 Board shall be governed by the provisions of the Federal
21 Records Act of 1950.

1 **SEC. 704. IDENTIFICATION, COLLECTION, AND REVIEW FOR**
2 **DECLASSIFICATION OF INFORMATION OF AR-**
3 **CHIVAL VALUE OR EXTRAORDINARY PUBLIC**
4 **INTEREST.**

5 (a) BRIEFINGS ON AGENCY DECLASSIFICATION PRO-
6 GRAMS.—(1) As requested by the Board, or by the Select
7 Committee on Intelligence of the Senate or the Permanent
8 Select Committee on Intelligence of the House of Rep-
9 resentatives, the head of any agency with the authority
10 under an Executive order to classify information shall pro-
11 vide to the Board, the Select Committee on Intelligence
12 of the Senate, or the Permanent Select Committee on In-
13 telligence of the House of Representatives, on an annual
14 basis, a summary briefing and report on such agency's
15 progress and plans in the declassification of national secu-
16 rity information. Such briefing shall cover the declassifica-
17 tion goals set by statute, regulation, or policy, the agency's
18 progress with respect to such goals, and the agency's
19 planned goals and priorities for its declassification activi-
20 ties over the next 2 fiscal years. Agency briefings and re-
21 ports shall give particular attention to progress on the de-
22 classification of records and materials that are of archival
23 value or extraordinary public interest to the people of the
24 United States.

25 (2)(A) The annual briefing and report under para-
26 graph (1) for agencies within the Department of Defense,

1 including the military departments and the elements of the
2 intelligence community, shall be provided on a consoli-
3 dated basis.

4 (B) In this paragraph, the term “elements of the in-
5 telligence community” means the elements of the intel-
6 ligence community specified or designated under section
7 3(4) of the National Security Act of 1947 (50 U.S.C.
8 401a(4)).

9 (b) RECOMMENDATIONS ON AGENCY DECLASSIFICA-
10 TION PROGRAMS.—(1) Upon reviewing and discussing de-
11 classification plans and progress with an agency, the
12 Board shall provide to the head of the agency the written
13 recommendations of the Board as to how the agency’s de-
14 classification program could be improved. A copy of each
15 recommendation shall also be submitted to the Assistant
16 to the President for National Security Affairs and the Di-
17 rector of the Office of Management and Budget.

18 (2) Consistent with the provisions of section 703(k),
19 the Board’s recommendations to the head of an agency
20 under paragraph (1) shall become public 60 days after
21 such recommendations are sent to the head of the agency
22 under that paragraph.

23 (c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR
24 RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1)
25 The Board shall also make recommendations to the Presi-

1 dent regarding proposed initiatives to identify, collect, and
2 review for declassification classified records and materials
3 of extraordinary public interest.

4 (2) In making recommendations under paragraph
5 (1), the Board shall consider the following:

6 (A) The opinions and requests of Members of
7 Congress, including opinions and requests expressed
8 or embodied in letters or legislative proposals.

9 (B) The opinions and requests of the National
10 Security Council, the Director of Central Intel-
11 ligence, and the heads of other agencies.

12 (C) The opinions of United States citizens.

13 (D) The opinions of members of the Board.

14 (E) The impact of special searches on system-
15 atic and all other on-going declassification programs.

16 (F) The costs (including budgetary costs) and
17 the impact that complying with the recommenda-
18 tions would have on agency budgets, programs, and
19 operations.

20 (G) The benefits of the recommendations.

21 (H) The impact of compliance with the rec-
22 ommendations on the national security of the United
23 States.

24 (d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—

25 (1) Concurrent with the submission to Congress of the

1 budget of the President each fiscal year under section
2 1105 of title 31, United States Code, the Director of the
3 Office of Management and Budget shall publish a descrip-
4 tion of the President's declassification program and prior-
5 ities, together with a listing of the funds requested to im-
6 plement that program.

7 (2) Nothing in this title shall be construed to sub-
8 stitute or supersede, or establish a funding process for,
9 any declassification program that has been established or
10 may be established by the President by Executive order.

11 **SEC. 705. PROTECTION OF NATIONAL SECURITY INFORMA-**
12 **TION AND OTHER INFORMATION.**

13 (a) IN GENERAL.—Nothing in this title shall be con-
14 strued to limit the authority of the head of an agency to
15 classify information or to continue the classification of in-
16 formation previously classified by that agency.

17 (b) SPECIAL ACCESS PROGRAMS.—Nothing in this
18 title shall be construed to limit the authority of the head
19 of an agency to grant or deny access to a special access
20 program.

21 (c) AUTHORITIES OF DIRECTOR OF CENTRAL INTEL-
22 LIGENCE.—Nothing in this title shall be construed to limit
23 the authorities of the Director of Central Intelligence as
24 the head of the intelligence community, including the Di-
25 rector's responsibility to protect intelligence sources and

1 methods from unauthorized disclosure as required by sec-
2 tion 103(c)(6) of the National Security Act of 1947 (50
3 U.S.C. 403–3(c)(6)).

4 (d) EXEMPTIONS TO RELEASE OF INFORMATION.—
5 Nothing in this title shall be construed to limit any exemp-
6 tion or exception to the release to the public under this
7 title of information that is protected under subsection (b)
8 of section 552 of title 5, United States Code (commonly
9 referred to as the “Freedom of Information Act”), or sec-
10 tion 552a of title 5, United States Code (commonly re-
11 ferred to as the “Privacy Act”).

12 (e) WITHHOLDING INFORMATION FROM CON-
13 GRESS.—Nothing in this title shall be construed to author-
14 ize the withholding of information from Congress.

15 **SEC. 706. STANDARDS AND PROCEDURES.**

16 (a) LIAISON.—(1) The head of each agency with the
17 authority under an Executive order to classify information
18 and the head of each Federal Presidential library shall
19 designate an employee of such agency or library to act
20 as liaison to the Board for purposes of this title.

21 (2) The Board may establish liaison and otherwise
22 consult with such other historical and advisory committees
23 as the Board considers appropriate for purposes of this
24 title.

1 (b) LIMITATIONS ON ACCESS.—(1)(A) Except as pro-
2 vided in paragraph (2), if the head of an agency or the
3 head of a Federal Presidential library determines it nec-
4 essary to deny or restrict access of the Board, or of the
5 agency or library liaison to the Board, to information con-
6 tained in a record or material, in whole or in part, the
7 head of the agency or the head of the library shall prompt-
8 ly notify the Board in writing of such determination.

9 (B) Each notice to the Board under subparagraph
10 (A) shall include a description of the nature of the records
11 or materials, and a justification for the determination, cov-
12 ered by such notice.

13 (2) In the case of a determination referred to in para-
14 graph (1) with respect to a special access program created
15 by the Secretary of Defense, the Director of Central Intel-
16 ligence, or the head of any other agency, the notification
17 of denial of access under paragraph (1), including a de-
18 scription of the nature of the Board's request for access,
19 shall be submitted to the Assistant to the President for
20 National Security Affairs rather than to the Board.

21 (c) DISCRETION TO DISCLOSE.—At the conclusion of
22 a declassification review, the head of an agency may, in
23 the discretion of the head of the agency, determine that
24 the public's interest in the disclosure of records or mate-
25 rials of the agency covered by such review, and still prop-

1 erly classified, outweighs the Government's need to protect
2 such records or materials, and may release such records
3 or materials in accordance with the provisions of Executive
4 Order No. 12958 or any successor order to such Executive
5 order.

6 (d) DISCRETION TO PROTECT.—At the conclusion of
7 a declassification review, the head of an agency may, in
8 the discretion of the head of the agency, determine that
9 the interest of the agency in the protection of records or
10 materials of the agency covered by such review, and still
11 properly classified, outweighs the public's need for access
12 to such records or materials, and may deny release of such
13 records or materials in accordance with the provisions of
14 Executive Order No. 12958 or any successor order to such
15 Executive order.

16 (e) REPORTS.—(1)(A) Except as provided in para-
17 graph (2), the Board shall annually submit to the appro-
18 priate congressional committees a report on the activities
19 of the Board under this title, including summary informa-
20 tion regarding any denials to the Board by the head of
21 an agency or the head of a Federal Presidential library
22 of access to records or materials under this title.

23 (B) In this paragraph, the term “appropriate con-
24 gressional committees” means the Select Committee on
25 Intelligence and the Committee on Governmental Affairs

1 of the Senate and the Permanent Select Committee on In-
2 telligence and the Committee on Government Reform of
3 the House of Representatives.

4 (2) Notwithstanding paragraph (1), notice that the
5 Board has been denied access to records and materials,
6 and a justification for the determination in support of the
7 denial, shall be submitted by the agency denying the ac-
8 cess as follows:

9 (A) In the case of the denial of access to a spe-
10 cial access program created by the Secretary of De-
11 fense, to the Committees on Armed Services and Ap-
12 propriations of the Senate and to the Committees on
13 Armed Services and Appropriations of the House of
14 Representatives.

15 (B) In the case of the denial of access to a spe-
16 cial access program created by the Director of Cen-
17 tral Intelligence, or by the head of any other agency
18 (including the Department of Defense) if the special
19 access program pertains to intelligence activities, or
20 of access to any information and materials relating
21 to intelligence sources and methods, to the Select
22 Committee on Intelligence of the Senate and the
23 Permanent Select Committee on Intelligence of the
24 House of Representatives.

1 (C) In the case of the denial of access to a spe-
2 cial access program created by the Secretary of En-
3 ergy or the Administrator for Nuclear Security, to
4 the Committees on Armed Services and Appropria-
5 tions and the Select Committee on Intelligence of
6 the Senate and to the Committees on Armed Serv-
7 ices and Appropriations and the Permanent Select
8 Committee on Intelligence of the House of Rep-
9 resentatives.

10 **SEC. 707. JUDICIAL REVIEW.**

11 Nothing in this title limits the protection afforded to
12 any information under any other provision of law. This
13 title is not intended and may not be construed to create
14 any right or benefit, substantive or procedural, enforceable
15 against the United States, its agencies, its officers, or its
16 employees. This title does not modify in any way the sub-
17 stantive criteria or procedures for the classification of in-
18 formation, nor does this title create any right or benefit
19 subject to judicial review.

20 **SEC. 708. FUNDING.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
22 hereby authorized to be appropriated to carry out the pro-
23 visions of this title amounts as follows:

24 (1) For fiscal year 2001, \$650,000.

1 (2) For each fiscal year after fiscal year 2001,
2 such sums as may be necessary for such fiscal year.

3 (b) **FUNDING REQUESTS.**—The President shall in-
4 clude in the budget submitted to Congress for each fiscal
5 year under section 1105 of title 31, United States Code,
6 a request for amounts for the activities of the Board under
7 this title during such fiscal year.

8 **SEC. 709. DEFINITIONS.**

9 In this title:

10 (1) **AGENCY.**—(A) Except as provided in sub-
11 paragraph (B), the term “agency” means the fol-
12 lowing:

13 (i) An Executive agency, as that term is
14 defined in section 105 of title 5, United States
15 Code.

16 (ii) A military department, as that term is
17 defined in section 102 of such title.

18 (iii) Any other entity in the executive
19 branch that comes into the possession of classi-
20 fied information.

21 (B) The term does not include the Board.

22 (2) **CLASSIFIED MATERIAL OR RECORD.**—The
23 terms “classified material” and “classified record”
24 include any correspondence, memorandum, book,
25 plan, map, drawing, diagram, pictorial or graphic

1 work, photograph, film, microfilm, sound recording,
2 videotape, machine readable records, and other docu-
3 mentary material, regardless of physical form or
4 characteristics, that has been determined pursuant
5 to Executive order to require protection against un-
6 authorized disclosure in the interests of the national
7 security of the United States.

8 (3) DECLASSIFICATION.—The term “declas-
9 sification” means the process by which records or
10 materials that have been classified are determined
11 no longer to require protection from unauthorized
12 disclosure to protect the national security of the
13 United States.

14 (4) DONATED HISTORICAL MATERIAL.—The
15 term “donated historical material” means collections
16 of personal papers donated or given to a Federal
17 Presidential library or other archival repository
18 under a deed of gift or otherwise.

19 (5) FEDERAL PRESIDENTIAL LIBRARY.—The
20 term “Federal Presidential library” means a library
21 operated and maintained by the United States Gov-
22 ernment through the National Archives and Records
23 Administration under the applicable provisions of
24 the Federal Records Act of 1950.

1 (6) NATIONAL SECURITY.—The term “national
2 security” means the national defense or foreign rela-
3 tions of the United States.

4 (7) RECORDS OR MATERIALS OF EXTRAOR-
5 DINARY PUBLIC INTEREST.—The term “records or
6 materials of extraordinary public interest” means
7 records or materials that—

8 (A) demonstrate and record the national
9 security policies, actions, and decisions of the
10 United States, including—

11 (i) policies, events, actions, and deci-
12 sions which led to significant national se-
13 curity outcomes; and

14 (ii) the development and evolution of
15 significant United States national security
16 policies, actions, and decisions;

17 (B) will provide a significantly different
18 perspective in general from records and mate-
19 rials publicly available in other historical
20 sources; and

21 (C) would need to be addressed through ad
22 hoc record searches outside any systematic de-
23 classification program established under Execu-
24 tive order.

1 (8) RECORDS OF ARCHIVAL VALUE.—The term
2 “records of archival value” means records that have
3 been determined by the Archivist of the United
4 States to have sufficient historical or other value to
5 warrant their continued preservation by the Federal
6 Government.

7 **SEC. 710. EFFECTIVE DATE; SUNSET.**

8 (a) EFFECTIVE DATE.—This title shall take effect on
9 the date that is 120 days after the date of the enactment
10 of this Act.

11 (b) SUNSET.—The provisions of this title shall expire
12 4 years after the date of the enactment of this Act, unless
13 reauthorized by statute.

14 **TITLE VIII—DISCLOSURE OF IN-**
15 **FORMATION ON JAPANESE**
16 **IMPERIAL GOVERNMENT**

17 **SEC. 801. SHORT TITLE.**

18 This title may be cited as the “Japanese Imperial
19 Government Disclosure Act of 2000”.

20 **SEC. 802. DESIGNATION.**

21 (a) DEFINITIONS.—In this section:

22 (1) AGENCY.—The term “agency” has the
23 meaning given such term under section 551 of title
24 5, United States Code.

1 (2) INTERAGENCY GROUP.—The term “Inter-
2 agency Group” means the Nazi War Crimes and
3 Japanese Imperial Government Records Interagency
4 Working Group established under subsection (b).

5 (3) JAPANESE IMPERIAL GOVERNMENT
6 RECORDS.—The term “Japanese Imperial Govern-
7 ment records” means classified records or portions
8 of records that pertain to any person with respect to
9 whom the United States Government, in its sole dis-
10 cretion, has grounds to believe ordered, incited, as-
11 sisted, or otherwise participated in the experimen-
12 tation on, and persecution of, any person because of
13 race, religion, national origin, or political opinion,
14 during the period beginning September 18, 1931,
15 and ending on December 31, 1948, under the direc-
16 tion of, or in association with—

17 (A) the Japanese Imperial Government;

18 (B) any government in any area occupied
19 by the military forces of the Japanese Imperial
20 Government;

21 (C) any government established with the
22 assistance or cooperation of the Japanese Impe-
23 rial Government; or

24 (D) any government which was an ally of
25 the Japanese Imperial Government.

1 (4) RECORD.—The term “record” means a Jap-
2 anese Imperial Government record.

3 (b) ESTABLISHMENT OF INTERAGENCY GROUP.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the President
6 shall designate the Working Group established under
7 the Nazi War Crimes Disclosure Act (Public Law
8 105–246; 5 U.S.C. 552 note) to also carry out the
9 purposes of this title with respect to Japanese Impe-
10 rial Government records, and that Working Group
11 shall remain in existence for 3 years after the date
12 on which this title takes effect. Such Working Group
13 is redesignated as the “Nazi War Crimes and Japa-
14 nese Imperial Government Records Interagency
15 Working Group”.

16 (2) MEMBERSHIP.—Section 2(b)(2) of such Act
17 is amended by striking “3 other persons” and insert-
18 ing “4 other persons who shall be members of the
19 public, of whom 3 shall be persons appointed under
20 the provisions of this Act in effect on October 8,
21 1998.”.

22 (c) FUNCTIONS.—Not later than 1 year after the date
23 of the enactment of this Act, the Interagency Group shall,
24 to the greatest extent possible consistent with section
25 803—

1 (1) locate, identify, inventory, recommend for
2 declassification, and make available to the public at
3 the National Archives and Records Administration,
4 all classified Japanese Imperial Government records
5 of the United States;

6 (2) coordinate with agencies and take such ac-
7 tions as necessary to expedite the release of such
8 records to the public; and

9 (3) submit a report to Congress, including the
10 Committee on Government Reform and the Perma-
11 nent Select Committee on Intelligence of the House
12 of Representatives, and the Committee on the Judi-
13 ciary and the Select Committee on Intelligence of
14 the Senate, describing all such records, the dispo-
15 sition of such records, and the activities of the Inter-
16 agency Group and agencies under this section.

17 (d) FUNDING.—There is authorized to be appro-
18 priated such sums as may be necessary to carry out the
19 provisions of this title.

20 **SEC. 803. REQUIREMENT OF DISCLOSURE OF RECORDS.**

21 (a) RELEASE OF RECORDS.—Subject to subsections
22 (b), (c), and (d), the Japanese Imperial Government
23 Records Interagency Working Group shall release in their
24 entirety Japanese Imperial Government records.

1 (b) EXEMPTIONS.—An agency head may exempt
2 from release under subsection (a) specific information,
3 that would—

4 (1) constitute an unwarranted invasion of per-
5 sonal privacy;

6 (2) reveal the identity of a confidential human
7 source, or reveal information about an intelligence
8 source or method when the unauthorized disclosure
9 of that source or method would damage the national
10 security interests of the United States;

11 (3) reveal information that would assist in the
12 development or use of weapons of mass destruction;

13 (4) reveal information that would impair United
14 States cryptologic systems or activities;

15 (5) reveal information that would impair the
16 application of state-of-the-art technology within a
17 United States weapon system;

18 (6) reveal United States military war plans that
19 remain in effect;

20 (7) reveal information that would impair rela-
21 tions between the United States and a foreign gov-
22 ernment, or undermine ongoing diplomatic activities
23 of the United States;

24 (8) reveal information that would impair the
25 current ability of United States Government officials

1 to protect the President, Vice President, and other
2 officials for whom protection services are authorized
3 in the interest of national security;

4 (9) reveal information that would impair cur-
5 rent national security emergency preparedness plans;
6 or

7 (10) violate a treaty or other international
8 agreement.

9 (c) APPLICATIONS OF EXEMPTIONS.—

10 (1) IN GENERAL.—In applying the exemptions
11 provided in paragraphs (2) through (10) of sub-
12 section (b), there shall be a presumption that the
13 public interest will be served by disclosure and re-
14 lease of the records of the Japanese Imperial Gov-
15 ernment. The exemption may be asserted only when
16 the head of the agency that maintains the records
17 determines that disclosure and release would be
18 harmful to a specific interest identified in the ex-
19 emption. An agency head who makes such a deter-
20 mination shall promptly report it to the committees
21 of Congress with appropriate jurisdiction, including
22 the Committee on the Judiciary and the Select Com-
23 mittee on Intelligence of the Senate and the Com-
24 mittee on Government Reform and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives.

3 (2) APPLICATION OF TITLE 5.—A determina-
4 tion by an agency head to apply an exemption pro-
5 vided in paragraphs (2) through (9) of subsection
6 (b) shall be subject to the same standard of review
7 that applies in the case of records withheld under
8 section 552(b)(1) of title 5, United States Code.

9 (d) RECORDS RELATED TO INVESTIGATIONS OR
10 PROSECUTIONS.—This section shall not apply to
11 records—

12 (1) related to or supporting any active or inac-
13 tive investigation, inquiry, or prosecution by the Of-
14 fice of Special Investigations of the Department of
15 Justice; or

16 (2) solely in the possession, custody, or control
17 of the Office of Special Investigations.

18 **SEC. 804. EXPEDITED PROCESSING OF REQUESTS FOR JAP-**

19 **ANESE IMPERIAL GOVERNMENT RECORDS.**

20 For purposes of expedited processing under section
21 552(a)(6)(E) of title 5, United States Code, any person
22 who was persecuted in the manner described in section
23 802(a)(3) and who requests a Japanese Imperial Govern-
24 ment record shall be deemed to have a compelling need
25 for such record.

1 **SEC. 805. EFFECTIVE DATE.**

2 The provisions of this title shall take effect on the
3 date that is 90 days after the date of the enactment of
4 this Act.

