

105TH CONGRESS
1ST SESSION

H. R. 1775

AN ACT

To authorize appropriations for fiscal year 1998 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.

105TH CONGRESS
1ST SESSION

H. R. 1775

AN ACT

To authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Intelligence Authoriza-
5 tion Act for Fiscal Year 1998”.

6 **TITLE I—INTELLIGENCE**
7 **ACTIVITIES**

8 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1998 for the conduct of the intelligence and
11 intelligence-related activities of the following elements of
12 the United States Government:

13 (1) The Central Intelligence Agency.

14 (2) The Department of Defense.

15 (3) The Defense Intelligence Agency.

16 (4) The National Security Agency.

17 (5) The Department of the Army, the Depart-
18 ment of the Navy, and the Department of the Air
19 Force.

20 (6) The Department of State.

21 (7) The Department of the Treasury.

22 (8) The Department of Energy.

23 (9) The Federal Bureau of Investigation.

24 (10) The Drug Enforcement Administration.

25 (11) The National Reconnaissance Office.

1 (12) The National Imagery and Mapping Agen-
2 cy.

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

4 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
5 CEILINGS.—The amounts authorized to be appropriated
6 under section 101, and the authorized personnel ceilings
7 as of September 30, 1998, for the conduct of the intel-
8 ligence and intelligence-related activities of the elements
9 listed in such section, are those specified in the classified
10 Schedule of Authorizations prepared to accompany the bill
11 H.R. 1775 of the 105th Congress.

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

19 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

20 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
21 proval of the Director of the Office of Management and
22 Budget, the Director of Central Intelligence may authorize
23 employment of civilian personnel in excess of the number
24 authorized for fiscal year 1998 under section 102 when
25 the Director of Central Intelligence determines that such

1 action is necessary to the performance of important intel-
2 ligence functions, except that the number of personnel em-
3 ployed in excess of the number authorized under such sec-
4 tion may not, for any element of the intelligence commu-
5 nity, exceed two percent of the number of civilian person-
6 nel authorized under such section for such element.

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

13 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for the Community Manage-
16 ment Account of the Director of Central Intelligence for
17 fiscal year 1998 the sum of \$147,588,000. Within such
18 amount, funds identified in the classified Schedule of Au-
19 thorizations referred to in section 102(a) for the Advanced
20 Research and Development Committee and the Environ-
21 mental Intelligence and Applications Program shall re-
22 main available until September 30, 1999.

23 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
24 ments within the Community Management Account of the
25 Director of Central Intelligence are authorized a total of

1 313 full-time personnel as of September 30, 1998. Such
2 personnel may be permanent employees of the Community
3 Management Account elements or personnel detailed from
4 other elements of the United States Government.

5 (c) CLASSIFIED AUTHORIZATIONS.—In addition to
6 amounts authorized to be appropriated by subsection (a)
7 and the personnel authorized by subsection (b)—

8 (1) there is authorized to be appropriated for
9 fiscal year 1998 such amounts, and

10 (2) there is authorized such personnel as of
11 September 30, 1998,
12 for the Community Management Account, as are specified
13 in the classified Schedule of Authorizations referred to in
14 section 102(a).

15 (d) REIMBURSEMENT.—Except as provided in section
16 113 of the National Security Act of 1947 (as added by
17 section 304 of this Act), during fiscal year 1998 any offi-
18 cer or employee of the United States or member of the
19 Armed Forces who is detailed to an element of the Com-
20 munity Management Account from another element of the
21 United States Government shall be detailed on a reimburs-
22 able basis; except that any such officer, employee, or mem-
23 ber may be detailed on a nonreimbursable basis for a pe-
24 riod of less than one year for the performance of tem-

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

3 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

4 (1) IN GENERAL.—Of the amount authorized to
5 be appropriated in subsection (a), the amount of
6 \$27,000,000 shall be available for the National
7 Drug Intelligence Center. Within such amount,
8 funds provided for research, development, test, and
9 engineering purposes shall remain available until
10 September 30, 1999, and funds provided for pro-
11 curement purposes shall remain available until Sep-
12 tember 30, 2000.

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

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

23 (4) AUTHORITY.—Notwithstanding any other
24 provision of law, the Attorney General shall retain
25 full authority over the operations of the Center.

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

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

6 There is authorized to be appropriated for the
7 Central Intelligence Agency Retirement and Disability
8 Fund for fiscal year 1998 the sum of \$196,900,000.

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

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

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

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

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

1 **SEC. 303. ADMINISTRATION OF THE OFFICE OF THE DIREC-**
2 **TOR OF CENTRAL INTELLIGENCE.**

3 Subsection (e) of section 102 of the National Security
4 Act of 1947 (50 U.S.C. 403) is amended by adding at
5 the end the following new paragraph:

6 “(4) The Office of the Director of Central Intel-
7 ligence shall, for administrative purposes, be within the
8 Central Intelligence Agency.”.

9 **SEC. 304. DETAIL OF INTELLIGENCE COMMUNITY PERSON-**
10 **NEL—INTELLIGENCE COMMUNITY ASSIGN-**
11 **MENT PROGRAM.**

12 (a) IN GENERAL.—Title I of the National Security
13 Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding
14 at the end the following new section:

15 “DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—
16 INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

17 “SEC. 113. (a) DETAIL.—(1) Notwithstanding any
18 other provision of law, the head of a department with an
19 element in the intelligence community or the head of an
20 intelligence community agency or element may detail any
21 employee within that department, agency, or element to
22 serve in any position in the Intelligence Community As-
23 signment Program on a reimbursable or a nonreimburs-
24 able basis.

25 “(2) Nonreimbursable details may be for such periods
26 as are agreed to between the heads of the parent and host

1 agencies, up to a maximum of three years, except that
2 such details may be extended for a period not to exceed
3 1 year when the heads of the parent and host agencies
4 determine that such extension is in the public interest.

5 “(b) BENEFITS, ALLOWANCES, TRAVEL, INCEN-
6 TIVES.—An employee detailed under subsection (a) may
7 be authorized any benefit, allowance, travel, or incentive
8 otherwise provided to enhance staffing by the organization
9 from which they are being detailed.

10 “(c) ANNUAL REPORT.—(1) Not later than March 1
11 of each year, the Director of the Central Intelligence
12 Agency shall submit to the Permanent Select Committee
13 on Intelligence of the House of Representatives and the
14 Select Committee on Intelligence of the Senate a report
15 describing the detail of intelligence community personnel
16 pursuant to subsection (a) for the previous 12-month pe-
17 riod, including the number of employees detailed, the iden-
18 tity of parent and host agencies or elements, and an analy-
19 sis of the benefits of the program.

20 “(2) The Director shall submit the first of such re-
21 ports not later than March 1, 1999.

22 “(d) TERMINATION.—The authority to make details
23 under this section terminates on September 30, 2002.”.

1 (b) TECHNICAL AMENDMENT.—Sections 120, 121,
 2 and 110 of the National Security Act of 1947 are hereby
 3 redesignated as sections 110, 111, and 112, respectively.

4 (c) CLERICAL AMENDMENT.—The table of contents
 5 contained in the first section of such Act is amended by
 6 striking the items relating to sections 120, 121, and 110
 7 and inserting the following:

“Sec. 110. National mission of National Imagery and Mapping Agency.

“Sec. 111. Collection tasking authority.

“Sec. 112. Restrictions on intelligence sharing with the United Nations.

“Sec. 113. Detail of intelligence community personnel—intelligence community
 assignment program.”.

8 (d) EFFECTIVE DATE.—The amendment made by
 9 subsection (a) of this section shall apply to an employee
 10 on detail on or after January 1, 1997.

11 **SEC. 305. APPLICATION OF SANCTIONS LAWS TO INTEL-**
 12 **LIGENCE ACTIVITIES.**

13 Section 905 of the National Security Act of 1947 (50
 14 U.S.C. 441d) is amended by striking “1998” and insert-
 15 ing “1999”.

16 **SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.**

17 No funds appropriated pursuant to this Act may be
 18 expended by an entity unless the entity agrees that in ex-
 19 pending the assistance the entity will comply with sections
 20 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
 21 10c, popularly known as the “Buy American Act”).

1 **SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARD-**
2 **ING NOTICE.**

3 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
4 AND PRODUCTS.—In the case of any equipment or prod-
5 ucts that may be authorized to be purchased with financial
6 assistance provided under this Act, it is the sense of the
7 Congress that entities receiving such assistance should, in
8 expending the assistance, purchase only American-made
9 equipment and products.

10 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
11 providing financial assistance under this Act, the head of
12 the appropriate element of the Intelligence Community
13 shall provide to each recipient of the assistance a notice
14 describing the statement made in subsection (a) by the
15 Congress.

16 **SEC. 308. PROHIBITION OF CONTRACTS.**

17 If it has been finally determined by a court or Federal
18 agency that any person intentionally affixed a fraudulent
19 label bearing a “Made in America” inscription, or any in-
20 scription with the same meaning, to any product sold in
21 or shipped to the United States that was not made in the
22 United States, such person shall be ineligible to receive
23 any contract or subcontract made with funds provided
24 pursuant to this Act, pursuant to the debarment, suspen-
25 sion, and ineligibility procedures described in sections

1 9.400 through 9.409 of title 48, Code of Federal Regula-
2 tions.

3 **SEC. 309. REPORT ON INTELLIGENCE ACTIVITIES OF THE**
4 **PEOPLE'S REPUBLIC OF CHINA.**

5 (a) REPORT TO CONGRESS.—Not later than 1 year
6 after the date of the enactment of this Act and annually
7 thereafter, the Director of Central Intelligence and the Di-
8 rector of the Federal Bureau of Investigation, jointly, in
9 consultation with the heads of other appropriate Federal
10 agencies, including the National Security Agency, and the
11 Departments of Defense, Justice, Treasury, and State,
12 shall prepare and transmit to the Congress a report on
13 intelligence activities of the People's Republic of China,
14 directed against or affecting the interests of the United
15 States.

16 (b) DELIVERY OF REPORT.—The Director of Central
17 Intelligence and the Director of the Federal Bureau of In-
18 vestigation, jointly, shall transmit classified and unclassi-
19 fied versions of the report to the Speaker and minority
20 leader of the House of Representatives, the majority and
21 minority leaders of the Senate, the Chairman and Ranking
22 Member of the Permanent Select Committee on Intel-
23 ligence of the House of Representatives, and the Chairman
24 and Vice-Chairman of the Select Committee on Intel-
25 ligence of the Senate.

1 (c) CONTENTS OF REPORT.—Each report under sub-
 2 section (a) shall include information concerning the follow-
 3 ing:

4 (1) Political, military, and economic espionage.

5 (2) Intelligence activities designed to gain polit-
 6 ical influence, including activities undertaken or co-
 7 ordinated by the United Front Works Department of
 8 the Chinese Communist Party.

9 (3) Efforts to gain direct or indirect influence
 10 through commercial or noncommercial
 11 intermediaries subject to control by the People's Re-
 12 public of China, including enterprises controlled by
 13 the People's Liberation Army.

14 (4) Disinformation and press manipulation by
 15 the People's Republic of China with respect to the
 16 United States, including activities undertaken or co-
 17 ordinated by the United Front Works Department of
 18 the Chinese Communist Party.

19 **SEC. 310. REVIEW OF THE PRESENCE OF CHEMICAL WEAP-**
 20 **ONS IN THE PERSIAN GULF THEATER.**

21 The Inspector General of the Central Intelligence
 22 Agency shall conduct a review to determine what knowl-
 23 edge the Central Intelligence Agency had about the pres-
 24 ence or use of chemical weapons in the Persian Gulf Thea-
 25 ter during the course of the Persian Gulf War. The In-

1 spector General shall submit a report of his findings to
2 the House Permanent Select Committee on Intelligence
3 and the Senate Select Committee on Intelligence, no later
4 than August 15, 1998 in both classified and unclassified
5 form. The unclassified form shall also be made available
6 to the public.

7 **TITLE IV—CENTRAL** 8 **INTELLIGENCE AGENCY**

9 **SEC. 401. MULTIYEAR LEASING AUTHORITY.**

10 (a) IN GENERAL.—Section 5 of the Central Intel-
11 ligence Agency Act of 1949 is amended—

12 (1) by redesignating paragraphs (a) through (f)
13 as paragraphs (1) through (6), respectively;

14 (2) by inserting “(a)” after “SEC. 5.”;

15 (3) by striking “and” at the end of paragraph
16 (5), as so redesignated;

17 (4) by striking the period at the end of para-
18 graph (6), as so redesignated, and inserting “; and”;

19 (5) by inserting after paragraph (6) the follow-
20 ing new paragraph:

21 “(7) Notwithstanding section 1341(a)(1) of title 31,
22 United States Code, enter into multiyear leases for up to
23 15 years that are not otherwise authorized pursuant to
24 section 8 of this Act.”; and

1 (6) by inserting at the end the following new
2 subsection:

3 “(b)(1) The authority to enter into a multiyear lease
4 under subsection (a)(7) shall be subject to appropriations
5 provided in advance for (A) the entire lease, or (B) the
6 first 12 months of the lease and the Government’s esti-
7 mated termination liability.

8 “(2) In the case of any such lease entered into under
9 clause (B) of paragraph (1)—

10 “(A) such lease shall include a clause that pro-
11 vides that the contract shall be terminated if budget
12 authority (as defined by section 3(2) of the Congres-
13 sional Budget and Impoundment Control Act of
14 1974 (2 U.S.C. 622(2))) is not provided specifically
15 for that project in an appropriations Act in advance
16 of an obligation of funds in respect thereto;

17 “(B) notwithstanding section 1552 of title 31,
18 United States Code, amounts obligated for paying
19 termination costs in respect of such lease shall re-
20 main available until the costs associated with termi-
21 nation of such lease are paid;

22 “(C) funds available for termination liability
23 shall remain available to satisfy rental obligations in
24 respect of such lease in subsequent fiscal years in
25 the event such lease is not terminated early, but only

1 to the extent those funds are in excess of the
 2 amount of termination liability in that subsequent
 3 year; and

4 “(D) annual funds made available in any fiscal
 5 year may be used to make payments on such lease
 6 for a maximum of 12 months beginning any time
 7 during the fiscal year.”.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 subsection (a) applies with respect to multiyear leases en-
 10 tered into pursuant to section 5 of the Central Intelligence
 11 Agency Act of 1949, as amended by subsection (a), on
 12 or after October 1, 1997.

13 **SEC. 402. CIA CENTRAL SERVICES PROGRAM.**

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

17 “CENTRAL SERVICES PROGRAM

18 “SEC. 21. (a) ESTABLISHMENT.—The Director
 19 may—

20 “(1) establish a program to provide the central
 21 services described in subsection (b)(2); and

22 “(2) make transfers to and expenditures from
 23 the working capital fund established under sub-
 24 section (b)(1).

25 “(b) ESTABLISHMENT AND PURPOSES OF CENTRAL
 26 SERVICES WORKING CAPITAL FUND.—(1) There is estab-

1 lished a central services working capital fund. The Fund
2 shall be available until expended for the purposes de-
3 scribed in paragraph (2), subject to subsection (j).

4 “(2) The purposes of the Fund are to pay for equip-
5 ment, salaries, maintenance, operation and other expenses
6 for such services as the Director, subject to paragraph (3),
7 determines to be central services that are appropriate and
8 advantageous to provide to the Agency or to other Federal
9 agencies on a reimbursable basis.

10 “(3) The determination and provision of central serv-
11 ices by the Director of Central Intelligence under para-
12 graph (2) shall be subject to the prior approval of the Di-
13 rector of the Office of Management and Budget.

14 “(c) ASSETS IN FUND.—The Fund shall consist of
15 money and assets, as follows:

16 “(1) Amounts appropriated to the Fund for its
17 initial monetary capitalization.

18 “(2) Appropriations available to the Agency
19 under law for the purpose of supplementing the
20 Fund.

21 “(3) Such inventories, equipment, and other as-
22 sets, including inventories and equipment on order,
23 pertaining to the services to be carried on by the
24 central services program.

1 “(4) Such other funds as the Director is au-
2 thorized to transfer to the Fund.

3 “(d) LIMITATIONS.—(1) The total value of orders for
4 services described in subsection (b)(2) from the central
5 services program at any time shall not exceed an annual
6 amount approved in advance by the Director of the Office
7 of Management and Budget.

8 “(2) No goods or services may be provided to any
9 non-Federal entity by the central services program.

10 “(e) REIMBURSEMENTS TO FUND.—Notwithstanding
11 any other provision of law, the Fund shall be—

12 “(1) reimbursed, or credited with advance pay-
13 ments, from applicable appropriations and funds of
14 the Agency, other Intelligence Community agencies,
15 or other Federal agencies, for the central services
16 performed by the central services program, at rates
17 that will recover the full cost of operations paid for
18 from the Fund, including accrual of annual leave,
19 workers’ compensation, depreciation of capitalized
20 plant and equipment, and amortization of automated
21 data processing software; and

22 “(2) if applicable credited with the receipts
23 from sale or exchange of property, including any real
24 property, or in payment for loss or damage to prop-

erty, held by the central services program as assets of the Fund.

“(f) RETENTION OF PORTION OF FUND INCOME.—

(1) The Director may impose a fee for central services provided from the Fund. The fee for any item or service provided under the central services program may not exceed four percent of the cost of such item or service.

“(2) As needed for the continued self-sustaining operation of the Fund, an amount not to exceed four percent of the net receipts of the Fund in fiscal year 1998 and each fiscal year thereafter may be retained, subject to subsection (j), for the acquisition of capital equipment and for the improvement and implementation of the Agency’s information management systems (including financial management, payroll, and personnel information systems). Any proposed use of the retained income in fiscal years 1998, 1999, and 2000, shall only be made with the approval of the Director of the Office of Management and Budget and after notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(3) Not later than 30 days after the close of each fiscal year, amounts in excess of the amount retained under paragraph (2) shall be transferred to the United States Treasury.

1 “(g) AUDIT.—(1) The Inspector General of the
2 Central Intelligence Agency shall conduct and complete an
3 audit of the Fund within three months after the close of
4 each fiscal year. The Director of the Office of Manage-
5 ment and Budget shall determine the form and content
6 of the audit, which shall include at least an itemized ac-
7 counting of the central services provided, the cost of each
8 service, the total receipts received, the agencies or depart-
9 ments serviced, and the amount returned to the United
10 States Treasury.

11 “(2) Not later than 30 days after the completion of
12 the audit, the Inspector General shall submit a copy of
13 the audit to the Director of the Office of Management and
14 Budget, the Director of Central Intelligence, the Perma-
15 nent Select Committee on Intelligence of the House of
16 Representatives and the Select Committee on Intelligence
17 of the Senate.

18 “(h) DEFINITIONS.—For purposes of this section—

19 “(1) the term ‘central services program’ means
20 the program established under subsection (a); and

21 “(2) the term ‘Fund’ means the central services
22 working capital fund established under subsection
23 (b)(1).

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Fund \$5,000,000 for
3 the purposes specified in subsection (b)(2).

4 “(j) TERMINATION.—(1) The Fund shall terminate
5 on March 31, 2000, unless otherwise reauthorized by an
6 Act of Congress prior to that date.

7 “(2) Subject to paragraph (1) and after providing no-
8 tice to the Permanent Select Committee on Intelligence
9 of the House of Representatives and the Select Committee
10 on Intelligence of the Senate, the Director of Central In-
11 telligence and the Director of the Office of Management
12 and Budget—

13 “(A) may terminate the central services pro-
14 gram and the Fund at any time; and

15 “(B) upon any such termination, shall provide
16 for dispositions of personnel, assets, liabilities,
17 grants, contracts, property, records, and unexpended
18 balances of appropriations, authorizations, alloca-
19 tions, and other funds held, used, arising from,
20 available to, or to be made available in connection
21 with such Fund, as may be necessary.”.

22 **SEC. 403. PROTECTION OF CIA FACILITIES.**

23 Subsection (a) of section 15 of the Central Intel-
24 ligence Agency Act of 1949 (50 U.S.C. 403o(a)) is amend-
25 ed—

1 (1) by inserting “(1)” after “(a)”;

2 (2) by striking “powers only within Agency in-
3 stallations,” and all that follows through the end,
4 and inserting the following: “powers—

5 “(A) within the Agency Headquarters
6 Compound and the property controlled and occupied
7 by the Federal Highway Administration located im-
8 mediately adjacent to such Compound and in the
9 streets, sidewalks, and the open areas within the
10 zone beginning at the outside boundary of such
11 Compound and property and extending outward 500
12 feet; and

13 “(B) within any other Agency installation and
14 in the streets, sidewalks, and open areas within the
15 zone beginning at the outside boundary of any such
16 installation and extending outward 500 feet.”; and

17 (3) by adding at the end the following new
18 paragraphs:

19 “(2) The performance of functions and exercise of
20 powers under paragraph (1) shall be limited to those cir-
21 cumstances where such personnel can identify specific and
22 articulable facts giving such personnel reason to believe
23 that their performance of such functions and exercise of
24 such powers is reasonable to protect against physical at-

1 tack or threats of attack upon the Agency installations,
2 property, or employees.

3 “(3) Nothing in this subsection shall be construed to
4 preclude, or limit in any way, the authority of any Federal,
5 State, or local law enforcement agency or of any other
6 Federal police or Federal protective service.

7 “(4) The rules and regulations enforced by such per-
8 sonnel shall be the rules and regulations promulgated by
9 the Director and shall only be applicable to the areas re-
10 ferred to in paragraph (1).

11 “(5) On December 1, 1998, and annually thereafter,
12 the Director shall submit a report to the Permanent Select
13 Committee on Intelligence of the House of Representatives
14 and the Select Committee on Intelligence of the Senate
15 that describes in detail the exercise of the authority grant-
16 ed by this subsection, and the underlying facts supporting
17 the exercise of such authority, during the preceding fiscal
18 year. The Director shall make such report available to the
19 Inspector General of the Agency.”.

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

4 **SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF**
5 **BACHELOR OF SCIENCE IN INTELLIGENCE.**

6 (a) **AUTHORITY FOR NEW BACHELOR’S DEGREE.—**
7 Section 2161 of title 10, United States Code, is amended
8 to read as follows:

9 **“§ 2161. Joint Military Intelligence College: academic**
10 **degrees**

11 “Under regulations prescribed by the Secretary of
12 Defense, the president of the Joint Military Intelligence
13 College may, upon recommendation by the faculty of the
14 college, confer upon a graduate of the college who has ful-
15 filled the requirements for the degree the following:

16 “(1) The degree of Master of Science of Strate-
17 gic Intelligence (MSSI).

18 “(2) The degree of Bachelor of Science in Intel-
19 ligence (BSI).”.

20 (b) **CLERICAL AMENDMENT.**—The item relating to
21 that section in the table of sections at the beginning of
22 chapter 108 of such title is amended to read as follows:

“2161. Joint Military Intelligence College: academic degrees.”.

1 **SEC. 502. UNAUTHORIZED USE OF NAME, INITIALS, OR**
2 **SEAL OF NATIONAL RECONNAISSANCE OF-**
3 **FICE.**

4 (a) EXTENSION, REORGANIZATION, AND CONSOLIDA-
5 TION OF AUTHORITIES.—Subchapter I of chapter 21 of
6 title 10, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 425. Prohibition of unauthorized use of name, ini-**
9 **tials, or seal: specified intelligence agen-**
10 **cies**

11 “(a) PROHIBITION.—Except with the written permis-
12 sion of the Secretary of Defense, no person may knowingly
13 use, in connection with any merchandise, retail product,
14 impersonation, solicitation, or commercial activity in a
15 manner reasonably calculated to convey the impression
16 that such use is approved, endorsed, or authorized by the
17 Secretary of Defense, any of the following (or any
18 colorable imitation thereof):

19 “(1) The words ‘Defense Intelligence Agency’,
20 the initials ‘DIA’, or the seal of the Defense Intel-
21 ligence Agency.

22 “(2) The words ‘National Reconnaissance Of-
23 fice’, the initials ‘NRO’, or the seal of the National
24 Reconnaissance Office.

1 “(3) The words ‘National Imagery and Map-
2 ping Agency’, the initials ‘NIMA’, or the seal of the
3 National Imagery and Mapping Agency.

4 “(4) The words ‘Defense Mapping Agency’, the
5 initials ‘DMA’, or the seal of the Defense Mapping
6 Agency.”.

7 (b) TRANSFER OF ENFORCEMENT AUTHORITY.—
8 Subsection (b) of section 202 of title 10, United States
9 Code, is transferred to the end of section 425 of such title,
10 as added by subsection (a), and is amended by inserting
11 “AUTHORITY TO ENJOIN VIOLATIONS.—” after “(b)”.

12 (c) REPEAL OF REORGANIZED PROVISIONS.—Sec-
13 tions 202 and 445 of title 10, United States Code, are
14 repealed.

15 (d) CLERICAL AMENDMENTS.—

16 (1) The table of sections at the beginning of
17 subchapter II of chapter 8 of title 10, United States
18 Code, is amended by striking out the item relating
19 to section 202.

20 (2) The table of sections at the beginning of
21 subchapter I of chapter 21 of title 10, United States
22 Code, is amended by striking out the items relating
23 to sections 424 and 425 and inserting in lieu thereof
24 the following:

“424. Disclosure of organizational and personnel information: exemption for De-
 fense Intelligence Agency, National Reconnaissance Office, and
 National Imagery and Mapping Agency.

“425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.”.

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

SEC. 503. EXTENSION OF AUTHORITY FOR ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.

Effective October 1, 1997, section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out “fiscal years 1996 and 1997” and inserting in lieu thereof “fiscal years 1998 and 1999”.

TITLE VI—MISCELLANEOUS COMMUNITY PROGRAM ADJUSTMENTS

SEC. 601. COORDINATION OF ARMED FORCES INFORMATION SECURITY PROGRAMS.

(a) PROGRAM EXECUTION COORDINATION.—The Secretary of a military department or the head of a defense agency may not obligate or expend funds for any information security program of that military department without the concurrence of the Director of the National Security Agency.

1 (b) EFFECTIVE DATE.—This section takes effect on
2 October 1, 1997.

3 **SEC. 602. AUTHORITY OF EXECUTIVE AGENT OF INTE-**
4 **GRATED BROADCAST SERVICE.**

5 All amounts appropriated for any fiscal year for intel-
6 ligence information data broadcast systems may be obli-
7 gated or expended by an intelligence element of the De-
8 partment of Defense only with the concurrence of the offi-
9 cial in the Department of Defense designated as the execu-
10 tive agent of the Integrated Broadcast Service.

11 **SEC. 603. PREDATOR UNMANNED AERIAL VEHICLE.**

12 (a) TRANSFER OF FUNCTIONS.—Effective October 1,
13 1997, the functions described in subsection (b) with re-
14 spect to the Predator Unmanned Aerial Vehicle are trans-
15 ferred to the Secretary of the Air Force.

16 (b) FUNCTIONS TO BE TRANSFERRED.—Subsection
17 (a) applies to those functions performed as of June 1,
18 1997, by the organization within the Department of De-
19 fense known as the Unmanned Aerial Joint Program Of-
20 fice with respect to the Predator Unmanned Aerial Vehi-
21 cle.

22 (c) TRANSFER OF FUNDS.—Effective October 1,
23 1997, all unexpended funds appropriated for the Predator
24 Unmanned Aerial Vehicle that are within the Defense-

1 Wide Program Element number 0305205D are trans-
2 ferred to Air Force Program Element number 0305154F.

3 **SEC. 604. U-2 SENSOR PROGRAM.**

4 (a) REQUIREMENT FOR MINIMUM NUMBER OF AIR-
5 CRAFT.—The Secretary of Defense shall ensure—

6 (1) that not less than 11 U-2 reconnaissance
7 aircraft are equipped with RAS-1 sensor suites; and

8 (2) that each such aircraft that is so equipped
9 is maintained in a manner necessary to counter
10 available threat technologies until the aircraft is re-
11 tired or until a successor sensor suite is developed
12 and fielded.

13 (b) EFFECTIVE DATE.—Subsection (a) takes effect
14 on October 1, 1997.

15 **SEC. 605. REQUIREMENTS RELATING TO CONGRESSIONAL**
16 **BUDGET JUSTIFICATION BOOKS.**

17 (a) IN GENERAL.—The congressional budget jus-
18 tification books for any element of the intelligence commu-
19 nity submitted to Congress in support of the budget of
20 the President for any fiscal year shall include, at a mini-
21 mum, the following:

22 (1) For each program for which appropriations
23 are requested for that element of the intelligence
24 community in that budget—

1 (A) specification of the program, including
2 the program element number for the program;

3 (B) the specific dollar amount requested
4 for the program;

5 (C) the appropriation account within which
6 funding for the program is placed;

7 (D) the budget line item that applies to
8 the program;

9 (E) specification of whether the program is
10 a research and development program or other-
11 wise involves research and development;

12 (F) identification of the total cost for the
13 program; and

14 (G) information relating to all direct and
15 associated costs in each appropriations account
16 for the program.

17 (2) A detailed accounting of all reprogramming
18 or reallocation actions and the status of those ac-
19 tions at the time of submission of those materials.

20 (3) Information relating to any unallocated cuts
21 or taxes.

22 (b) DEFINITIONS.—For purposes of this section:

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

1 (2) The term “congressional budget justifica-
2 tion books” means the budget justification materials
3 submitted to Congress for any fiscal year in support
4 of the budget for that fiscal year for any element of
5 the intelligence community (as contained in the
6 budget of the President submitted to Congress for
7 that fiscal year pursuant to section 1105 of title 31,
8 United States Code).

9 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
10 fect with respect to fiscal year 1999.

11 **SEC. 606. COORDINATION OF AIR FORCE JOINT SIGINT**
12 **PROGRAM OFFICE ACTIVITIES WITH OTHER**
13 **MILITARY DEPARTMENTS.**

14 (a) CONTRACTS.—The Secretary of the Air Force,
15 acting through the Air Force Joint Airborne Signals Intel-
16 ligence Program Office, may not modify, amend, or alter
17 a JSAF program contract without coordinating with the
18 Secretary of any other military department that would be
19 affected by the modification, amendment, or alteration.

20 (b) NEW DEVELOPMENTS AFFECTING OPERATIONAL
21 MILITARY REQUIREMENTS.—(1) The Secretary of the Air
22 Force, acting through the Air Force Joint Airborne Sig-
23 nals Intelligence Program Office, may not enter into a
24 contract described in paragraph (2) without coordinating
25 with the Secretary of the military department concerned.

1 (2) Paragraph (1) applies to a contract for develop-
2 ment relating to a JSAF program that may directly affect
3 the operational requirements of one of the Armed Forces
4 (other than the Air Force) for the satisfaction of intel-
5 ligence requirements.

6 (c) JSAF PROGRAM DEFINED.—For purposes of this
7 section, the term “JSAF program” means a program
8 within the Joint Signals Intelligence Avionics Family of
9 programs administered by the Air Force Joint Airborne
10 Signals Intelligence Program Office.

11 (d) EFFECTIVE DATE.—This section takes effect on
12 October 1, 1997.

13 **SEC. 607. DISCONTINUATION OF THE DEFENSE SPACE RE-**
14 **CONNAISSANCE PROGRAM.**

15 Not later than October 1, 1999, the Secretary of De-
16 fense shall—

17 (1) discontinue the Defense Space Reconnaissance
18 Program (a program within the Joint Military
19 Intelligence Program); and

20 (2) close the organization within the Depart-
21 ment of Defense known as the Defense Space Pro-
22 gram Office (the management office for that pro-
23 gram).

1 **SEC. 608. TERMINATION OF DEFENSE AIRBORNE RECON-**
2 **NAISSANCE OFFICE.**

3 (a) **TERMINATION OF OFFICE.**—The organization
4 within the Department of Defense known as the Defense
5 Airborne Reconnaissance Office is terminated. No funds
6 available for the Department of Defense may be used for
7 the operation of that Office after the date specified in sub-
8 section (d).

9 (b) **TRANSFER OF FUNCTIONS.**—(1) Subject to para-
10 graphs (3) and (4), the Secretary of Defense shall transfer
11 to the Defense Intelligence Agency those functions per-
12 formed on the day before the date of the enactment this
13 Act by the Defense Airborne Reconnaissance Office that
14 are specified in paragraph (2).

15 (2) The functions transferred by the Secretary to the
16 Defense Intelligence Agency under paragraph (1) shall in-
17 clude functions of the Defense Airborne Reconnaissance
18 Office relating to its responsibilities for management over-
19 sight and coordination of defense airborne reconnaissance
20 capabilities (other than any responsibilities for acquisition
21 of systems).

22 (3) The Secretary shall determine which specific
23 functions are appropriate for transfer under paragraph
24 (1). In making that determination, the Secretary shall en-
25 sure that responsibility for individual airborne reconnais-
26 sance programs with respect to program management, for

1 research, development, test, and evaluation, for acquisi-
2 tion, and for operations and related line management re-
3 main with the respective Secretaries of the military de-
4 partments.

5 (4) Any function transferred to the Defense Intel-
6 ligence Agency under this subsection is subject to the au-
7 thority, direction, and control of the Secretary of Defense.

8 (c) REPORT.—(1) Not later than 90 days after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall submit to the committees named in paragraph (2)
11 a report containing the Secretary's plan for terminating
12 the Defense Airborne Reconnaissance Office and transfer-
13 ring the functions of that office.

14 (2) The committees referred to in paragraph (1)
15 are—

16 (A) the Committee on Armed Services and the
17 Select Committee on Intelligence of the Senate; and

18 (B) the Permanent Select Committee on Intel-
19 ligence and the Committee on National Security of
20 the House of Representatives.

1 (d) EFFECTIVE DATE.—Subsection (a) shall take ef-
2 fect at the end of the 120-day period beginning on the
3 date of the enactment of this Act.

Passed the House of Representatives July 9, 1997.

Attest:

Clerk.