

Calendar No. 108

106TH CONGRESS
1ST Session

S. 1009

[Report No. 106-48]

A BILL

To authorize appropriations for fiscal year 2000 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.

MAY 13, 1999

Referred to the Committee on Armed Services, pursuant to section 3(b) of Senate Resolution 400, Ninety-fourth Congress, for a period not to exceed 30 days of session

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IN THE SENATE OF THE UNITED STATES

MAY 11, 1999

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

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A BILL

To authorize appropriations for fiscal year 2000 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Intelligence Authorization Act for Fiscal Year 2000”.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Extension of application of sanctions laws to intelligence activities.
Sec. 304. Access to computers and computer data of executive branch employ-
ees with access to classified information.
Sec. 305. Naturalization of certain persons affiliated with a Communist or
similar party.
Sec. 306. Funding for infrastructure and quality of life improvements at
Menwith Hill and Bad Aibling stations.
Sec. 307. Technical amendment.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Improvement and extension of central services program.
Sec. 402. Extension of CIA Voluntary Separation Pay Act.

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

Sec. 501. Short title.
Sec. 502. Moratorium on foreign visitors program.
Sec. 503. Background checks on all foreign visitors to national laboratories.
Sec. 504. Report to Congress.
Sec. 505. Definitions.

TITLE VI—FOREIGN COUNTERINTELLIGENCE AND
INTERNATIONAL TERRORISM INVESTIGATIONS

Sec. 601. Expansion of definition of “agent of a foreign power” for purposes
of the Foreign Intelligence Surveillance Act of 1978.
Sec. 602. Federal Bureau of Investigation reports to other executive agencies
on results of counterintelligence activities.

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

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2000 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

8 (1) The Central Intelligence Agency.

9 (2) The Department of Defense.

10 (3) The Defense Intelligence Agency.

11 (4) The National Security Agency.

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

15 (6) The Department of State.

16 (7) The Department of the Treasury.

17 (8) The Department of Energy.

18 (9) The Federal Bureau of Investigation.

19 (10) The National Reconnaissance Office.

20 (11) The National Imagery and Mapping Agen-
21 cy.

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

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

1 as of September 30, 2000, 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 _____ of the One Hun-
6 dred Sixth Congress.

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 2000 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 two percent of the number of civilian per-
2 sonnel 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 2000 the sum of \$171,700,000.

14 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
15 ments within the Community Management Account of the
16 Director of Central Intelligence are authorized a total of
17 353 full-time personnel as of September 30, 2000. Per-
18 sonnel serving in such elements may be permanent em-
19 ployees of the Community Management Account element
20 or personnel detailed from other elements of the United
21 States Government.

22 (c) CLASSIFIED AUTHORIZATIONS.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—In
24 addition to amounts authorized to be appropriated
25 for the Community Management Account by sub-

1 section (a), there is also authorized to be appro-
2 priated for the Community Management Account for
3 fiscal year 2000 such additional amounts as are
4 specified in the classified Schedule of Authorizations
5 referred to in section 102(a). Such additional
6 amounts shall remain available until September 30,
7 2001.

8 (2) AUTHORIZATION OF PERSONNEL.—In addi-
9 tion to the personnel authorized by subsection (b)
10 for elements of the Community Management Ac-
11 count as of September 30, 2000, there is hereby au-
12 thorized such additional personnel for such elements
13 as of that date as is specified in the classified Sched-
14 ule of Authorizations.

15 (d) REIMBURSEMENT.—Except as provided in section
16 113 of the National Security Act of 1947 (50 U.S.C.
17 404h), during fiscal year 2000, any officer or employee
18 of the United States or member of the Armed Forces who
19 is detailed to the staff of an element within the Commu-
20 nity Management Account from another element of the
21 United States Government shall be detailed on a reimburs-
22 able basis, except that any such officer, employee, or mem-
23 ber may be detailed on a nonreimbursable basis for a pe-
24 riod of less than one year for the performance of tem-

1 porary functions as required by the Director of Central
2 Intelligence.

3 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

4 (1) IN GENERAL.—Of the amount authorized to
5 be appropriated in subsection (a), \$27,000,000 shall
6 be available for the National Drug Intelligence Cen-
7 ter. Within such amount, funds provided for re-
8 search, development, test, and evaluation purposes
9 shall remain available until September 30, 2001, and
10 funds provided for procurement purposes shall re-
11 main available until September 30, 2002.

12 (2) TRANSFER OF FUNDS.—The Director of
13 Central Intelligence shall transfer to the Attorney
14 General of the United States funds available for the
15 National Drug Intelligence Center under paragraph
16 (1). The Attorney General shall utilize funds so
17 transferred for activities of the Center.

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

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

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

3 **TITLE II—CENTRAL INTEL-**
4 **LIGENCE AGENCY RETIRE-**
5 **MENT AND DISABILITY SYS-**
6 **TEM**

7 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated for the Cen-
9 tral Intelligence Agency Retirement and Disability Fund
10 for fiscal year 2000 the sum of \$209,100,000.

11 **TITLE III—GENERAL**
12 **PROVISIONS**

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

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

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

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

1 **SEC. 303. EXTENSION OF APPLICATION OF SANCTIONS**
2 **LAWS TO INTELLIGENCE ACTIVITIES.**

3 Section 905 of the National Security Act of 1947 (50
4 U.S.C. 441d) is amended by striking “January 6, 2000”
5 and inserting “January 6, 2001”.

6 **SEC. 304. ACCESS TO COMPUTERS AND COMPUTER DATA**
7 **OF EXECUTIVE BRANCH EMPLOYEES WITH**
8 **ACCESS TO CLASSIFIED INFORMATION.**

9 (a) ACCESS.—Section 801(a)(3) of the National Se-
10 curity Act of 1947 (50 U.S.C. 435(a)(3)) is amended by
11 striking “and travel records” and inserting “travel
12 records, and computers used in the performance of govern-
13 ment duties”.

14 (b) COMPUTER DEFINED.—Section 804 of that Act
15 (50 U.S.C. 438) is amended—

16 (1) by striking “and” at the end of paragraph
17 (6);

18 (2) by striking the period at the end of para-
19 graph (7) and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(8) the term ‘computer’ means any electronic,
22 magnetic, optical, electrochemical, or other high
23 speed data processing device performing logical,
24 arithmetic, or storage functions, and includes any
25 data storage facility or communications facility di-
26 rectly related to or operating in conjunction with

1 such device and any data or other information
2 stored or contained in such device.”.

3 (c) APPLICABILITY.—The President shall modify the
4 procedures required by section 801(a)(3) of the National
5 Security Act of 1947 to take into account the amendment
6 to that section made by subsection (a) of this section not
7 later than 90 days after the date of the enactment of this
8 Act.

9 **SEC. 305. NATURALIZATION OF CERTAIN PERSONS AFFILI-**
10 **ATED WITH A COMMUNIST OR SIMILAR**
11 **PARTY.**

12 Section 313 of the Immigration and Nationality Act
13 (8 U.S.C. 1424) is amended by adding at the end the fol-
14 lowing:

15 “(e) A person may be naturalized under this title
16 without regard to the prohibitions in subsections (a)(2)
17 and (c) of this section, if the person—

18 “(1) is otherwise eligible for naturalization;

19 “(2) is within the class described in subsection
20 (a)(2) solely because of past membership in, or past
21 affiliation with, a party or organization described in
22 that subsection;

23 “(3) does not fall within any other of the class-
24 es described in that subsection; and

1 “(4) is jointly determined by the Director of
2 Central Intelligence, the Attorney General, and the
3 Commissioner of Immigration and Naturalization to
4 have made a contribution to the national security or
5 to the national intelligence mission of the United
6 States.”.

7 **SEC. 306. FUNDING FOR INFRASTRUCTURE AND QUALITY**
8 **OF LIFE IMPROVEMENTS AT MENWITH HILL**
9 **AND BAD AIBLING STATIONS.**

10 Section 506(b) of the Intelligence Authorization Act
11 for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974),
12 as amended by section 502 of the Intelligence Authoriza-
13 tion Act for Fiscal Year 1998 (Public Law 105–107; 111
14 Stat. 2262), is further amended by striking “for fiscal
15 years 1998 and 1999” and inserting “for fiscal years 2000
16 and 2001”.

17 **SEC. 307. TECHNICAL AMENDMENT.**

18 Section 305(b)(2) of the Intelligence Authorization
19 Act for Fiscal Year 1997 (Public Law 104–293, 110 Stat.
20 3465; 8 U.S.C. 1427 note) is amended by striking “sub-
21 paragraph (A), (B), (C), or (D) of section 243(h)(2) of
22 such Act” and inserting “clauses (i) through (iv) of section
23 241(b)(3)(B) of such Act”.

1 **TITLE IV—CENTRAL**
2 **INTELLIGENCE AGENCY**

3 **SEC. 401. IMPROVEMENT AND EXTENSION OF CENTRAL**
4 **SERVICES PROGRAM.**

5 (a) SCOPE OF PROVISION OF ITEMS AND SERV-
6 ICES.—Subsection (a) of section 21 of the Central Intel-
7 ligence Agency Act of 1949 (50 U.S.C. 403u) is amended
8 by striking “and to other” and inserting “, non-
9 appropriated fund entities or instrumentalities associated
10 or affiliated with the Agency, and other”.

11 (b) DEPOSITS IN CENTRAL SERVICES WORKING CAP-
12 ITAL FUND.—Subsection (c)(2) of that section is
13 amended—

14 (1) by amending subparagraph (D) to read as
15 follows:

16 “(D) Amounts received in payment for loss or
17 damage to equipment or property of a central service
18 provider as a result of activities under the pro-
19 gram.”;

20 (2) by redesignating subparagraph (E) as sub-
21 paragraph (F); and

22 (3) by inserting after subparagraph (D), as so
23 amended, the following new subparagraph (E):

1 “(E) Other receipts from the sale or exchange
2 of equipment or property of a central service pro-
3 vider as a result of activities under the program.”.

4 (c) AVAILABILITY OF FEES.—Section (f)(2)(A) of
5 that section is amended by inserting “central service pro-
6 viders and any” before “elements of the Agency”.

7 (d) EXTENSION OF PROGRAM.—Subsection (h)(1) of
8 that section is amended by striking “March 31, 2000” and
9 inserting “March 31, 2005”.

10 **SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY**
11 **ACT.**

12 (a) EXTENSION OF AUTHORITY.—Section 2(f) of the
13 Central Intelligence Agency Voluntary Separation Pay Act
14 (50 U.S.C. 403–4 note) is amended by striking “Sep-
15 tember 30, 1999” and inserting “September 30, 2000”.

16 (b) REMITTANCE OF FUNDS.—Section 2(i) of that
17 Act is amended by striking “or fiscal year 1999” and in-
18 serting “, 1999, or 2000”.

19 **TITLE V—DEPARTMENT OF EN-**
20 **ERGY INTELLIGENCE ACTIVI-**
21 **TIES**

22 **SEC. 501. SHORT TITLE.**

23 This title may be cited as the “Department of Energy
24 Sensitive Country Foreign Visitors Moratorium Act of
25 1999”.

1 **SEC. 502. MORATORIUM ON FOREIGN VISITORS PROGRAM.**

2 (a) MORATORIUM.—The Secretary of Energy may
3 not admit to any classified facility of a national laboratory
4 any individual who is a citizen of a nation that is named
5 on the current Department of Energy sensitive countries
6 list.

7 (b) WAIVER AUTHORITY.—(1) The Secretary of En-
8 ergy may waive the prohibition in subsection (a) on a case-
9 by-case basis with respect to specific individuals whose ad-
10 mission to a national laboratory is determined by the Sec-
11 retary to be necessary for the national security of the
12 United States.

13 (2) Not later than 30 days after granting a waiver
14 under paragraph (1), the Secretary shall submit to com-
15 mittees referred to in paragraph (4) a report in writing
16 regarding the waiver. The report shall identify each indi-
17 vidual for whom such a waiver was granted and, with re-
18 spect to each such individual, provide a detailed justifica-
19 tion for the waiver and the Secretary's certification that
20 the admission of that individual to a national laboratory
21 is necessary for the national security of the United States.

22 (3) The authority of the Secretary under paragraph
23 (1) may not be delegated.

24 (4) The committees referred to in this paragraph are
25 the following:

1 (A) The Committees on Armed Services, Appro-
2 priations, Commerce, and Energy and Natural Re-
3 sources and the Select Committee on Intelligence of
4 the Senate.

5 (B) The Committees on Armed Services, Appro-
6 priations, Commerce, and Resources and the Perma-
7 nent Select Committee on Intelligence of the House
8 of Representatives.

9 **SEC. 503. BACKGROUND CHECKS ON ALL FOREIGN VISI-**
10 **TORS TO NATIONAL LABORATORIES.**

11 Before an individual who is a citizen of a foreign na-
12 tion is allowed to enter a national laboratory, the Sec-
13 retary of Energy shall require that a security clearance
14 investigation (known as a “background check”) be carried
15 out on that individual.

16 **SEC. 504. REPORT TO CONGRESS.**

17 (a) REPORT.—(1) The Director of Central Intel-
18 ligence and the Director of the Federal Bureau of Inves-
19 tigation jointly shall submit to the committees referred to
20 in subsection (c) a report on counterintelligence activities
21 at the national laboratories, including facilities and areas
22 at the national laboratories at which unclassified work is
23 carried out.

24 (2) The report shall include—

1 (A) a description of the status of counterintel-
2 ligence activities at each of the national laboratories;

3 (B) the net assessment produced under para-
4 graph (3); and

5 (C) a recommendation as to whether or not sec-
6 tion 502 should be repealed.

7 (3)(A) A net assessment of the foreign visitors pro-
8 gram at the national laboratories shall be produced for
9 purposes of the report under this subsection and included
10 in the report under paragraph (2)(B).

11 (B) The assessment shall be produced by a panel of
12 individuals with expertise in intelligence, counterintel-
13 ligence, and nuclear weapons design matters.

14 (b) DEADLINE FOR SUBMITTAL.—The report re-
15 quired by subsection (a) shall be submitted not later than
16 90 days after the date of the enactment of this Act.

17 (c) COMMITTEES.—The committees referred to in
18 this subsection are the following:

19 (1) The Committees on Armed Services and Ap-
20 propriations and the Select Committee on Intel-
21 ligence of the Senate.

22 (2) The Committees on Armed Services and Ap-
23 propriations and the Permanent Select Committee
24 on Intelligence of the House of Representatives.

1 **SEC. 505. DEFINITIONS.**

2 In this title:

3 (1) The term “national laboratory” means any
4 of the following:

5 (A) The Lawrence Livermore National
6 Laboratory, Livermore, California.

7 (B) The Los Alamos National Laboratory,
8 Los Alamos, New Mexico.

9 (C) The Sandia National Laboratories, Al-
10 buquerque, New Mexico.

11 (2) The term “sensitive countries list” means
12 the list prescribed by the Secretary of Energy known
13 as the Department of Energy List of Sensitive
14 Countries.

15 **TITLE VI—FOREIGN COUNTER-**
16 **INTELLIGENCE AND INTER-**
17 **NATIONAL TERRORISM IN-**
18 **VESTIGATIONS**

19 **SEC. 601. EXPANSION OF DEFINITION OF “AGENT OF A FOR-**
20 **EIGN POWER” FOR PURPOSES OF THE FOR-**
21 **EIGN INTELLIGENCE SURVEILLANCE ACT OF**
22 **1978.**

23 Section 101(b)(2) of the Foreign Intelligence Surveil-
24 lance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended—

25 (1) in subparagraph (C), by striking “or” at
26 the end;

1 (2) by redesignating subparagraph (D) as sub-
2 paragraph (E); and

3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph (D):

5 “(D) knowingly enters the United States
6 under a false or fraudulent identity for or on
7 behalf of a foreign power or, while in the
8 United States, knowingly assumes a false or
9 fraudulent identity for or on behalf of a foreign
10 power; or”.

11 **SEC. 602. FEDERAL BUREAU OF INVESTIGATION REPORTS**
12 **TO OTHER EXECUTIVE AGENCIES ON RE-**
13 **SULTS OF COUNTERINTELLIGENCE ACTIVI-**
14 **TIES.**

15 Section 811(c)(2) of the Counterintelligence and Se-
16 curity Enhancements Act of 1994 (title VIII of Public
17 Law 103–359; 108 Stat. 3455; 50 U.S.C. 402a(c)(2)) is
18 amended by striking “after a report has been provided
19 pursuant to paragraph (1)(A)”.