

Calendar No. 528

106TH CONGRESS
2^D SESSION**S. 2507****[Report No. 106–279]**

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 SENATE OF THE UNITED STATES

MAY 4, 2000

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

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 for
 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.

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. Prohibition on unauthorized disclosure of classified information.
 Sec. 304. POW/MIA analytic capability within the intelligence community.
 Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
 Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
 Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
 Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
 Sec. 402. Subpoena authority of the Inspector General.
 Sec. 403. Improvement and extension of central services program.
 Sec. 404. Details 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. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
 Sec. 502. Nuclear test monitoring equipment.
 Sec. 503. Experimental personnel management program for technical personnel for certain elements of the intelligence community.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—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 National Reconnaissance Office.

(6) The National Imagery and Mapping Agency.

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

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated

1 for each of fiscal years 2002 through 2005 for the conduct
 2 in each such fiscal year of the intelligence and intelligence-
 3 related activities of the following elements of the United
 4 States Government:

- 5 (1) The Central Intelligence Agency.
- 6 (2) The Defense Intelligence Agency.
- 7 (3) The National Security Agency.
- 8 (4) The National Reconnaissance Office.

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

10 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
 11 CEILINGS.—The amounts authorized to be appropriated
 12 under section 101, and the authorized personnel ceilings
 13 as of September 30, 2001, for the conduct of the intel-
 14 ligence and intelligence-related activities of the elements
 15 listed in such section, are those specified in the classified
 16 Schedule of Authorizations prepared to accompany the
 17 conference report on the bill _____ of the One Hun-
 18 dred Sixth Congress.

19 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
 20 THORIZATIONS.—The Schedule of Authorizations shall be
 21 made available to the Committees on Appropriations of
 22 the Senate and House of Representatives and to the Presi-
 23 dent. The President shall provide for suitable distribution
 24 of the Schedule, or of appropriate portions of the Sched-
 25 ule, within the Executive Branch.

1 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

2 (a) **AUTHORITY FOR ADJUSTMENTS.**—With the ap-
3 proval of the Director of the Office of Management and
4 Budget, the Director of Central Intelligence may authorize
5 employment of civilian personnel in excess of the number
6 authorized for fiscal year 2001 under section 102 when
7 the Director of Central Intelligence determines that such
8 action is necessary to the performance of important intel-
9 ligence functions, except that the number of personnel em-
10 ployed in excess of the number authorized under such sec-
11 tion may not, for any element of the intelligence commu-
12 nity, exceed two percent of the number of civilian per-
13 sonnel authorized under such section for such element.

14 (b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The
15 Director of Central Intelligence shall promptly notify the
16 Select Committee on Intelligence of the Senate and the
17 Permanent Select Committee on Intelligence of the House
18 of Representatives whenever the Director exercises the au-
19 thority granted by this section.

20 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—

22 (1) **IN GENERAL.**—There is authorized to be
23 appropriated for the Community Management Ac-
24 count of the Director of Central Intelligence for fis-
25 cal year 2001 the sum of \$232,051,000.

1 (2) AVAILABILITY FOR ADVANCED RESEARCH
2 AND DEVELOPMENT COMMITTEE.—Within the
3 amount authorized to be appropriated in paragraph
4 (1), amounts identified in the classified Schedule of
5 Authorizations referred to in section 102(a) for the
6 Advanced Research and Development Committee
7 shall remain available until September 30, 2002.

8 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
9 ments within the Community Management Account of the
10 Director of Central Intelligence are authorized a total of
11 618 full-time personnel as of September 30, 2001. Per-
12 sonnel serving in such elements may be permanent em-
13 ployees of the Community Management Account element
14 or personnel detailed from other elements of the United
15 States Government.

16 (c) CLASSIFIED AUTHORIZATIONS.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—In
18 addition to amounts authorized to be appropriated
19 for the Community Management Account by sub-
20 section (a), there is also authorized to be appro-
21 priated for the Community Management Account for
22 fiscal year 2001 such additional amounts as are
23 specified in the classified Schedule of Authorizations
24 referred to in section 102(a).

1 (2) AUTHORIZATION OF PERSONNEL.—In addi-
2 tion to the personnel authorized by subsection (b)
3 for elements of the Community Management Ac-
4 count as of September 30, 2001, there is hereby au-
5 thorized such additional personnel for such elements
6 as of that date as is specified in the classified Sched-
7 ule of Authorizations.

8 (d) REIMBURSEMENT.—Except as provided in section
9 113 of the National Security Act of 1947 (50 U.S.C.
10 404h), during fiscal year 2001, any officer or employee
11 of the United States or member of the Armed Forces who
12 is detailed to the staff of an element within the Commu-
13 nity Management Account from another element of the
14 United States Government shall be detailed on a reimburs-
15 able basis, except that any such officer, employee, or mem-
16 ber may be detailed on a nonreimbursable basis for a pe-
17 riod of less than one year for the performance of tem-
18 porary functions as required by the Director of Central
19 Intelligence.

20 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

21 (1) IN GENERAL.—Of the amount authorized to
22 be appropriated in subsection (a), \$27,000,000 shall
23 be available for the National Drug Intelligence Cen-
24 ter. Within such amount, funds provided for re-
25 search, development, test, and evaluation purposes

1 shall remain available until September 30, 2002, and
2 funds provided for procurement purposes shall re-
3 main available until September 30, 2003.

4 (2) TRANSFER OF FUNDS.—The Director of
5 Central Intelligence shall transfer to the Attorney
6 General of the United States funds available for the
7 National Drug Intelligence Center under paragraph
8 (1). The Attorney General shall utilize funds so
9 transferred for activities of the National Drug Intel-
10 ligence Center.

11 (3) LIMITATION.—Amounts available for the
12 National Drug Intelligence Center may not be used
13 in contravention of the provisions of section
14 103(d)(1) of the National Security Act of 1947 (50
15 U.S.C. 403–3(d)(1)).

16 (4) AUTHORITY.—Notwithstanding any other
17 provision of law, the Attorney General shall retain
18 full authority over the operations of the National
19 Drug Intelligence Center.

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

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

9 **TITLE III—GENERAL**
 10 **PROVISIONS**

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

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

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

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

1 **SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE**
2 **OF CLASSIFIED INFORMATION.**

3 (a) IN GENERAL.—Chapter 37 of title 18, United
4 States Code, is amended—

5 (1) by redesignating section 798A as section
6 798B; and

7 (2) by inserting after section 798 the following
8 new section 798A:

9 **“§ 798A. Unauthorized disclosure of classified infor-**
10 **mation**

11 “(a) PROHIBITION.—Whoever, being an officer or
12 employee of the United States, a former or retired officer
13 or employee of the United States, any other person with
14 authorized access to classified information, or any other
15 person formerly with authorized access to classified infor-
16 mation, knowingly and willfully discloses, or attempts to
17 disclose, any classified information to a person who is not
18 both an officer or employee of the United States and who
19 is not authorized access to the classified information shall
20 be fined not more than \$10,000, imprisoned not more
21 than 3 years, or both.

22 “(b) CONSTRUCTION OF PROHIBITION.—Nothing in
23 this section shall be construed to establish criminal liabil-
24 ity for disclosure of classified information in accordance
25 with applicable law to the following:

1 “(1) Any justice or judge of a court of the
2 United States established pursuant to article III of
3 the Constitution of the United States.

4 “(2) The Senate or House of Representatives,
5 or any committee or subcommittee thereof, or joint
6 committee thereof, or any member of Congress.

7 “(c) DEFINITIONS.—In this section:

8 “(1) The term ‘authorized’, in the case of ac-
9 cess to classified information, means having author-
10 ity or permission to have access to the classified in-
11 formation pursuant to the provisions of a statute,
12 Executive Order, regulation, or directive of the head
13 of any department or agency who is empowered to
14 classify information, an order of any United States
15 court, or a provision of any Resolution of the Senate
16 or Rule of the House of Representatives which gov-
17 erns release of classified information by the such
18 House of Congress.

19 “(2) The term ‘classified information’ means in-
20 formation or material designated and clearly marked
21 or represented, or that the person knows or has rea-
22 son to believe has been determined by appropriate
23 authorities, pursuant to the provisions of a statute
24 or Executive Order, as requiring protection against

1 unauthorized disclosure for reasons of national secu-
 2 rity.

3 “(3) The term ‘officer or employee of the
 4 United States’ means the following:

5 “(A) An officer or employee (as those
 6 terms are defined in sections 2104 and 2105 of
 7 title 5).

8 “(B) An officer or enlisted member of the
 9 Armed Forces (as those terms are defined in
 10 section 101(b) of title 10).”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of that chapter is amended by striking
 13 the item relating to section 798A and inserting the fol-
 14 lowing new items:

“798A. Unauthorized disclosure of classified information.

“798B. Temporary extension of section 794.”.

15 **SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE IN-**
 16 **TELLIGENCE COMMUNITY.**

17 Title I of the National Security Act of 1947 (50
 18 U.S.C. 402 et seq.) is amended by adding at the end the
 19 following:

20 “POW/MIA ANALYTIC CAPABILITY

21 “SEC. 115. (a) REQUIREMENT.—(1) The Director of
 22 Central Intelligence shall, in consultation with the Sec-
 23 retary of Defense, establish and maintain in the intel-
 24 ligence community an analytic capability with responsi-

1 bility for intelligence in support of the activities of the
 2 United States relating to prisoners of war and missing
 3 persons (as that term is defined in section 1513(1) of title
 4 10, United States Code).

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

8 “(b) SCOPE OF RESPONSIBILITY.—The responsibil-
 9 ities of the analytic capability maintained under subsection
 10 (a) shall—

11 “(1) extend to any activities of the Federal
 12 Government with respect to prisoners of war and
 13 missing persons after December 31, 1990; and

14 “(2) include support for any department or
 15 agency of the Federal Government engaged in such
 16 activities.”.

17 **SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES IN-**
 18 **TELLIGENCE ACTIVITIES OF FEDERAL LAWS**
 19 **IMPLEMENTING INTERNATIONAL TREATIES**
 20 **AND AGREEMENTS.**

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

1 “TITLE X—MISCELLANEOUS

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

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

16 “(b) AUTHORIZED ACTIVITIES.—An activity shall be
17 treated as authorized for purposes of subsection (a) if the
18 activity is authorized by an appropriate official of the
19 United States Government, acting within the scope of the
20 official duties of that official and in compliance with Fed-
21 eral law and any applicable Presidential directive.”.

1 **SEC. 306. LIMITATION ON HANDLING, RETENTION, AND**
2 **STORAGE OF CERTAIN CLASSIFIED MATE-**
3 **RIALS BY THE DEPARTMENT OF STATE.**

4 (a) CERTIFICATION REGARDING FULL COMPLIANCE
5 WITH REQUIREMENTS.—The Director of Central Intel-
6 ligence shall certify to the appropriate committees of Con-
7 gress whether or not each covered element of the Depart-
8 ment of State is in full compliance with all applicable di-
9 rectives of the Director of Central Intelligence, and all ap-
10 plicable Executive Orders, relating to the handling, reten-
11 tion, or storage of covered classified materials.

12 (b) LIMITATION ON CERTIFICATION.—The Director
13 of Central Intelligence may not certify a covered element
14 of the Department of State as being in full compliance
15 with the directives and Executive Orders referred to in
16 subsection (a) if the covered element is currently subject
17 to a waiver of compliance with respect to any such direc-
18 tive or Executive Order.

19 (c) REPORT ON NONCOMPLIANCE.—Whenever the
20 Director of Central Intelligence determines that a covered
21 element of the Department of State is not in full compli-
22 ance with any directive or Executive Order referred to in
23 subsection (a), the Director shall promptly notify the ap-
24 propriate committees of Congress of such determination.

25 (d) EFFECTS OF CERTIFICATION OF NON-FULL
26 COMPLIANCE.—(1)(A) Effective as of January 1, 2001,

1 no funds authorized to be appropriated by this Act may
2 be obligated or expended by the Bureau of Intelligence and
3 Research of the Department of State unless the Director
4 of Central Intelligence has certified under subsection (a)
5 as of such date that each covered element of the Depart-
6 ment of State is in full compliance with the directives and
7 Executive Orders referred to in subsection (a).

8 (B) If the prohibition in subparagraph (A) takes ef-
9 fect in accordance with that subparagraph, the prohibition
10 shall remain in effect until the date on which the Director
11 certifies under subsection (a) that each covered element
12 of the Department of State is in full compliance with the
13 directives and Executive Orders referred to in that sub-
14 section.

15 (2)(A) Subject to subsection (e), effective as of Janu-
16 ary 1, 2001, a covered element of the Department of State
17 may not retain or store covered classified information un-
18 less the Director has certified under subsection (a) as of
19 such date that the covered element is in full compliance
20 with the directives and Executive Orders referred to in
21 subsection (a).

22 (B) If the prohibition in subparagraph (A) takes ef-
23 fect in accordance with that subparagraph, the prohibition
24 shall remain in effect until the date on which the Director
25 certifies under subsection (a) that the covered element in-

1 volved is in full compliance with the directives and Execu-
 2 tive Orders referred to in that subsection.

3 (e) PRESIDENTIAL WAIVER.—(1) The President may
 4 waive the applicability of the prohibition in subsection
 5 (d)(2) to an element of the Department of State otherwise
 6 covered by such prohibition if the President determines
 7 that the waiver is in the national security interests of the
 8 United States.

9 (2) The President shall submit to appropriate com-
 10 mittees of Congress a report on each exercise of the waiver
 11 authority in paragraph (1).

12 (3) Each report under paragraph (2) with respect to
 13 the exercise of authority under paragraph (1) shall set
 14 forth the following:

15 (A) The covered element of the Department of
 16 State addressed by the waiver.

17 (B) The reasons for the waiver.

18 (C) The actions taken by the President to pro-
 19 tect any covered classified material to be handled,
 20 retained, or stored by such element.

21 (f) DEFINITIONS.—In this section:

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

1 (A) The Select Committee on Intelligence
2 and the Committee on Foreign Relations of the
3 Senate.

4 (B) The Permanent Select Committee on
5 Intelligence and the Committee on International
6 Relations of the House of Representatives.

7 (2) The term “covered classified material”
8 means any material classified at the Sensitive Com-
9 partmented Information (SCI) level.

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

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

22 (5) The term “Sensitive Compartmented Infor-
23 mation (SCI) level”, in the case of classified mate-
24 rial, means a level of classification for information in
25 such material concerning or derived from intelligence

1 sources, methods, or analytical processes that re-
 2 quires such information to be handled within formal
 3 access control systems established by the Director of
 4 Central Intelligence.

5 **SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES**
 6 **CITIZENS TO CHALLENGE CERTAIN BLOCK-**
 7 **ING OF ASSETS.**

8 The Foreign Narcotics Kingpin Designation Act (title
 9 VIII of Public Law 106–120; 113 Stat. 1626; 21 U.S.C.
 10 1901 et seq.) is amended by adding at the end the fol-
 11 lowing new section:

12 **“SEC. 811. STANDING OF UNITED STATES CITIZENS TO**
 13 **CHALLENGE BLOCKING OF ASSETS.**

14 “No provision of this title shall be construed to pro-
 15 hibit a United States citizen from raising any challenge
 16 otherwise available to the United States citizen under sub-
 17 chapter II of chapter 5 and chapter 7 of title 5, United
 18 States Code (commonly referred to as the Administrative
 19 Procedure Act), or any other provision of law, with respect
 20 to the blocking of assets by the United States under this
 21 title.”.

1 **SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINIS-**
 2 **TRATIVE COSTS OF COUNTERDRUG INTEL-**
 3 **LIGENCE EXECUTIVE SECRETARIAT.**

4 Notwithstanding section 1346 of title 31, United
 5 States Code, or section 610 of the Treasury and General
 6 Government Appropriations Act, 2000 (Public Law 106–
 7 58; 113 Stat. 467), funds made available for fiscal year
 8 2000 for any department or agency of the Federal Govern-
 9 ment with authority to conduct counterdrug intelligence
 10 activities, including counterdrug law enforcement informa-
 11 tion-gathering activities, may be available to finance an
 12 appropriate share of the administrative costs incurred by
 13 the Department of Justice for the Counterdrug Intel-
 14 ligence Executive Secretariat authorized by the General
 15 Counterdrug Intelligence Plan of February 12, 2000.

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

18 **SEC. 401. EXPANSION OF INSPECTOR GENERAL ACTIONS**
 19 **REQUIRING A REPORT TO CONGRESS.**

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

24 “(B) an investigation, inspection, or audit car-
 25 ried out by the Inspector General should focus on
 26 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 becomes aware of
22 the possible criminal conduct of a current or former
23 Agency official described or referred to in subpara-
24 graph (B) through a means other than an investiga-

1 tion, inspection, or audit and such conduct is not re-
 2 ferred to the Department of Justice; or

3 “(E) the Inspector General, after exhausting all
 4 possible alternatives, is unable to obtain significant
 5 documentary information in the course of an inves-
 6 tigation, inspection, or audit,

7 the Inspector General shall immediately submit a report
 8 on such matter to the intelligence committees.”.

9 **SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GEN-**
 10 **ERAL.**

11 (a) CLARIFICATION REGARDING REPORTS ON EXER-
 12 CISE OF AUTHORITY.—Section 17 of the Central Intel-
 13 ligence Agency Act of 1949 (50 U.S.C. 403q) is
 14 amended—

15 (1) in subsection (d)(1), by striking subpara-
 16 graph (E) and inserting the following new subpara-
 17 graph (E):

18 “(E) a description of the exercise of the sub-
 19 poena authority under subsection (e)(5) by the In-
 20 spector General during the reporting period; and”;
 21 and

22 (2) in subsection (e)(5), by striking subpara-
 23 graph (E).

1 (b) SCOPE OF AUTHORITY.—Subsection (e)(5)(B) of
 2 that section is amended by striking “Government” and in-
 3 serting “Federal”.

4 **SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL**
 5 **SERVICES PROGRAM.**

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

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

12 (2) by inserting after subparagraph (E) the fol-
 13 lowing new subparagraphs:

14 “(F) Receipts from individuals in reimburse-
 15 ment for utility services and meals provided under
 16 the program.

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

19 (b) CLARIFICATION OF COSTS RECOVERABLE UNDER
 20 PROGRAM.—Subsection (e)(1) of that section is amended
 21 in the second sentence by inserting “other than structures
 22 owned by the Agency” after “depreciation of plant and
 23 equipment”.

24 (c) FINANCIAL STATEMENTS OF PROGRAM.—Sub-
 25 section (g)(2) of that section is amended in the first sen-

1 tence by striking “annual audits under paragraph (1)”
 2 and inserting the following: “financial statements to be
 3 prepared with respect to the program. Office of Manage-
 4 ment and Budget guidance shall also determine the proce-
 5 dures for conducting annual audits under paragraph (1).”.

6 (d) EXTENSION OF PROGRAM.—Subsection (h)(1) of
 7 that section is amended by striking “March 31, 2002” and
 8 inserting “March 31, 2005”.

9 **SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RE-**
 10 **CONNAISSANCE OFFICE.**

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

14 “DETAILS OF EMPLOYEES

15 “SEC. 22. The Director may—

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

21 “(2) hire personnel for the purpose of details
 22 under paragraph (1).”.

1 **SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR**
 2 **ACQUISITION OF LAND.**

3 (a) IN GENERAL.—Section 8 of the Central Intel-
 4 ligence Agency Act of 1949 (50 U.S.C. 403j) is amended
 5 by adding at the end the following new subsection:

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

11 “(2) The Director shall submit to the Select Com-
 12 mittee on Intelligence of the Senate and the Permanent
 13 Select Committee on Intelligence of the House of Rep-
 14 resentatives an annual report on the transfers of sums de-
 15 scribed in paragraph (1).”.

16 (b) CONFORMING STYLISTIC AMENDMENTS.—That
 17 section is further amended—

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

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

22 (c) APPLICABILITY.—Subsection (c) of section 8 of
 23 the Central Intelligence Agency Act of 1949, as added by
 24 subsection (a) of this section, shall apply with respect to
 25 amounts appropriated or otherwise made available for the

1 Central Intelligence Agency for fiscal years after fiscal
2 year 2000.

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

6 (a) IN GENERAL.—Notwithstanding any provision of
7 section 363 of the Treasury, Postal Service, and General
8 Government Appropriations Act, 1997 (5 U.S.C. prec.
9 5941 note), the Director of Central Intelligence may—

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

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

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

1 of the amount to be expended on reimbursement of such
 2 employees under paragraph (2) of that subsection.

3 **TITLE V—DEPARTMENT OF DE-**
 4 **FENSE INTELLIGENCE AC-**
 5 **TIVITIES**

6 **SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO EN-**
 7 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**
 8 **RITY FOR INTELLIGENCE COLLECTION AC-**
 9 **TIVITIES.**

10 Section 431(a) of title 10, United States Code, is
 11 amended in the second sentence by striking “December
 12 31, 2000” and inserting “December 31, 2002”.

13 **SEC. 502. NUCLEAR TEST MONITORING EQUIPMENT.**

14 (a) IN GENERAL.—Subchapter II of chapter 138 of
 15 title 10, United States Code, is amended by adding at the
 16 end the following new section:

17 **“§ 2350l. Nuclear test monitoring equipment**

18 **“(a) AUTHORITY TO CONVEY OR PROVIDE.—**Subject
 19 to subsection (b), the Secretary of Defense may, for pur-
 20 poses of satisfying nuclear test explosion monitoring re-
 21 quirements applicable to the United States—

22 **“(1) convey or otherwise provide to a foreign**
 23 **government monitoring and associated equipment**
 24 **for nuclear test explosion monitoring purposes; and**

1 “(2) install such equipment on foreign territory
2 or in international waters as part of such conveyance
3 or provision.

4 “(b) AGREEMENT REQUIRED.—Nuclear test explo-
5 sion monitoring equipment may be conveyed or otherwise
6 provided under the authority in subsection (a) only pursu-
7 ant to the terms of an agreement in which the foreign
8 government receiving such equipment agrees as follows:

9 “(1) To provide the Secretary of Defense timely
10 access to the data produced, collected, or generated
11 by such equipment.

12 “(2) To permit the Secretary of Defense to take
13 such measures as the Secretary considers necessary
14 to inspect, test, maintain, repair, or replace such
15 equipment, including access for purposes of such
16 measures.

17 “(c) DELEGATION OF RESPONSIBILITIES.—(1) The
18 Secretary of Defense may delegate any or all of the re-
19 sponsibilities of that Secretary under subsection (b) to the
20 Secretary of the Air Force.

21 “(2) The Secretary of the Air Force may delegate any
22 or all of the responsibilities delegated to that Secretary
23 under paragraph (1).”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of subchapter II of such chapter is

1 amended by inserting after the item relating to section
 2 2350k the following new item:

“2350l. Nuclear test monitoring equipment.”.

3 **SEC. 503. EXPERIMENTAL PERSONNEL MANAGEMENT PRO-**
 4 **GRAM FOR TECHNICAL PERSONNEL FOR**
 5 **CERTAIN ELEMENTS OF THE INTELLIGENCE**
 6 **COMMUNITY.**

7 (a) PROGRAM AUTHORIZED.—During the 5-year pe-
 8 riod beginning on the date of the enactment of this Act,
 9 the Director of Central Intelligence may carry out a pro-
 10 gram of experimental use of the special personnel manage-
 11 ment authority provided in subsection (b) in order to fa-
 12 cilitate recruitment of eminent experts in science or engi-
 13 neering for research and development projects adminis-
 14 tered by the elements of the intelligence community speci-
 15 fied in subsection (c).

16 (b) SPECIAL PERSONNEL MANAGEMENT AUTHOR-
 17 ITY.—Under the program, the Director of Central Intel-
 18 ligence may—

19 (1) within the limitations specified in subsection
 20 (c), appoint scientists and engineers from outside
 21 the civil service and uniformed services (as such
 22 terms are defined in section 2101 of title 5, United
 23 States Code) to not more than 39 scientific and en-
 24 gineering positions in the elements of the intelligence
 25 community specified in that subsection without re-

1 gard to any provision of title 5, United States Code,
2 governing the appointment of employees in the civil
3 service;

4 (2) prescribe the rates of basic pay for positions
5 to which employees are appointed under paragraph
6 (1) at rates not in excess of the maximum rate of
7 basic pay authorized for senior-level positions under
8 section 5376 of title 5, United States Code, notwith-
9 standing any provision of such title governing the
10 rates of pay or classification of employees in the ex-
11 ecutive branch; and

12 (3) pay any employee appointed under para-
13 graph (1) payments in addition to basic pay within
14 the limit applicable to the employee under subsection
15 (e)(1).

16 (c) SPECIFIED ELEMENTS AND LIMITATIONS.—The
17 elements of the intelligence community in which individ-
18 uals may be appointed under the program, and the max-
19 imum number of positions for which individuals may be
20 appointed in each such element, are as follows:

21 (1) The National Imagery and Mapping Agency
22 (NIMA), 15 positions.

23 (2) The National Security Agency (NSA), 12
24 positions.

1 (3) The National Reconnaissance Office (NRO),
2 6 positions.

3 (4) The Defense Intelligence Agency (DIA), 6
4 positions.

5 (d) LIMITATION ON TERM OF APPOINTMENT.—(1)
6 Except as provided in paragraph (2), the service of an em-
7 ployee under an appointment under subsection (b)(1) may
8 not exceed 4 years.

9 (2) The Director of Central Intelligence may, in the
10 case of a particular employee, extend the period to which
11 service is limited under paragraph (1) by up to 2 years
12 if the Director determines that such action is necessary
13 to promote the efficiency of the element of the intelligence
14 community concerned.

15 (e) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1)
16 The total amount of the additional payments paid to an
17 employee under subsection (b)(3) for any 12-month period
18 may not exceed the least of the following amounts:

19 (A) \$25,000.

20 (B) The amount equal to 25 percent of the em-
21 ployee's annual rate of basic pay.

22 (C) The amount of the limitation that is appli-
23 cable for a calendar year under section 5307(a)(1)
24 of title 5, United States Code.

1 (2) An employee appointed under subsection (b)(1)
 2 is not eligible for any bonus, monetary award, or other
 3 monetary incentive for service except for payments author-
 4 ized under subsection (b)(3).

5 (f) PERIOD OF PROGRAM.—(1) The program author-
 6 ized under this section shall terminate at the end of the
 7 5-year period referred to in subsection (a).

8 (2) After the termination of the program—

9 (A) no appointment may be made under para-
 10 graph (1) of subsection (b);

11 (B) a rate of basic pay prescribed under para-
 12 graph (2) of that subsection may not take effect for
 13 a position; and

14 (C) no period of service may be extended under
 15 subsection (d)(2).

16 (g) SAVINGS PROVISIONS.—In the case of an em-
 17 ployee who, on the day before the termination of the pro-
 18 gram, is serving in a position pursuant to an appointment
 19 under subsection (b)(1)—

20 (1) the termination of the program does not
 21 terminate the employee's employment in that posi-
 22 tion before the expiration of the lesser of—

23 (A) the period for which the employee was
 24 appointed; or

1 (B) the period to which the employee's
2 service is limited under subsection (d), includ-
3 ing any extension made under paragraph (2) of
4 that subsection before the termination of the
5 program; and

6 (2) the rate of basic pay prescribed for the posi-
7 tion under subsection (b)(2) may not be reduced for
8 so long (within the period applicable to the employee
9 under paragraph (1)) as the employee continues to
10 serve in the position without a break in service.

11 (h) ANNUAL REPORT.—(1) Not later than October
12 15 of each year, beginning in 2001 and ending in the year
13 in which the service of employees under the program con-
14 cludes (including service, if any, that concludes under sub-
15 section (g)), the Director of Central Intelligence shall sub-
16 mit a report on the program to the Select Committee on
17 Intelligence of the Senate and the Permanent Select Com-
18 mittee on Intelligence of the House of Representatives.

19 (2) The report submitted in a year shall cover the
20 12-month period ending on the day before the anniversary,
21 in that year, of the date of the enactment of this Act.

22 (3) The annual report shall contain, for the period
23 covered by the report, the following:

24 (A) A detailed discussion of the exercise of au-
25 thority under this section.

1 (B) The sources from which individuals ap-
2 pointed under subsection (b)(1) were recruited.

3 (C) The methodology used for identifying and
4 selecting such individuals.

5 (D) Any additional information that the Direc-
6 tor considers helpful for assessing the utility of the
7 authority under this section.

Calendar No. 528

106TH CONGRESS
2D SESSION

S. 2507

[Report No. 106-279]

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.

MAY 4, 2000

Read twice and placed on the calendar