In the Senate of the United States,

November 8, 2001.

Resolved, That the bill from the House of Representatives (H.R. 2883) entitled "An Act to authorize appropriations for fiscal year 2002 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.", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 2 (a) Short Title.—This Act may be cited as the "In-
- 3 telligence Authorization Act for Fiscal Year 2002".

1 (b) Table of Contents of this

2 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. Judicial review under Foreign Narcotics Kingpin Designation Act.
- Sec. 304. Modification of positions requiring consultation with Director of Central Intelligence in appointments.
- Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.
- Sec. 306. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.
- Sec. 307. Review of protections against the unauthorized disclosure of classified information.
- Sec. 308. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.
- Sec. 309. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
- Sec. 310. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.
- Sec. 311. Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.
- Sec. 312. Alien Terrorist Removal proceedings.
- Sec. 313. Technical modifications.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 402. Modifications of central services program.

TITLE I—INTELLIGENCE 1 **ACTIVITIES** 2 3 SEC. 101. AUTHORIZATION OF APPROPRIATIONS. Funds are hereby authorized to be appropriated for fis-4 cal year 2002 for the conduct of the intelligence and intel-5 ligence-related activities of the following elements of the 7 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 Force. 14 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

Ceilings.—The amounts authorized to be appropriated

under section 101, and the authorized personnel ceilings as

- 1 of September 30, 2002, for the conduct of the intelligence
- 2 and intelligence-related activities of the elements listed in
- 3 such section, are those specified in the classified Schedule
- 4 of Authorizations prepared to accompany the conference re-
- 5 port on the bill H.R. 2883 of the One Hundred Seventh
- 6 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 the
- 10 Senate and House of Representatives and to the President.
- 11 The President shall provide for suitable distribution of the
- 12 Schedule, or of appropriate portions of the Schedule, within
- 13 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 2002 under section 102 when the
- 20 Director of Central Intelligence determines that such action
- 21 is necessary to the performance of important intelligence
- 22 functions, except that the number of personnel employed in
- 23 excess of the number authorized under such section may not,
- 24 for any element of the intelligence community, exceed 2 per-

- 1 cent of the number of civilian personnel authorized under
- 2 such section for such element.
- 3 (b) Notice to Intelligence Committees.—The Di-
- 4 rector of Central Intelligence shall notify promptly the Per-
- 5 manent Select Committee on Intelligence of the House of
- 6 Representatives and the Select Committee on Intelligence of
- 7 the Senate whenever the Director exercises the authority
- 8 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 fis-
- 13 cal year 2002 the sum of \$238,496,000. 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 available
- 17 until September 30, 2003.
- 18 (b) Authorized Personnel Levels.—The elements
- 19 within the Community Management Account of the Direc-
- 20 tor of Central Intelligence are authorized 343 full-time per-
- 21 sonnel as of September 30, 2002. Personnel serving in such
- 22 elements may be permanent employees of the Community
- 23 Management Account or personnel detailed from other ele-
- 24 ments 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 appropriated for the Community Management Account for 5 6 fiscal year 2002 such additional amounts as are spec-7 ified in the classified Schedule of Authorizations re-8 ferred to in section 102(a). Such additional amounts 9 shall remain available until September 30, 2003.
- 10 (2) AUTHORIZATION OF PERSONNEL.—In addi11 tion to the personnel authorized by subsection (b) for
 12 elements of the Community Management Account as
 13 of September 30, 2002, there are hereby authorized
 14 such additional personnel for such elements as of that
 15 date as are specified in the classified Schedule of Au16 thorizations.
- (d) Reimbursement.—Except as provided in section
 18 113 of the National Security Act of 1947 (50 U.S.C. 404h),
 19 during fiscal year 2002 any officer or employee of the
 20 United States or a member of the Armed Forces who is de21 tailed to the staff of the Community Management Account
 22 from another element of the United States Government shall
 23 be detailed on a reimbursable basis, except that any such
 24 officer, employee, or member may be detailed on a non25 reimbursable basis for a period of less than one year for

1 the performance of temporary functions as required by the Director of Central Intelligence. 3 (e) National Drug Intelligence Center.— (1) In general.—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall 5 6 be available for the National Drug Intelligence Cen-7 ter. Within such amount, funds provided for research, 8 development, testing, and evaluation purposes shall 9 remain available until September 30, 2003, and funds 10 provided for procurement purposes shall remain 11 available until September 30, 2004. (2) Transfer of funds.—The Director of Cen-12 13 tral Intelligence shall transfer to the Attorney General 14 funds available for the National Drug Intelligence 15 Center under paragraph (1). The Attorney General 16 shall utilize funds so transferred for the activities of 17 the National Drug Intelligence Center. 18 (3) Limitation.—Amounts available for the Na-19 tional Drug Intelligence Center may not be used in 20 contravention of the provisions of section 103(d)(1) of 21 the National Security Act of 1947 (50 U.S.C. 403-22 3(d)(1). 23 (4) AUTHORITY.—Notwithstanding any other

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 Central					
9	Intelligence Agency Retirement and Disability Fund for fis-					
10	cal year 2002 the sum of \$212,000,000.					
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 or					
19	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 any					
24	intelligence activity which is not otherwise authorized by					
25	the Constitution or the laws of the United States.					

1	SEC. 303. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS					
2	KINGPIN DESIGNATION ACT.					
3	Section 805 of the Foreign Narcotics Kingpin Designa-					
4	tion Act (title VIII of Public Law 106–120; 113 Stat. 1629;					
5	21 U.S.C. 1904) is amended by striking subsection (f).					
6	SEC. 304. MODIFICATION OF POSITIONS REQUIRING CON-					
7	SULTATION WITH DIRECTOR OF CENTRAL IN-					
8	TELLIGENCE IN APPOINTMENTS.					
9	Section 106(b)(2) of the National Security Act of 1947					
10	(50 U.S.C. 403-6(b)(2)) is amended by striking subpara-					
11	graph (C) and inserting the following new subparagraphs:					
12	"(C) The Director of the Office of Intelligence of					
13	the Department of Energy.					
14	"(D) The Director of the Office of Counterintel-					
15	ligence of the Department of Energy".					
16	SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS					
17	FOR SIGNIFICANT ANTICIPATED INTEL-					
18	LIGENCE ACTIVITIES AND SIGNIFICANT IN-					
19	TELLIGENCE FAILURES.					
20	Section 502 of the National Security Act of 1947 (50					
21	U.S.C. 413a) is amended—					
22	(1) by inserting "(a) In General.—" before "To					
23	the extent"; and					
24	(2) by adding at the end the following new sub-					
25	sections.					

1	"(b) Form and Contents of Certain Reports.—
2	Any report relating to a significant anticipated intelligence
3	activity or a significant intelligence failure that is sub-
4	mitted to the intelligence committees for purposes of sub-
5	section (a)(1) shall be in writing, and shall contain the fol-
6	lowing:
7	"(1) A concise statement of any facts pertinent
8	to such report.
9	"(2) An explanation of the significance of the in-
10	telligence activity or intelligence failure covered by
11	such report.
12	"(c) Standards and Procedures for Certain Re-
13	PORTS.—The Director of Central Intelligence, in consulta-
14	tion with the heads of the departments, agencies, and enti-
15	ties referred to in subsection (a), shall establish standards
16	and procedures applicable to reports covered by subsection
17	(b).".
18	SEC. 306. MODIFICATION OF AUTHORITIES FOR PROTEC-
19	TION OF INTELLIGENCE COMMUNITY EM-
20	PLOYEES WHO REPORT URGENT CONCERNS
21	TO CONGRESS.
22	(a) Authority of Inspector General of Central
23	Intelligence Agency.—Section 17(d)(5) of the Central
24	Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5)) is
25	amended_

1	(1) in subparagraph (B), by striking the second					
2	sentence and inserting the following new sentence:					
3	"Upon making the determination, the Inspector Gen-					
4	eral shall transmit to the Director notice of the deter-					
5	mination, together with the complaint or informa-					
6	tion."; and					
7	(2) in subparagraph (D)(i), by striking "does					
8	not transmit," and all that follows through "subpara-					
9	graph (B)," and inserting "does not find credible					
10	under subparagraph (B) a complaint or information					
11	submitted under subparagraph (A), or does not trans-					
12	mit the complaint or information to the Director in					
13	accurate form under subparagraph (B),".					
14	(b) Authorities of Inspectors General of the					
15	Intelligence Community.—Section 8H of the Inspector					
16	General Act of 1978 (5 U.S.C. App.) is amended—					
17	(1) in subsection (b), by striking the second sen-					
18	tence and inserting the following new sentence: "Upon					
19	making the determination, the Inspector General shall					
20	transmit to the head of the establishment notice of the					
21	determination, together with the complaint or infor-					
22	mation."; and					
23	(2) in subsection $(d)(1)$, by striking "does not					
24	transmit," and all that follows through "subsection					
25	(b)," and inserting "does not find credible under sub-					

1	section (b) a complaint or information submitted to
2	the Inspector General under subsection (a), or does
3	not transmit the complaint or information to the
4	head of the establishment in accurate form under sub-
5	section (b),".
6	SEC. 307. REVIEW OF PROTECTIONS AGAINST THE UNAU-
7	THORIZED DISCLOSURE OF CLASSIFIED IN-
8	FORMATION.
9	(a) Requirement.—The Attorney General shall, in
10	consultation with the Secretary of Defense, Secretary of
11	State, Secretary of Energy, Director of Central Intelligence,
12	and heads of such other departments, agencies, and entities
13	of the United States Government as the Attorney General
14	considers appropriate, carry out a comprehensive review of
15	current protections against the unauthorized disclosure of
16	classified information, including—
17	(1) any mechanisms available under civil or
18	criminal law, or under regulation, to detect the unau-
19	thorized disclosure of such information; and
20	(2) any sanctions available under civil or crimi-
21	nal law, or under regulation, to deter and punish the
22	unauthorized disclosure of such information.
23	(b) Particular Considerations.—In carrying out
24	the review required by subsection (a), the Attorney General
25	shall consider in particular—

- 1 (1) whether the administrative regulations and 2 practices of the intelligence community are adequate, 3 in light of the particular requirements of the intel-4 ligence community, to protect against the unauthor-5 ized disclosure of classified information; and
- 6 (2) whether recent developments in technology,
 7 and anticipated developments in technology, neces8 situte particular modifications of current protections
 9 against the unauthorized disclosure of classified infor10 mation in order to further protect against the unau11 thorized disclosure of such information.
- 12 (c) REPORT.—(1) Not later than May 1, 2002, the At-13 torney General shall submit to Congress a report on the re-14 view carried out under subsection (a). The report shall in-15 clude the following:
- 16 (A) A comprehensive description of the review, 17 including the findings of the Attorney General as a 18 result of the review.
 - (B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

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1	(C) Any recommendations for legislative or ad-
2	ministrative action that the Attorney General con-
3	siders appropriate, including a proposed draft for
4	any such action, and a comprehensive analysis of the
5	Constitutional and legal ramifications of any such
6	action.
7	(2) The report shall be submitted in unclassified form,
8	but may include a classified annex.
9	SEC. 308. MODIFICATION OF AUTHORITIES RELATING TO
10	OFFICIAL IMMUNITY IN INTERDICTION OF
11	AIRCRAFT ENGAGED IN ILLICIT DRUG TRAF-
12	FICKING.
13	(a) Certification Required for Immunity.—Sub-
14	section (a)(2) of section 1012 of the National Defense Au-
15	thorization Act for Fiscal Year 1995 (Public Law 103–337;
16	108 Stat. 2837; 22 U.S.C. 2291-4) is amended by striking
17	", before the interdiction occurs, has determined" and in-
18	serting "has, during the 12-month period ending on the date
19	of the interdiction, certified to Congress".
20	(b) Annual Reports.—That section is further
21	amended—
22	(1) by redesignating subsection (c) as subsection
23	(d); and
24	(2) by inserting after subsection (b) the following
25	new subsection (c):

"(c) Annual Reports.—(1) Not later than February 1 2 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the 3 preceding calendar year. Each report shall include for the 5 calendar year covered by such report the following: 6 "(A) A list specifying each country for which a 7 certification referred to in subsection (a)(2) was in ef-8 fect for purposes of that subsection during any por-9 tion of such calendar year, including the nature of the 10 illicit drug trafficking threat to each such country. 11 "(B) A detailed explanation of the procedures re-12 ferred to in subsection (a)(2)(B) in effect for each 13 country listed under subparagraph (A), including 14 any training and other mechanisms in place to en-15 sure adherence to such procedures. "(C) A complete description of any assistance 16 17 provided under subsection (b). 18 "(D) A summary description of the aircraft 19 interception activity for which the United States Gov-20 ernment provided any form of assistance under sub-21 section (b). 22 "(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified

annex.".

1	SEC. 309. ONE-YEAR SUSPENSION OF REORGANIZATION OF
2	DIPLOMATIC TELECOMMUNICATIONS SERV-
3	ICE PROGRAM OFFICE.
4	Notwithstanding any provision of subtitle B of title
5	III of the Intelligence Authorization Act for Fiscal Year
6	2001 (Public Law 106–567; 114 Stat. 2843; 22 U.S.C. 7301
7	et seq.), relating to the reorganization of the Diplomatic
8	Telecommunications Service Program Office, no provision
9	of that subtitle shall be effective during the period beginning
10	on the date of the enactment of this Act and ending on Octo-
11	ber 1, 2002.
12	SEC. 310. PRESIDENTIAL APPROVAL AND SUBMISSION TO
13	CONGRESS OF NATIONAL COUNTERINTEL-
14	LIGENCE STRATEGY AND NATIONAL THREAT
15	IDENTIFICATION AND PRIORITIZATION AS-
16	SESSMENTS.
17	The National Counterintelligence Strategy, and each
18	National Threat Identification and Prioritization Assess-
19	ment, produced under Presidential Decision Directive 75,
20	dated December 28, 2000, entitled "U.S. Counterintelligence
21	Effectiveness—Counterintelligence for the 21st Century",
22	including any modification of the Strategy or any such As-
23	sessment, shall be approved by the President, and shall be
24	submitted to the appropriate committees of Congress.

1	SEC. 311. PREPARATION AND SUBMITTAL OF REPORTS, RE-
2	VIEWS, STUDIES, AND PLANS RELATING TO
3	DEPARTMENT OF DEFENSE INTELLIGENCE
4	ACTIVITIES.
5	(a) Consultation in Preparation.—The Director of
6	Central Intelligence shall ensure that any report, review,
7	study, or plan required to be prepared or conducted by a
8	provision of this Act, including a provision of the classified
9	Schedule of Authorizations or a classified annex to this Act,
10	that involves the intelligence or intelligence-related activi-
11	ties of the Department of Defense shall be prepared or con-
12	ducted in consultation with the Secretary of Defense or an
13	appropriate official of the Department designated by the
14	Secretary for that purpose.
15	(b) Submittal.—Any report, review, study, or plan
16	referred to in subsection (a) shall be submitted, in addition
17	to any other committee of Congress specified for submittal
18	in the provision concerned, to the following committees of
19	Congress:
20	(1) The Committees on Armed Services and Ap-
21	propriations and the Select Committee on Intelligence
22	of the Senate.
23	(2) The Committees on Armed Services and Ap-
24	propriations and the Permanent Select Committee on
25	Intelligence of the House of Representatives

SEC. 312. ALIEN TERRORIST REMOVAL PROCEEDINGS. 2 Section 504 of the Immigration and Nationality Act 3 (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k)— 4 5 "(1) No later than 3 months from the date of enactment of this Act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. Patriot 12 Act of 2001.". SEC. 313. TECHNICAL MODIFICATIONS. 14 The Director of Central Intelligence shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts. 17 TITLE IV—CENTRAL 18 INTELLIGENCE AGENCY 19 SEC. 401. ONE-YEAR EXTENSION OF CENTRAL INTEL-21 LIGENCE AGENCY VOLUNTARY SEPARATION 22 PAY ACT. Section 2 of the Central Intelligence Agency Voluntary 23 Separation Pay Act (50 U.S.C. 403–4 note) is amended— 24 25 (1) in subsection (f), by striking "September 30,

2002" and inserting "September 30, 2003"; and

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(2) in subsection (i), by striking "or 2002" and
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2
        inserting "2002, or 2003".
   SEC. 402. MODIFICATIONS OF CENTRAL SERVICES PRO-
4
                GRAM.
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        (a) Annual Audits.—Subsection (g)(1) of section 21
   of the Central Intelligence Agency Act of 1949 (50 U.S.C.
   403u) is amended—
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             (1) by striking "December 31" and inserting
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        "January 31"; and
             (2) by striking "conduct" and inserting "com-
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        plete".
        (b) PERMANENT AUTHORITY.—Subsection (h) of that
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   section is amended—
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             (1) by striking paragraph (1);
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             (2) by redesignating paragraphs (2) and (3) as
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        paragraphs (1) and (2), respectively;
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             (3) in paragraph (1), as so redesignated, by
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        striking "paragraph (3)" and inserting "paragraph
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        (2)"; and
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1	(4) in	n paragraph	(2), as	s so redes	signated, by
2	striking "p	paragraph (2)" and	inserting	"paragraph
3	(1)".				
	Attest:				

Secretary.

107TH CONGRESS H.R. 2883

AMENDMENT