

On April 20, 1999, two teenagers wearing long black trench coats over fatigues began shooting their fellow classmates and faculty at Columbine High School in Littleton, Colorado. In the end, 15 people died and many others were injured, in the bloodiest school shooting in America's history. Unfortunately, the atrocity that occurred in Littleton, Colorado, is not an isolated incident. Before the shooting in Columbine High School, recent school shootings occurred in Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and Springfield, Oregon. After Littleton, six students were shot in Conyers, Georgia, by one of their fellow students.

The problem of young people and gun violence expands beyond school shootings. Every day in the United States, 14 children under the age of 19 are killed with guns, and in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun. America has lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars and other crimes, as well as in self-inflicted and unintentional shootings.

In the aftermath of these tragedies, we all find ourselves looking for answers. While there is no simple solution as to how to stop youth violence, a Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern About Young People and Gun Violence. I believe this idea is a step in the right direction, as do such groups as Mothers Against Violence in America, the National Association of Student Councils, the American Federation of Teachers, the National Parent Teacher Associations, and the American Medical Association.

Simply put, this resolution will establish October 21, 1999, as the Day of National Concern About Young People and Gun Violence. On this day, students in every school district in the Nation will be invited to voluntarily sign the "Student Pledge Against Gun Violence." By signing the pledge, students promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence in a positive manner to prevent friends from using guns to settle disputes.

Mr. President, losing one child from gun violence is one too many. Though this resolution is not the ultimate solution to preventing future tragedies like Littleton, if it stops even one incident of youth gun violence, this resolution will be invaluable. I urge all of my colleagues to join in this resolution to focus attention on gun violence among youth.

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2000BINGAMAN (AND OTHERS)
AMENDMENT NO. 1260

Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. REID) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill (H.R. 1555) 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; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, at the end of subsection (k), insert the following:

"Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities. The Under Secretary for Nuclear Stewardship shall have responsibility and authority for, and may use, an appropriate field structure for the programs and activities of the Agency."

LEVIN AMENDMENT NO. 1261

Mr. LEVIN proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, add at the end the following:

(u) The Secretary shall be responsible for developing and promulgating all Departmental-wide security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Director of the Agency for Nuclear Stewardship is responsible for implementation of the Secretary's security, counterintelligence, and intelligence policies within the new agency. The Director of the Agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

BINGAMAN (AND OTHERS)
AMENDMENT NO. 1262

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. REID) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, strike subsection (o) and insert the following new subsection (o):

(o)(1) The Secretary shall ensure that other programs of the Department, other federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

(2) The Under Secretary, under the direction, authority, and control of the Secretary,

shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

DOMENICI (AND OTHERS)
AMENDMENT NO. 1263

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. LIEBERMAN, and Mr. REID) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, add at the end of the section the following new subsection:

"(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs."

MOYNIHAN AMENDMENTS NOS.
1264-1265

Mr. MOYNIHAN proposed two amendments to the bill, H.R. 1555, supra; as follows:

AMENDMENT NO. 1264

On page 5 strike lines 7-12, and insert the following:

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. The Information Security Oversight Office, charged with administering the nation's intelligence classification and declassification programs shall receive \$1.5 million of these funds to allow it to hire more staff so that it can more efficiently manage these programs.

AMENDMENT NO. 1265

After section 308 insert the following new section:

SEC. 309. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION.

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform and additional resources.

KERREY (AND SHELBY)
AMENDMENT NO. 1266

Mr. KERREY (for himself, and Mr. SHELBY) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

Following section 213(t) add the following new subsection to section 213 as added by the Kyl amendment:

"(u) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible

for implementation of all security, counter-intelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary."

FEINSTEIN AMENDMENT NO. 1267

Mr. KERREY (for Mrs. FEINSTEIN) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

On page 6, line 13 following the word "report" insert: ", consistent with their contractual obligations,".

LEVIN AMENDMENT NO. 1268

Mr. LEVIN proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In the fourth sentence of section 213(c) of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, insert after "to any Department official" the following: "other than the Deputy Secretary".

BRYAN AMENDMENT NO. 1269

Mr. BRYAN proposed an amendment to the bill, H.R. 1555, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____ . TERMINATION OF EXEMPTION OF CERTAIN CONTRACTORS AND OTHER ENTITIES FROM CIVIL PENALTIES FOR VIOLATIONS OF NUCLEAR SAFETY REQUIREMENTS UNDER ATOMIC ENERGY ACT OF 1954.

(a) NONPROFIT EDUCATIONAL INSTITUTIONS.—Subsection b. (2) of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking the second sentence.

(b) LIABILITY OF NONPROFIT CONTRACTORS.—Subsection b. of that section is further amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), the amounts of civil penalties for violations of this section by nonprofit contractors of the Department shall be determined in accordance with the schedule of penalties employed by the Nuclear Regulatory Commission under the General Statement of Policies and Procedures for NRC Enforcement for similar violations by nonprofit contractors.

"(B) A civil penalty may be imposed on a nonprofit contractor of the Department for a violation of this section only to the extent that such civil penalty, when aggregated with any other penalties under the contract concerned at the time of the imposition of such civil penalty, does not exceed the performance fee of the contractor under such contract."

(c) SPECIFIED CONTRACTORS.—That section is further amended by striking subsection d.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to violations specified in section 234A of the Atomic Energy Act of 1954 that occur on or after that date.

SHELBY (AND KERREY) AMENDMENT NO. 1270

Mr. SHELBY (for himself and Mr. KERREY) proposed an amendment to the bill, H.R. 1555, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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 employees 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.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 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 as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. The Information Security Oversight Office, charged with administering this nation's intelligence classification and declassification programs shall receive \$1.5 million of these funds to allow it to hire more staff so that it can more efficiently manage these programs.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 353 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30,

2000, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

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

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

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

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of \$209,100,000.

TITLE III—GENERAL PROVISIONS

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. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

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

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

(a) ACCESS.—Section 801(a)(3) of the National Security Act of 1947 (50 U.S.C. 435(a)(3)) is amended by striking “and travel

records” and inserting “travel records, and computers used in the performance of government duties”.

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

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

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) the term ‘computer’ means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.”.

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

SEC. 305. NATURALIZATION OF CERTAIN PERSONS AFFILIATED WITH A COMMUNIST OR SIMILAR PARTY.

Section 313 of the Immigration and Nationality Act (8 U.S.C. 1424) is amended by adding at the end the following:

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

“(1) is otherwise eligible for naturalization;

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

“(3) does not fall within any other of the classes described in that subsection; and

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

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

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

SEC. 307. TECHNICAL AMENDMENT.

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

SEC. 308. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform and additional resources.

SEC. . . . DECLASSIFICATION OF INTELLIGENCE ESTIMATE ON VIETNAM-ERA PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL AND CRITICAL ASSESSMENT OF ESTIMATE.

(a) DECLASSIFICATION.—Subject to subsection (b), the Director of Central Intelligence shall declassify the following:

(1) National Intelligence Estimate 98-03 dated April 1998 and entitled “Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue”.

(2) The assessment dated November 1998 and entitled “A Critical Assessment of National Intelligence Estimate 98-03 prepared by the United States Chairman of the Vietnam War Working Group of the United States-Russia Joint Commission on POWs and MIAs”.

(b) LIMITATIONS.—The Director shall not declassify any text contained in the estimate or assessment referred to in subsection (a) which would—

(1) reveal intelligence sources and methods; or

(2) disclose by name the identity of a living foreign individual who has cooperated with United States efforts to account for missing personnel from the Vietnam era.

(c) DEADLINE.—The Director shall declassify the estimate and assessment referred to in subsection (a) not later than 30 days after the date of the enactment of this Act.

SEC. . . . SUBMITTAL TO CONGRESS OF LISTS ON CLASSIFIED INFORMATION REGARDING UNRECOVERED UNITED STATES PRISONERS OF WAR AND OTHER PERSONNEL.

(a) REQUIREMENT.—(1) The head of each element of the United States Government listed in section 101 shall submit to the designated congressional committees a list of all classified documents, files, and other materials under the control of such element that pertain to the subject of United States prisoners of war, missing in action personnel, or killed in action personnel whose remains have not been recovered and identified.

(2) Each list submitted under paragraph (1) shall—

(A) for each document, file, or other material contained in the list—

(i) specify the date of the preparation or dissemination of the document, file, or material;

(ii) specify the date or dates of any information contained in the document, file, or material; and

(iii) identify the subject matter of the document, file, or material; and

(B) be organized in chronological order according to the date of the preparation or dissemination of the documents, files, or materials concerned.

(b) DEADLINE.—The lists required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

(c) ACCESS BY COMMITTEES AND MEMBERS OF CONGRESS.—A designated congressional committee shall, upon request and in accordance with regulations of the committee regarding protection of classified information, make available any list submitted to the committee under subsection (a) to any Member of Congress or committee of Congress, and to any staff member of a Member of Congress or committee of Congress who possesses a security clearance appropriate for access to the list.

(d) DESIGNATED CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term “designated congressional committee” means the following:

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

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

At the appropriate place in the bill, insert the following:

SEC. . . . STUDY OF BACKGROUND CHECKS FOR EMPLOYEES OF THE DEPARTMENT OF ENERGY.

(a) STUDY OF BACKGROUND CHECK PRACTICES.—

(1) The Secretary of Energy shall conduct a study comparing the procedures used by the Department for conducting background checks of employees seeking access to classified information with the procedures used by the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, and other similar departments and agencies of the Federal Government for conducting background checks of such employees.

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on the study conducted under paragraph (1). The report shall include—

(A) a discussion of the adequacy of the procedures used by the Department for conducting background checks of employees seeking access to classified information in light of the comparison required under the study; and

(B) any other recommendations, including recommendations for legislative action, that the Secretary considers appropriate.

At the appropriate place in the bill, insert the following:

SEC. . REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) **MATTERS SPECIFICALLY ADDRESSED.**—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) **DEFINITION.**—As used in this section:

(1) The term “intelligence community” has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term “United States persons” has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) **SCOPE OF PROVISION OF ITEMS AND SERVICES.**—Subsection (a) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended by striking “and to other” and inserting “, nonappropriated fund

entities or instrumentalities associated or affiliated with the Agency, and other”.

(b) **DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.**—Subsection (c)(2) of that section is amended—

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

“(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.”;

(2) by redesignating subparagraph (E) as subparagraph (F); and

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

“(E) Other receipts from the sale or exchange of equipment or property of a central service provider as a result of activities under the program.”.

(c) **AVAILABILITY OF FEES.**—Section (f)(2)(A) of that section is amended by inserting “central service providers and any” before “elements of the Agency”.

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

SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY ACT.

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

(b) **REMITTANCE OF FUNDS.**—Section 2(i) of that Act is amended by striking “or fiscal year 1999” and inserting “. 1999, or 2000”.

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

SEC. 501. SHORT TITLE.

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

SEC. 502. MORATORIUM ON FOREIGN VISITORS PROGRAM.

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

(b) **WAIVER AUTHORITY.**—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a case-by-case basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) Not later than 30 days after granting a waiver under paragraph (1), the Secretary shall submit to committees referred to in paragraph (4) a report in writing regarding the waiver. The report shall identify each individual for whom such a waiver was granted and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary’s certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

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

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

(A) The Committees on Armed Services, Appropriations, Commerce, and Energy and Natural Resources and the Select Committee on Intelligence of the Senate.

(B) The Committees on Armed Services, Appropriations, Commerce, and Resources and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 503. BACKGROUND CHECKS ON ALL FOREIGN VISITORS TO NATIONAL LABORATORIES.

Before an individual who is a citizen of a foreign nation is allowed to enter a national

laboratory, the Secretary of Energy shall require that a security clearance investigation (known as a “background check”) be carried out on that individual.

SEC. 504. REPORT TO CONGRESS.

(a) **REPORT.**—(1) The Director of Central Intelligence and the Director of the Federal Bureau of Investigation jointly shall submit to the committees referred to in subsection (c) a report on counterintelligence activities at the national laboratories, including facilities and areas at the national laboratories at which unclassified work is carried out.

(2) The report shall include—

(A) a description of the status of counterintelligence activities at each of the national laboratories;

(B) the net assessment produced under paragraph (3); and

(C) a recommendation as to whether or not section 502 should be repealed.

(3)(A) A net assessment of the foreign visitors program at the national laboratories shall be produced for purposes of the report under this subsection and included in the report under paragraph (2)(B).

(B) The assessment shall be produced by a panel of individuals with expertise in intelligence, counterintelligence, and nuclear weapons design matters.

(b) **DEADLINE FOR SUBMITTAL.**—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

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

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 505. DEFINITIONS.

In this title:

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

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

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

(C) The Sandia National Laboratories, Albuquerque, New Mexico.

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

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.

Section 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended—

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

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

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

SEC. 602. FEDERAL BUREAU OF INVESTIGATION REPORTS TO OTHER EXECUTIVE AGENCIES ON RESULTS OF COUNTERINTELLIGENCE ACTIVITIES.

Section 811(c)(2) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359; 108 Stat. 3455; 50

U.S.C. 402a(c)(2)) is amended by striking "after a report has been provided pursuant to paragraph (1)(A)".

TITLE —BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

SEC. 01. FINDING AND POLICY.

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

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in the International Emergency Economic Powers Act (IEEPA) to target and sanction four specially designated narcotics traffickers and their organizations which operate from Colombia.

(b) **POLICY.**—It should be the policy of the United States to impose economic and other financial sanctions against foreign international narcotics traffickers and their organizations worldwide.

SEC. 02. PURPOSE.

The purpose of this title is to provide for the use of the authorities in the International Emergency Economic Powers Act to sanction additional specially designated narcotics traffickers operating worldwide.

SEC. 03. DESIGNATION OF CERTAIN FOREIGN INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) **PREPARATION OF LIST OF NAMES.**—Not later than January 1, 2000 and not later than January 1 of each year thereafter, the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, shall transmit to the President and to the Director of the Office of National Drug Control Policy a list of those individuals who play a significant role in international narcotics trafficking as of that date.

(b) **EXCLUSION OF CERTAIN PERSONS FROM LIST.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this section, the list described in subsection (a) shall not include the name of any individual if the Director of Central Intelligence determines that the disclosure of that person's role in international narcotics trafficking could compromise United States intelligence sources or methods. The Director of Central Intelligence shall advise the President when a determination is made to withhold an individual's identity under this subsection.

(2) **REPORTS.**—In each case in which the Director of Central Intelligence has made a determination under paragraph (1), the President shall submit a report in classified form to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives setting forth the reasons for the determination.

(d) **DESIGNATION OF INDIVIDUALS AS THREATS TO THE UNITED STATES.**—The President shall determine not later than March 1 of each year whether or not to designate persons on the list transmitted to the President that year as persons constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The President shall notify the Secretary of the Treasury of any person designated under this subsection. If the President determines not to designate any person

on such list as such a threat, the President shall submit a report to Congress setting forth the reasons therefore.

(e) **CHANGES IN DESIGNATIONS OF INDIVIDUALS.**—

(1) **ADDITIONAL INDIVIDUALS DESIGNATED.**—If at any time after March 1 of a year, but prior to January 1 of the following year, the President determines that a person is playing a significant role in international narcotics trafficking and has not been designated under subsection (d) as a person constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the President may so designate the person. The President shall notify the Secretary of the Treasury of any person designated under this paragraph.

(2) **REMOVAL OF DESIGNATIONS OF INDIVIDUALS.**—Whenever the President determines that a person designated under subsection (d) or paragraph (1) of this subsection no longer poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the person shall no longer be considered as designated under that subsection.

(f) **REFERENCES.**—Any person designated under subsection (d) or (e) may be referred to in this Act as a "specially designated narcotics trafficker".

SEC. 04. BLOCKING ASSETS.

(a) **FINDING.**—Congress finds that a national emergency exists with respect to any individual who is a specially designated narcotics trafficker.

(b) **BLOCKING OF ASSETS.**—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the date of designation of a person as a specially designated narcotics trafficker, there are hereby blocked all property and interests in property that are, or after that date come, within the United States, or that are, or after that date come, within the possession or control of any United States person, of—

(1) any specially designated narcotics trafficker;

(2) any person who materially and knowingly assists in, provides financial or technological support for, or provides goods or services in support of, the narcotics trafficking activities of a specially designated narcotics trafficker; and

(3) any person determined by the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, to be owned or controlled by, or to act for or on behalf of, a specially designated narcotics trafficker.

(c) **PROHIBITED ACTS.**—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act or in any regulation, order, directive, or license that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, the following acts are prohibited:

(1) Any transaction or dealing by a United States person, or within the United States, in property or interests in property of any specially designated narcotics trafficker.

(2) Any transaction or dealing by a United States person, or within the United States, that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, subsection (b).

(d) **LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.**—Nothing in this

section is intended to prohibit or otherwise limit the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(e) **IMPLEMENTATION.**—The Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the International Emergency Economic Powers Act as may be necessary to carry out this section. The Secretary of the Treasury may redelegate any of these functions to any other officer or agency of the United States Government. Each agency of the United States shall take all appropriate measures within its authority to carry out this section.

(f) **ENFORCEMENT.**—Violations of licenses, orders, or regulations under this Act shall be subject to the same civil or criminal penalties as are provided by section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) for violations of licenses, orders, and regulations under that Act.

(g) **DEFINITIONS.**—In this section:

(1) **ENTITY.**—The term "entity" means a partnership, association, corporation, or other organization, group or subgroup.

(2) **NARCOTICS TRAFFICKING.**—The term "narcotics trafficking" means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance, or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, heroin, methamphetamine and cocaine.

(3) **PERSON.**—The term "person" means an individual or entity.

(4) **UNITED STATES PERSON.**—The term "United States person" means any United States citizen or national, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 05. DENIAL OF VISAS TO AND INADMISSIBILITY OF SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS.

(a) **PROHIBITION.**—The Secretary of State shall deny a visa to, and the Attorney General may not admit to the United States—

(1) any specially designated narcotics trafficker; or

(2) any alien who the consular officer or the Attorney General knows or has reason to believe—

(A) is a spouse or minor child of a specially designated narcotics trafficker; or

(B) is a person described in paragraph (2) or (3) of section 04(b).

(b) **EXCEPTIONS.**—Subsection (a) shall not apply—

(1) where the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person is necessary for medical reasons;

(2) upon the request of the Attorney General, Director of Central Intelligence, Secretary of the Treasury, or the Secretary of Defense; or

(3) for purposes of the prosecution of a specially designated narcotics trafficker.

At the end of the bill, add the following:

TITLE VII—COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE RUSSIAN FEDERATION

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the Russian Federation" (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members appointed by the Director of Central Intelligence. In selecting individuals for appointment to the Commission, the Director should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the Russian Federation.

(d) CHAIRMAN.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 702. DUTIES OF COMMISSION.

(a) REVIEW OF BALLISTIC MISSILE THREAT.—The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the Russian Federation.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 703. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to Congress a report on its findings and conclusions.

SEC. 704. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 705. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 706. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. . DEPARTMENT OF ENERGY NUCLEAR SECURITY.

(a) Section 202(a) of the Department of Energy Organization Act (referred to in this section as the "Act") is amended by striking the second sentence and inserting "The Secretary shall delegate to the Deputy Secretary such duties as the Secretary may prescribe unless such delegation is otherwise prohibited by law, and the Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of the Secretary becomes vacant."

(b) Section 202(b) of the Act is amended by striking the first two sentences and inserting "There shall be in the Department two

Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. One Under Secretary shall be the Under Secretary for Nuclear Stewardship. The other Under Secretary shall bear primary responsibility for science, energy (including energy conservation), and environmental functions."

(c) After section 212 of the Act add the following new section:

"AGENCY FOR NUCLEAR STEWARDSHIP

"SEC. 213(a). There shall be within the Department a separately organized Agency for Nuclear Stewardship under the direction, authority, and control of the Secretary, to be headed by the Under Secretary for Nuclear Stewardship who shall also serve as Director of the Agency.

"(b) The Under Secretary for Nuclear Stewardship shall be a person who has an extensive background in national security, organizational management and appropriate technical fields, and is especially well qualified to manage the nuclear weapons, nonproliferation and fissile materials disposition programs of the Department in a manner that advances and protects the national security of the United States.

"(c) The Secretary shall be responsible for all policies of the Agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary. The Secretary shall have a staff adequate to fulfill the responsibility to set policies throughout the Department including establishing policies governing the Agency for Nuclear Stewardship. The Secretary's staff, including but not limited to the General Counsel and the Chief Financial Officer, shall assist the Secretary in the supervision of the development and implementation of policies set forth by the Secretary and shall advise the Secretary on the adequacy of such development and implementation. The Secretary may not delegate to any Department official other than the Deputy Secretary the duty to supervise or direct the Under Secretary for Nuclear Stewardship.

"(d) The Secretary may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the Agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.

"(e) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for:

"(1) all programs and activities of the Department related to its national security functions, including nuclear weapons, nonproliferation and fissile materials disposition, and;

"(2) all activities at the Department's national security laboratories, and nuclear weapons production facilities.

"(f) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for all executive and administrative operations and functions of the Agency for Nuclear Stewardship (except for the authority and responsibility assigned to the Deputy Director for Naval Reactors), including but not limited to:

- "(1) strategic management;
- "(2) policy development and guidance;
- "(3) budget formulation and guidance;
- "(4) resource requirements determination and allocation;
- "(5) program direction;
- "(6) safeguards and security;
- "(7) emergency management;

“(8) integrated safety management;

“(9) environment, safety, and health operations (except those environmental remediation and nuclear waste management activities and facilities that the Secretary determines are best managed by other officials of the Department);

“(10) administration of contracts, including those for the management and operation of the nuclear weapons production facilities and the national security laboratories;

“(11) intelligence;

“(12) counterintelligence;

“(13) personnel, including their selection, appointment, distribution, supervision, fixing of compensation, and separation;

“(14) procurement of services of experts and consultants in accordance with section 3109 of Title 5, United States Code; and

“(15) legal matters.

“(g) There shall be within the Agency three Deputy Directors, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of Title 5 (except the Deputy Director for Naval Reactors when an active duty naval officer). There shall be a Deputy Director for each of the following functions:

“(1) defense programs;

“(2) non-proliferation and fissile materials disposition; and

“(3) naval reactors.

“(h) The Deputy Director for Naval Reactors shall report to the Secretary of Energy through the Under Secretary for Nuclear Stewardship and have direct access to the Secretary and other senior officials of the Department; and shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors as described by the reference in section 1634 of Public Law 98-525. Except as specified in subsection (g) and this subsection, all other provisions described by the reference in section 1634 of Public Law 98-525 remain in full force until changed by law.

“(i) There shall be within the Agency three offices, each of which shall be administered by a Chief appointed by the Under Secretary for Nuclear Stewardship. There shall be a:

“(1) Chief of Nuclear Stewardship Counterintelligence, who shall report to the Under Secretary and implement the counterintelligence policies directed by the Secretary and Under Secretary. The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary and all other officials of the Department and its contractors concerning counterintelligence matters and shall be responsible for—

“(A) the development and implementation of the Agency's counterintelligence programs to prevent the disclosure or loss of classified or other sensitive information; and

“(B) the development and administration of personnel assurance programs within the Agency for Nuclear Stewardship.

“(2) Chief of Nuclear Stewardship Security, who shall report to the Under Secretary and shall implement the security policies directed by the Secretary and Under Secretary. The Chief of Nuclear Stewardship Security shall have direct access to the Secretary and all other officials of the Department and its contractors concerning security matters and shall be responsible for the development and implementation of security programs for the Agency including the protection, control and accounting of materials, and the physical and cybersecurity for all facilities in the Agency.

“(3) Chief of Nuclear Stewardship Intelligence, who shall be a senior executive service employee of the Agency or an agency of the intelligence community who shall report to the Under Secretary and shall have direct

access to the Secretary and all other officials of the Department and its contractors concerning intelligence matters and shall be responsible for all programs and activities of the Agency relating to the analysis and assessment of intelligence with respect to foreign nuclear weapons, materials, and other nuclear matters in foreign nations.

“(j)(1) The Under Secretary shall, with the approval of the Secretary and the Director of the Federal Bureau of Investigation, designate the Chief of Counterintelligence who shall have special expertise in counterintelligence.

“(2) If such person is a federal employee of an entity other than the Agency, the service of such employee as Chief shall not result in any loss of employment status, right, or privilege by such employee.

“(k) All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the Agency, shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee within the Agency, and shall not be responsible to, or subject to the supervision or direction of, any other officer, employee, or agent of any other part of the Department.

“(l) Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities. The Under Secretary for Nuclear Stewardship shall have responsibility and authority for, and may use, an appropriate field structure for the programs and activities of the Agency.

“(1) The Under Secretary for Nuclear Stewardship shall delegate responsibilities to the Deputy Directors except that the responsibilities, authorities and accountability of the Deputy Director for Naval Reactors are as described in subsection (h).

“(m) The Directors of the national security laboratories and the heads of the nuclear weapons production facilities and the Nevada Test Site shall report consistent with their contractual obligation directly to the Deputy Director for Defense Programs.

“(n) The Under Secretary for Nuclear Stewardship shall maintain within the Agency staff sufficient to implement the policies of the Secretary and Under Secretary for Nuclear Stewardship for the Agency. At a minimum these staff shall be responsible for:

“(1) personnel;

“(2) legal services, and;

“(3) financial management.

“(o)(1) The Secretary shall ensure that other programs of the Department, other federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

“(2) The Under Secretary under the direction, authority, and control of the Secretary, shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

“(p)(1) Not later than March 1 of each year the Under Secretary for Nuclear Stewardship shall submit through the Secretary to the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Senate and the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs of the Agency for Nuclear Stewardship during the preceding year.

“(2) The report shall provide information on:

“(A) the status and effectiveness of security and counterintelligence programs at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

“(B) the adequacy of procedures and policies for protecting national security information at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

“(C) whether each nuclear weapons production facility, national security laboratory, or other facility or institution at which classified nuclear weapons work is performed is in full compliance with all security and counterintelligence requirements, and if not what measures are being taken or are in place to bring such facility, laboratory, or institution into compliance;

“(D) any significant violation of law, rule, regulation, or other requirement relating to security or counterintelligence at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

“(E) each foreign visitor or assignee; the national security laboratory, nuclear weapons production facility, or other facility or institution at which classified nuclear weapons work is performed visited, the purpose and justification for the visit, the duration of the visit, whether the visitor or assignee had access to classified or sensitive information or facilities, and whether a background check was performed on such visitor prior to such visit; and

“(F) such other matters and recommendations to Congress as the Under Secretary deems appropriate.

“(3) Each report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

“(4) Thirty days prior to the submission of the report required by subsection p(1), but in any event no later than February 1 of each year, the director of each Department of Energy national security laboratory and nuclear weapons production facility shall certify in writing to the Under Secretary for Nuclear Stewardship whether that laboratory or facility is in full compliance with all national security information protection requirements. If the laboratory or facility is not in full compliance, the director of the laboratory or facility shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

“(q) The Under Secretary for Nuclear Stewardship shall keep the Secretary, the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Commerce of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives fully and currently informed regarding any actual or potential significant threat to, or loss of, national security information, unless such information has already been reported to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence pursuant to the National Security Act of 1947, as amended.

“(r) Personnel of the Agency for Nuclear Stewardship who have reason to believe that there is a problem, abuse, violation of law or executive order, or deficiency relating to the management of classified information shall promptly report such problem, abuse, violation, or deficiency to the Under Secretary for Nuclear Stewardship.

“(s)(1) The Under Secretary for Nuclear Stewardship shall not be required to obtain the approval of any officer or employee of the Department of Energy, except the Secretary, or any officer or employee of any other Federal agency or department for the preparation or delivery of any report required by this section.

“(2) No officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct or otherwise interfere with the preparation of any report required by this section.

“(t) For purposes of this section—
“(1) the term ‘personnel of the Agency for Nuclear Stewardship’ means each officer or employee within the Department of Energy, and any officer or employee of any contractor of the Department (pursuant to the terms of the contract), whose—

“(A) responsibilities include carrying out a function of the Agency for Nuclear Stewardship; or

“(B) employment is funded primarily under the;

“(i) Weapons Activities, or;

“(ii) Non-proliferation, Fissile Materials Disposition or Naval Reactors portions of the Other Defense Activities budget functions of the Department;

“(2) the term ‘nuclear weapons production facility’ means the following facilities:

“(A) the Kansas City Plant, Kansas City, Missouri;

“(B) the Pantex Plant, Amarillo, Texas;

“(C) the Y-12 Plant, Oak Ridge, Tennessee;

“(D) the tritium operations facilities at the Savannah River Site, Aiken, South Carolina;

“(E) the Nevada Test Site, Nevada, and;

“(F) any other facility the Secretary designates.

“(3) the term ‘national security laboratory’ means the following laboratories:

“(A) the Los Alamos National Laboratory, Los Alamos, New Mexico;

“(B) the Lawrence Livermore National Laboratory, Livermore, California; and

“(C) the Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs.

“(v) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.

“(w) In addition to any personnel occupying senior-level positions in the Department on the date of enactment of this section, there shall be within the Agency not more than 25 additional employees in senior-level positions, as defined by title 5, U.S.C. who shall be employed by the Agency for Nuclear Stewardship and who shall perform such functions as the Under Secretary for N.S. shall prescribe from time to time.”

(d) Within 180 days of the date of enactment of this Act, the Secretary shall report to the Senate and the House of Representatives on the adequacy of the Department's procedures and policies for protecting na-

tional security information, including national security information at the Department's laboratories, nuclear weapons facilities and other facilities, making such recommendations to Congress as may be appropriate.

(e) The following technical and conforming amendments are made:

(1) Section 5314 of title 5, United States Code is amended by striking “Under Secretary, Department of Energy” and inserting “Under Secretaries of Energy (2), one of whom serves as the Director, Agency for Nuclear Stewardship.”

(2) Section 202(b) of the Act is amended in the third sentence by striking “Under Secretary” and inserting “Under Secretaries”.

(3) Section 212 of the Act is amended by striking subsection 212(b) and redesignating subsection 212(c) as subsection 212(b).

(4) Section 309 of the Act is amended by striking “Assistant Secretary to whom the Secretary has assigned the functions listed in section 203(a)(2)(E)” and inserting “Under Secretary for Nuclear Stewardship”.

(5) The Table of Contents of the Act is amended by inserting after the item relating to section 212 the following new item:

“Sec. 213. Agency for Nuclear Stewardship.”

2000 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

GREGG (AND HOLLINGS) AMENDMENT NO. 1271

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1217) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 6, line 14, strike “any other provision of law” and insert “31 U.S.C. 3302 (b)”.

On page 6, line 18, strike “(15 U.S.C. 18(a))” and insert “(15 U.S.C. 18a)”

On page 25, line 23, insert after “(106 Stat. 3524)”, “of which \$5,000,000 shall be available to the National Institute of Justice for a national evaluation of the Byrne program.”

On page 30, line 17, strike after “1999”; “of which \$12,000,000 shall be available for the Office of Justice Programs’ Global Information Integration Initiative;”.

On page 50, line 6, insert before the period: “to be made available until expended”.

On page 73, between lines 12 and 13, insert the following:

“SEC. 306. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: ‘, and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees’ Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States.’”.

On page 75, line 15, insert the following after “period”: “, unless the Secretary of State determines that a detail for a period more than a total of 2 years during any 5 year period would further the interests of the Department of State”.

On page 75, line 21, insert the following after “detail”: “, unless the Secretary of

State determines that the extension of the detail would further the interests of the Department of State”.

On page 76, line 11, insert before the period: “: *Provided further*, That of the amount made available under this heading, not less than \$11,000,000 shall be available for the Office of Defense Trade Controls”.

On page 110, strike lines 15 through 23 and insert in lieu thereof:

“(ii) Notwithstanding otherwise applicable law, for each license or construction permit issued by the Commission under the subsection for which a debt or other monetary obligation is owed to the Federal Communications Commission or to the United States, the Commission shall be deemed to have a perfected, first priority security interest in such license or permit, and in the proceeds of sale of such license or permit, to the extent of the outstanding balance of such a debt or other obligation.”

On page 111, insert after the end of Sec. 619:

“SEC. 620. (a) DEFINITION—For the purposes of this section—

(1) the term “agency” means the Federal Communications Commission.

(2) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who is serving under an appointment without time limitation, and has been currently employed by such agency for a continuous period of at least 3 years; but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) an employee who has been duly notified that he or she is to be involuntarily separated for misconduct or unacceptable performance.

(D) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority;

(E) an employee covered by statutory re-employment rights who is on transfer to another organization; or

(F) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of that title.

(3) The term “Chairman” means the Chairman of the Federal Communications Commission.

(b) AGENCY PLAN.—

(1) IN GENERAL.—The Chairman, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organization chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced, eliminated, and increased, as appropriate, identified by organizational unit, geographic location, occupational category and grade level;

(B) the time period during which incentives may be paid;

(C) the number and amounts of voluntary separation incentives to be offered; and