

**Calendar No. 490**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2506**

**[Report No. 107-149]**

**[Report No. 107-208]**

To authorize appropriations for fiscal year 2003 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.

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**IN THE SENATE OF THE UNITED STATES**

MAY 13 (legislative day, MAY 9), 2002

Mr. GRAHAM, from the Select Committee on Intelligence, reported the following original bill; which was read twice and referred to the Committee on Armed Services, pursuant to section 3(b) of Senate Resolution 400, Ninety-fourth Congress, for a period not to exceed 30 days of session

JULY 9, 2002

Reported by Mr. LEVIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4        (a) SHORT TITLE.—This Act may be cited as the  
 5        “Intelligence Authorization Act for Fiscal Year 2003”.

6        (b) TABLE OF CONTENTS.—The table of contents of  
 7        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. Intelligence Community Management Account.

Sec. 105. Incorporation of reporting requirements.

Sec. 106. *Preparation and submittal of reports, reviews, studies, and plans relat-*  
*ing to intelligence activities of the Department of Defense or De-*  
*partment of Energy.*

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. Definition of congressional intelligence committees in National Secu-  
 rity Act of 1947.

Sec. 304. Specificity of National Foreign Intelligence Program budget amounts  
 for counterterrorism, counterproliferation, counternarcotics,  
 and counterintelligence.

Sec. 305. Modification of authority to make funds for intelligence activities  
 available for other intelligence activities.

Sec. 306. Clarification of authority to furnish information on intelligence activi-  
 ties to Congress.

Sec. 307. Standardized transliteration of names into the Roman alphabet.

Sec. 308. Standards and qualifications for the performance of intelligence ac-  
 tivities.

Sec. 309. Modification of David L. Boren National Security Education Pro-  
 gram.

Sec. 310. Scholarships and work-study for pursuit of graduate degrees in  
 science and technology.

Sec. 311. National Virtual Translation Center.

Sec. 312. Foreign Terrorist Asset Tracking Center.

Sec. 313. Terrorist Identification Classification System.

- Sec. 314. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.
- Sec. 315. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 316. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

#### TITLE IV—REPORTING REQUIREMENTS

##### Subtitle A—Submittal of Reports to Intelligence Committees

- Sec. 401. Dates for submittal of various annual and semi-annual reports to the congressional intelligence committees.

##### Subtitle B—Recurring Annual Reports

- Sec. 411. Annual assessment of satisfaction of intelligence community with collection, analysis, and production of intelligence.
- Sec. 412. Annual report on threat of attack on the United States using weapons of mass destruction.
- Sec. 413. Annual report on covert leases.
- Sec. 414. Annual report on improvement of financial statements of certain elements of the intelligence community for auditing purposes.
- Sec. 415. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.
- Sec. 416. Annual reports of inspectors general of the intelligence community on proposed resources and activities of their offices.
- Sec. 417. Annual report on counterdrug intelligence matters.

##### Subtitle C—Other Reports

- Sec. 431. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters.

##### Subtitle D—Repeal of Certain Report Requirements

- Sec. 441. Repeal of certain report requirements.

#### TITLE V—COUNTERINTELLIGENCE ACTIVITIES

- Sec. 501. Short title; purpose.
- Sec. 502. National Counterintelligence Executive.
- Sec. 503. National Counterintelligence Policy Board.
- Sec. 504. Office of the National Counterintelligence Executive.

#### TITLE VI—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

- Sec. 601. Findings.
- Sec. 602. National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 603. Powers of Commission.
- Sec. 604. Staff of Commission.
- Sec. 605. Compensation and travel expenses.
- Sec. 606. Treatment of information relating to national security.
- Sec. 607. Final report; termination.

Sec. 608. Assessments of final report.  
 Sec. 609. Inapplicability of certain administrative provisions.  
 Sec. 610. Funding.  
 Sec. 611. Definitions.

# **TITLE I—INTELLIGENCE ACTIVITIES**

## **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2003 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.
- (12) The Coast Guard.

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

2 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
3 CEILINGS.—The amounts authorized to be appropriated  
4 under section 101, and the authorized personnel ceilings  
5 as of September 30, 2003, for the conduct of the intel-  
6 ligence and intelligence-related activities of the elements  
7 listed in such section, are those specified in the classified  
8 Schedule of Authorizations prepared to accompany the  
9 conference report on the bill \_\_\_\_\_ of the One Hundred  
10 Seventh Congress.

11 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
12 THORIZATIONS.—The Schedule of Authorizations shall be  
13 made available to the Committees on Armed Services and  
14 Appropriations of the Senate and House of Representa-  
15 tives, to Members of Congress who so request, and to the  
16 President. The President shall provide for suitable dis-  
17 tribution of the Schedule, or of appropriate portions of the  
18 Schedule, 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 2003 under section 102 when  
25 the Director of Central Intelligence determines that such  
26 action is necessary to the performance of important intel-

1   ligence functions, except that the number of personnel em-  
2   ployed in excess of the number authorized under such sec-  
3   tion may not, for any element of the intelligence commu-  
4   nity, exceed 2 percent of the number of civilian personnel  
5   authorized under such section for such element.

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

12   **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
13                           **COUNT.**

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 2003 the sum of \$157,979,000. Within such  
18   amount, funds identified in the classified Schedule of Au-  
19   thorizations referred to in section 102(a) for advanced re-  
20   search and development shall remain available until Sep-  
21   tember 30, 2004.

22           (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
23   ments within the Intelligence Community Management  
24   Account of the Director of Central Intelligence are author-  
25   ized 309 full-time personnel as of September 30, 2003.

1 Personnel serving in such elements may be permanent em-  
2 ployees of the Intelligence Community Management Ac-  
3 count or personnel detailed from other elements of the  
4 United States Government.

5 (c) CLASSIFIED AUTHORIZATIONS.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
7 addition to amounts authorized to be appropriated  
8 for the Intelligence Community Management Ac-  
9 count by subsection (a), there are also authorized to  
10 be appropriated for the Intelligence Community  
11 Management Account for fiscal year 2003 such addi-  
12 tional amounts as are specified in the classified  
13 Schedule of Authorizations referred to in section  
14 102(a). Such additional amounts for research and  
15 development shall remain available until September  
16 30, 2004.

17 (2) AUTHORIZATION OF PERSONNEL.—In addi-  
18 tion to the personnel authorized by subsection (b)  
19 for elements of the Intelligence Community Manage-  
20 ment Account as of September 30, 2003, there are  
21 hereby authorized such additional personnel for such  
22 elements as of that date as are specified in the clas-  
23 sified Schedule of Authorizations.

24 (d) REIMBURSEMENT.—Except as provided in section  
25 113 of the National Security Act of 1947 (50 U.S.C.

1 404h), during fiscal year 2003 any officer or employee of  
2 the United States or a member of the Armed Forces who  
3 is detailed to the staff of the Intelligence Community Man-  
4 agement Account from another element of the United  
5 States Government shall be detailed on a reimbursable  
6 basis, except that any such officer, employee, or member  
7 may be detailed on a nonreimbursable basis for a period  
8 of less than one year for the performance of temporary  
9 functions as required by the Director of Central Intel-  
10 ligence.

11 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

12 (1) IN GENERAL.—Of the amount authorized to  
13 be appropriated in subsection (a), \$32,100,000 shall  
14 be available for the National Drug Intelligence Cen-  
15 ter. Within such amount, funds provided for re-  
16 search, development, testing, and evaluation pur-  
17 poses shall remain available until September 30,  
18 2004, and funds provided for procurement purposes  
19 shall remain available until September 30, 2005.

20 (2) TRANSFER OF FUNDS.—The Director of  
21 Central Intelligence shall transfer to the Attorney  
22 General funds available for the National Drug Intel-  
23 ligence Center under paragraph (1). The Attorney  
24 General shall utilize funds so transferred for the ac-  
25 tivities of the National Drug Intelligence Center.



1           (3) LIMITATION.—Amounts available for the  
2       National Drug Intelligence Center may not be used  
3       in contravention of the provisions of section  
4       103(d)(1) of the National Security Act of 1947 (50  
5       U.S.C. 403–3(d)(1)).

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

10 **SEC. 105. INCORPORATION OF REPORTING REQUIRE-**  
11 **MENTS.**

12       (a) IN GENERAL.—Each requirement to submit a re-  
13       port to the congressional intelligence committees that is  
14       included in the joint explanatory statement to accompany  
15       the conference report on the bill \_\_\_\_\_ of the One Hun-  
16       dred Seventh Congress, in the classified annex to this Act,  
17       in the report of the Senate to accompany the bill S.\_\_\_\_\_  
18       of the 107th Congress, or in the report of the House of  
19       Representatives to accompany the bill H.R.\_\_\_\_\_ is hereby  
20       incorporated into this Act, and is hereby made a require-  
21       ment in law.

22       (b) SUBMITTAL DATE.—The date for the submittal  
23       to the congressional intelligence committees of any report  
24       referred to in subsection (a), whether an annual report,  
25       semiannual report, or non-recurring report, shall be as

1 provided for a report of that type in section 507 of the  
 2 National Security Act of 1947, as added by section 401  
 3 of this Act.

4 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
 5 DEFINED.—In this section, the term “congressional intel-  
 6 ligence committees” means—

7 (1) the Select Committee on Intelligence of the  
 8 Senate; and

9 (2) the Permanent Select Committee on Intel-  
 10 ligence of the House of Representatives.

11 **SEC. 106. PREPARATION AND SUBMITTAL OF REPORTS, RE-**  
 12 **VIEWS, STUDIES, AND PLANS RELATING TO**  
 13 **INTELLIGENCE ACTIVITIES OF THE DEPART-**  
 14 **MENT OF DEFENSE OR DEPARTMENT OF EN-**  
 15 **ERGY.**

16 (a) CONSULTATION IN PREPARATION.—(1) *The Direc-*  
 17 *tor of Central Intelligence shall ensure that any report, re-*  
 18 *view, study, or plan required to be prepared or conducted*  
 19 *by a provision of this Act, including a provision of the clas-*  
 20 *sified Schedule of Authorizations or a classified annex to*  
 21 *this Act, that involves the intelligence or intelligence-related*  
 22 *activities of the Department of Defense or Department of*  
 23 *Energy is prepared or conducted in consultation with the*  
 24 *Secretary of Defense or the Secretary of Energy, as appro-*  
 25 *priate.*

1       (2) *The Secretary of Defense or Secretary of Energy*  
 2       *may carry out any consultation required by this subsection*  
 3       *through an official of the Department of Defense or Depart-*  
 4       *ment of Energy, as the case may be, designated by such*  
 5       *Secretary for that purpose.*

6       (b) *SUBMITTAL.—Any report, review, study, or plan*  
 7       *referred to in subsection (a) shall be submitted, in addition*  
 8       *to any other committee of Congress specified for submittal*  
 9       *in the provision concerned, to the following committees of*  
 10       *Congress:*

11               (1) *The Committees on Armed Services and Ap-*  
 12       *propriations and the Select Committee on Intelligence*  
 13       *of the Senate.*

14               (2) *The Committees on Armed Services and Ap-*  
 15       *propriations and the Permanent Select Committee on*  
 16       *Intelligence of the House of Representatives.*

17       **TITLE       II—CENTRAL       INTEL-**  
 18       **LIGENCE       AGENCY       RETIRE-**  
 19       **MENT       AND       DISABILITY       SYS-**  
 20       **TEM**

21       **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22       There is authorized to be appropriated for the Cen-  
 23       tral Intelligence Agency Retirement and Disability Fund  
 24       for fiscal year 2003 the sum of \$223,300,000.

**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. DEFINITION OF CONGRESSIONAL INTELLIGENCE  
COMMITTEES IN NATIONAL SECURITY ACT  
OF 1947.**

(a) IN GENERAL.—Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by adding at the end the following new paragraph:

“(7) The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

1                   “(B) the Permanent Select Committee on  
2                   Intelligence of the House of Representatives.”.

3           (b) CONFORMING AMENDMENTS.—(1) That Act is  
4 further amended by striking “Select Committee on Intel-  
5 ligence of the Senate and the Permanent Select Committee  
6 on Intelligence of the House of Representatives” and in-  
7 serting “congressional intelligence committees” in each of  
8 the following provisions:

9                   (A) Section 104(d)(4) (50 U.S.C. 403–4(d)(4)).

10                  (B) Section 603(a) (50 U.S.C. 423(a)).

11           (2) That Act is further amended by striking “Perma-  
12 nent Select Committee on Intelligence of the House of  
13 Representatives and the Select Committee on Intelligence  
14 of the Senate” and inserting “congressional intelligence  
15 committees” in each of the following provisions:

16                   (A) Section 113(c) (50 U.S.C. 404h(c)).

17                   (B) Section 301(j) (50 U.S.C. 409a(j)).

18                   (C) Section 801(b)(2) (50 U.S.C. 435(b)(2)).

19                   (D) Section 903 (50 U.S.C. 441b).

20           (3) That Act is further amended by striking “intel-  
21 ligence committees” and inserting “congressional intel-  
22 ligence committees” in each of the following provisions:

23                   (A) Section 501 (50 U.S.C. 413).

24                   (B) Section 502 (50 U.S.C. 413a).

25                   (C) Section 503 (50 U.S.C. 413b).

1 (D) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

2 (4) Section 104(d)(5) of that Act (50 U.S.C. 403–  
3 4(d)(5)) is amended by striking “Select Committee on In-  
4 telligence of the Senate and to the Permanent Select Com-  
5 mittee on Intelligence of the House of Representatives”  
6 and inserting “congressional intelligence committees”.

7 (5) Section 105C(a)(3)(C) of that Act (50 U.S.C.  
8 403–5c(a)(3)(C)) is amended—

9 (A) by striking clauses (i) and (ii) and inserting  
10 the following new clause (i):

11 “(i) The congressional intelligence commit-  
12 tees.”; and

13 (B) by redesignating clauses (iii), (iv), (v), and  
14 (vi) as clauses (ii), (iii), (iv), and (v), respectively.

15 (6) Section 114 of that Act (50 U.S.C. 404i) is  
16 amended by striking subsection (c) and inserting the fol-  
17 lowing new subsection (c):

18 “(c) CONGRESSIONAL LEADERSHIP DEFINED.—In  
19 this section, the term ‘congressional leadership’ means the  
20 Speaker and the minority leader of the House of Rep-  
21 resentatives and the majority leader and the minority lead-  
22 er of the Senate.”.

23 (7) Section 501(a) of that Act (50 U.S.C. 413(a)),  
24 as amended by paragraph (3) of this subsection, is further  
25 amended—

1 (A) by striking paragraph (2); and

2 (B) by redesignating paragraph (3) as para-  
3 graph (2).

4 (8) Section 503(c)(4) of that Act (50 U.S.C.  
5 413b(c)(4)) is amended by striking “intelligence com-  
6 mittee” and inserting “congressional intelligence com-  
7 mittee”.

8 (9) Section 602(c) of that Act (50 U.S.C. 422(c)) is  
9 amended by striking “the Select Committee on Intel-  
10 ligence of the Senate or to the Permanent Select Com-  
11 mittee on Intelligence of the House of Representatives”  
12 and inserting “either congressional intelligence com-  
13 mittee”.

14 (10) Section 701(c)(3) of that Act (50 U.S.C.  
15 431(c)(3)) is amended by striking “intelligence commit-  
16 tees of Congress” and inserting “congressional intelligence  
17 committees”.

18 **SEC. 304. SPECIFICITY OF NATIONAL FOREIGN INTEL-**  
19 **LIGENCE PROGRAM BUDGET AMOUNTS FOR**  
20 **COUNTERTERRORISM, COUNTERPROLIF-**  
21 **ERATION, COUNTERNARCOTICS, AND**  
22 **COUNTERINTELLIGENCE.**

23 (a) IN GENERAL.—Title V of the National Security  
24 Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding  
25 at the end the following new section:

1 “SPECIFICITY OF NATIONAL FOREIGN INTELLIGENCE  
 2 PROGRAM BUDGET AMOUNTS FOR  
 3 COUNTERTERRORISM, COUNTERPROLIFERATION,  
 4 COUNTERNARCOTICS, AND COUNTERINTELLIGENCE

5 “SEC. 506. (a) IN GENERAL.—The budget justifica-  
 6 tion materials submitted to Congress in support of the  
 7 budget of the President for a fiscal year that is submitted  
 8 to Congress under section 1105(a) of title 31, United  
 9 States Code, shall set forth separately the aggregate  
 10 amount requested for that fiscal year for the National  
 11 Foreign Intelligence Program for each of the following:

12 “(1) Counterterrorism.

13 “(2) Counterproliferation.

14 “(3) Counternarcotics.

15 “(4) Counterintelligence.

16 “(b) ELECTION OF CLASSIFIED OR UNCLASSIFIED  
 17 FORM.—Amounts set forth under subsection (a) may be  
 18 set forth in unclassified form or classified form, at the  
 19 election of the Director of Central Intelligence.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
 21 for that Act is amended by inserting after the item relat-  
 22 ing to section 505 the following new item:

“Sec. 506. Specificity of National Foreign Intelligence Program budget  
 amounts for counterterrorism, counterproliferation, counter-  
 narcotics, and counterintelligence.”.



1 **SEC. 305. MODIFICATION OF AUTHORITY TO MAKE FUNDS**  
2 **FOR INTELLIGENCE ACTIVITIES AVAILABLE**  
3 **FOR OTHER INTELLIGENCE ACTIVITIES.**

4 (a) NATURE OF UNFORSEEN REQUIREMENTS.—Sec-  
5 tion 504(a) of the National Security Act of 1947 (50  
6 U.S.C. 414(a)) is amended—

7 (1) by redesignating paragraphs (1), (2), and  
8 (3) as subparagraphs (A), (B), and (C), respectively;

9 (2) in subparagraph (C), as so redesignated—

10 (A) by redesignating subparagraphs (A),  
11 (B), and (C) as clauses (i), (ii), and (iii), re-  
12 spectively; and

13 (B) by striking the semicolon at the end  
14 and inserting a period;

15 (3) by inserting “(1)” after “(a)”;

16 (4) by striking “(4) nothing” and inserting “(2)  
17 Nothing”;

18 (5) by indenting paragraph (2), as designated  
19 by paragraph (4) of this section, two ems from the  
20 left margin; and

21 (6) by adding at the end the following new  
22 paragraph:

23 “(3) For purposes of paragraph (1)(C)(ii), an  
24 unforeseen requirement may not include a requirement  
25 arising under statute or the request of a committee or  
26 Member of Congress.”.

1 (b) CERTIFICATION REQUIREMENT FOR RE-  
 2 PROGRAMMING.—Paragraph (1)(C)(iii) of that section, as  
 3 redesignated by subsection (a) of this section, is further  
 4 amended by striking “has notified” and all that follows  
 5 and inserting “submits to the appropriate congressional  
 6 committees, before obligation of funds for such activity,  
 7 a certification that the requirements of clauses (i) and (ii)  
 8 are met with respect to such activity.”.

9 **SEC. 306. CLARIFICATION OF AUTHORITY TO FURNISH IN-**  
 10 **FORMATION ON INTELLIGENCE ACTIVITIES**  
 11 **TO CONGRESS.**

12 (a) IN GENERAL.—Title V of the National Security  
 13 Act of 1947 (50 U.S.C. 413 et seq.) is amended by insert-  
 14 ing after section 503 the following new section:

15 “AUTHORITY TO FURNISH INFORMATION ON  
 16 INTELLIGENCE ACTIVITIES TO CONGRESS

17 “SEC. 503A. Notwithstanding any other provision of  
 18 law, and consistent with the obligations of the Director  
 19 of Central Intelligence to protect intelligence sources and  
 20 methods, it shall not be unlawful for the Director, or a  
 21 designee of the Director, to furnish to the congressional  
 22 intelligence committees information in the possession of  
 23 an element of the intelligence community on intelligence  
 24 activities in furtherance of the reporting responsibilities  
 25 of such element under sections 501, 502, and 503 or any

1 other provision of law requiring the reporting of informa-  
 2 tion on intelligence activities to Congress.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 for the National Security Act of 1947 is amended by in-  
 5 serting after the item relating to section 503 the following  
 6 new item:

“Sec. 503A. Authority to furnish information on intelligence activities to Con-  
 gress.”.

7 **SEC. 307. STANDARDIZED TRANSLITERATION OF NAMES**  
 8 **INTO THE ROMAN ALPHABET.**

9 (a) METHOD OF TRANSLITERATION REQUIRED.—  
 10 Not later than 90 days after the date of the enactment  
 11 of this Act, the Director of Central Intelligence shall es-  
 12 tablish a standardized method for transliterating into the  
 13 Roman alphabet personal and place names originally ren-  
 14 dered in any language that uses an alphabet other than  
 15 the Roman alphabet.

16 (b) USE BY INTELLIGENCE COMMUNITY.—The Di-  
 17 rector shall ensure the use of the method established  
 18 under subsection (a) in—

- 19 (1) all communications among the elements of  
 20 the intelligence community; and
- 21 (2) all intelligence products of the intelligence  
 22 community.

1 **SEC. 308. STANDARDS AND QUALIFICATIONS FOR THE PER-**  
2 **FORMANCE OF INTELLIGENCE ACTIVITIES.**

3 Section 104 of the National Security Act of 1947 (50  
4 U.S.C. 403–4) is amended—

5 (1) by redesignating subsection (g) as sub-  
6 section (h); and

7 (2) by inserting after subsection (f) the fol-  
8 lowing new subsection (g):

9 “(g) **STANDARDS AND QUALIFICATIONS FOR PER-**  
10 **FORMANCE OF INTELLIGENCE ACTIVITIES.**—The Direc-  
11 tor, acting as the head of the intelligence community,  
12 shall, *in consultation with the heads of effected agencies*,  
13 prescribe standards and qualifications for persons engaged  
14 in the performance of intelligence activities within the in-  
15 telligence community.”.

16 **SEC. 309. MODIFICATION OF DAVID L. BOREN NATIONAL**  
17 **SECURITY EDUCATION PROGRAM.**

18 (a) **TERMINATION OF SCHOLARSHIP PROGRAM.**—  
19 Paragraph (1) of subsection (a) of section 802 of the  
20 David L. Boren National Security Education Act of 1991  
21 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is  
22 amended—

23 (1) by striking subparagraph (A); and

24 (2) by redesignating subparagraph (B) as sub-  
25 paragraph (A).

1 (b) SUBSTITUTION OF NATIONAL FLAGSHIP LAN-  
2 GUAGE INITIATIVE FOR GRANT PROGRAM.—That sub-  
3 section is further amended—

4 (1) in paragraph (1), by striking subparagraph  
5 (C) and inserting the following new subparagraph  
6 (B):

7 “(B) carrying out activities under para-  
8 graph (2) relating to proficiency in foreign lan-  
9 guages.”;

10 (2) by striking paragraph (2);

11 (3) by redesignating paragraphs (3) and (4) as  
12 paragraphs (4) and (5), respectively; and

13 (4) by inserting after paragraph (1) the fol-  
14 lowing new paragraph (2):

15 “(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

16 “(A) IN GENERAL.—As part of the pro-  
17 gram under paragraph (1), the Secretary shall,  
18 in accordance with regulations prescribed by the  
19 Secretary, carry out activities at institutions of  
20 higher education, which activities shall be  
21 designed—

22 “(i) to produce in professionals an ad-  
23 vanced level of proficiency in foreign lan-  
24 guages that the Board identifies under sec-

1                   tion 803(d)(4) as critical to the national  
2                   security of the United States; and

3                   “(ii) to permit undergraduate and  
4                   graduate students, and employees of the  
5                   United States Government, to undertake  
6                   studies to enhance their foreign language  
7                   proficiency.

8                   “(B) PARTICIPATION BY FELLOWSHIP RE-  
9                   CIPIENTS.—Recipients of fellowships under  
10                  paragraph (1)(A) may participate in the activi-  
11                  ties carried out under this paragraph.

12                  “(C) DESIGNATION OF ACTIVITIES.—The  
13                  activities carried out under this paragraph shall  
14                  be known as the ‘National Flagship Language  
15                  Initiative’.”.

16                  (c) FUNDING ALLOCATION.—That subsection is fur-  
17                  ther amended by inserting after paragraph (2), as amend-  
18                  ed by subsection (b) of this section, the following new  
19                  paragraph (3):

20                  “(3) FUNDING ALLOCATIONS.—Of the amount  
21                  available for obligation out of the Fund for any fis-  
22                  cal year, the Secretary shall allocate such amount in  
23                  a manner considered appropriate by the Secretary  
24                  for purposes of fellowships under paragraph (1)(A)

1 and carrying out activities under paragraph  
 2 (1)(B).”.

3 (d) CONFORMING AMENDMENTS.—(1) Section 802 of  
 4 that Act is further amended—

5 (A) in subsection (a)(5), as redesignated by  
 6 subsection (b)(3) of this section, by striking “schol-  
 7 arships, fellowships, and grants” and inserting “fel-  
 8 lowships, and the carrying out of activities,”;

9 (B) in subsection (b)—

10 (i) in the matter preceding paragraph

11 (1)—

12 (I) by striking “scholarship or”; and

13 (II) by striking “or any scholarship”;

14 and

15 (ii) by striking paragraph (2) and inserting  
 16 the following new paragraph (2):

17 “(2) shall, upon completion of such recipient’s  
 18 education under the program, and in accordance  
 19 with such regulations—

20 “(A) work in a national security position  
 21 for a period specified by the Secretary, which  
 22 period shall be not less than the period for  
 23 which the fellowship assistance was provided; or

24 “(B) if the recipient demonstrates to the  
 25 Secretary (in accordance with such regulations)

1           that no national security position is available  
 2           upon the completion of the degree, work in the  
 3           field of higher education in a discipline relating  
 4           to the foreign country, foreign language, area  
 5           study, counterproliferation study, or inter-  
 6           national field of study for which the fellowship  
 7           was awarded for a period specified by the Sec-  
 8           retary, which period shall be established in ac-  
 9           cordance with subparagraph (A); and”;  
 10          (C) in subsection (c)—  
 11               (i) by striking “scholarship or” each place  
 12               it appears; and  
 13               (ii) by striking “scholarships and”;  
 14          (D) in subsection (d)—  
 15               (i) by striking “scholarships, fellowships,  
 16               or grants” and inserting “fellowships, or for the  
 17               carrying out of activities,”; and  
 18               (ii) by striking “scholarships, fellowships,  
 19               or grants (as the case may be)” and inserting  
 20               “such fellowships or activities, as the case may  
 21               be,”;  
 22          (E) in subsection (e), by striking “scholarships,  
 23               fellowships, and grants” and inserting “fellowships,  
 24               and carry out activities,”;



1 (F) in subsection (f), by striking “grant, schol-  
2 arship, or”; and

3 (G) in subsection (g)(1), by striking “or schol-  
4 arship”.

5 (2) Section 803(d) of that Act (50 U.S.C. 1903(d))  
6 is amended—

7 (A) in paragraph (1), by striking “scholarships,  
8 fellowships, and grants” and inserting “fellowships,  
9 and carrying out activities,”;

10 (B) in paragraph (3)—

11 (i) by striking “desiring scholarships or fel-  
12 lowships, and institutions of higher education  
13 desiring grants under this chapter” and insert-  
14 ing “desiring fellowships under section  
15 802(a)(1), and institutions of higher education  
16 desiring to carry out activities under section  
17 802(a)(2)”; and

18 (ii) by striking “scholarship or” each place  
19 it appears;

20 (C) in paragraph (4)—

21 (i) by striking subparagraphs (A) and (C);

22 (ii) by redesignating subparagraphs (B)  
23 and (D) as subparagraphs (A) and (C), respec-  
24 tively;

1 (iii) in subparagraph (A), as so redesign-  
2 nated, by striking “section 802(a)(1)(B)” and  
3 inserting “section 802(a)(1)(A)”;

4 (iv) by inserting after subparagraph (A)  
5 the following new subparagraph (B):

6 “(B) which foreign languages are critical  
7 to the national security interests of the United  
8 States for purposes of section 802(a)(2); and”;  
9 and

10 (v) in subparagraph (C), as so redesign-  
11 nated, by striking “scholarships or”;

12 (D) in paragraph (6), by striking “scholarship  
13 recipients and”; and

14 (E) in paragraph (7), by striking “scholarship  
15 or”.

16 (3) Section 804(b)(1) of that Act (50 U.S.C.  
17 1904(b)(1)) is amended by striking “scholarships, fellow-  
18 ships, and grants” and inserting “fellowships and carrying  
19 out activities”.

20 (4) The heading for title VIII of the Intelligence Au-  
21 thorization Act, Fiscal Year 1992 (Public Law 102-183)  
22 is amended to read as follows:

1 **“TITLE VIII—NATIONAL SECUR-**  
 2 **RITY FELLOWSHIPS AND**  
 3 **OTHER EDUCATIONAL SUP-**  
 4 **PORT”.**

5 (5) The heading of section 802 of that Act is amend-  
 6 ed to read as follows:

7 **“SEC. 802. PROGRAM OF FELLOWSHIPS AND OTHER EDU-**  
 8 **CATIONAL SUPPORT.”.**

9 (e) CONSTRUCTION OF AMENDMENTS.—Nothing in  
 10 the amendments to the David L. Boren National Security  
 11 Education Act of 1991 made by this section shall affect  
 12 the validity of any scholarship, fellowship, or grant made  
 13 or awarded under that Act before the date of the enact-  
 14 ment of this Act.

15 (f) REPORT ON CONVERSION OF FUNDING FROM  
 16 TRUST FUND TO ANNUAL APPROPRIATIONS.—(1) Not  
 17 later than 90 days after the date of the enactment of this  
 18 Act, the Secretary of Defense shall, in conjunction with  
 19 the Director of Central Intelligence, submit to the congres-  
 20 sional intelligence committees a report ~~containing a pro-~~  
 21 ~~posal for the conversion of~~ *on the advisability of converting*  
 22 the funding of the program of fellowships and other edu-  
 23 cational support under the David L. Boren National Secu-  
 24 rity Education Act of 1991, as amended by this section,  
 25 from funding through the National Security Education

1 Trust Fund under section 804 of that Act to funding  
2 through appropriations.

3       (2) ~~The proposal under paragraph (1)~~ *If the Secretary*  
4 *and the Director determine in the report under paragraph*  
5 *(1) that the conversion of funding referred to in that para-*  
6 *graph is advisable, the report shall include a recommenda-*  
7 *tion for such legislation as the Secretary and the Director*  
8 *consider appropriate to implement the ~~proposal~~ conversion*  
9 *of funding.*

10       (g) REPORT ON MODIFICATION OF NATIONAL FLAG-  
11 SHIP LANGUAGE INITIATIVE BEFORE IMPLEMENTA-  
12 TION.—If the Secretary, in conjunction with the Director,  
13 proposes any modification of the National Flagship Lan-  
14 guage Initiative under paragraph (2) of section 802(a) of  
15 the David L. Boren National Security Education Act of  
16 1991, as amended by subsection (c) of this section, be-  
17 tween the date of the enactment of this Act and the date  
18 of the implementation of the initiative, the Secretary and  
19 the Director shall jointly submit to the congressional intel-  
20 ligence committees a report on the proposed modification.

21       (h) CONGRESSIONAL INTELLIGENCE COMMITTEES  
22 DEFINED.—In this section, the term “congressional intel-  
23 ligence committees” means—

24               (1) the Select Committee on Intelligence of the  
25       Senate; and

1           (2) the Permanent Select Committee on Intel-  
2           ligence of the House of Representatives.

3   **SEC. 310. SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT**  
4                   **OF GRADUATE DEGREES IN SCIENCE AND**  
5                   **TECHNOLOGY.**

6           (a) PROGRAM REQUIRED.—The National Security  
7   Act of 1947 is amended—

8           (1) by redesignating title X as title XI;

9           (2) by redesignating section 1001 as section  
10   1101; and

11           (3) by inserting after title IX the following new  
12   title X:

13           “TITLE X—EDUCATION IN SUPPORT OF  
14                   NATIONAL INTELLIGENCE

15           “SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT OF  
16   GRADUATE DEGREES IN SCIENCE AND TECHNOLOGY

17           “SEC. 1001. (a) PROGRAM REQUIRED.—The Direc-  
18   tor of Central Intelligence shall carry out a program to  
19   provide scholarships and work-study for individuals who  
20   are pursuing graduate degrees in fields of study in science  
21   and technology that are identified by the Director as ap-  
22   propriate to meet the future needs of the intelligence com-  
23   munity for qualified scientists and engineers.

1       “(b) ADMINISTRATION.—The Director shall admin-  
2       ister the program through the Assistant Director of Cen-  
3       tral Intelligence for Administration.

4       “(c) IDENTIFICATION OF FIELDS OF STUDY.—The  
5       Director shall identify fields of study under subsection (a)  
6       in consultation with the other heads of the elements of  
7       the intelligence community.

8       “(d) ELIGIBILITY FOR PARTICIPATION.—An indi-  
9       vidual eligible to participate in the program is any indi-  
10      vidual who—

11           “(1) either—

12                   “(A) is an employee of the intelligence  
13                   community; or

14                   “(B) meets criteria for eligibility for em-  
15                   ployment in the intelligence community that are  
16                   established by the Director;

17           “(2) is accepted in a graduate degree program  
18           in a field of study in science or technology identified  
19           under subsection (a); and

20           “(3) is eligible for a security clearance at the  
21           level of Secret or above.

22       “(e) REGULATIONS.—The Director shall prescribe  
23       regulations for purposes of the administration of this sec-  
24       tion.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 for the National Security Act of 1947 is amended by strik-  
 3 ing the items relating to title X and section 1001 and in-  
 4 serting the following new items:

“TITLE X—EDUCATION IN SUPPORT OF NATIONAL  
 INTELLIGENCE

“Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in  
 science and technology.

“TITLE XI—OTHER PROVISIONS

“Sec. 1101. Applicability to United States intelligence activities of Federal laws  
 implementing international treaties and agreements.”.

5 **SEC. 311. NATIONAL VIRTUAL TRANSLATION CENTER.**

6 (a) ESTABLISHMENT.—The Director of Central Intel-  
 7 ligence, acting as the head of the intelligence community,  
 8 shall establish in the intelligence community an element  
 9 with the function of connecting the elements of the intel-  
 10 ligence community engaged in the acquisition, storage,  
 11 translation, or analysis of voice or data in digital form.

12 (b) DESIGNATION.—The element established under  
 13 subsection (a) shall be known as the National Virtual  
 14 Translation Center.

15 (c) ADMINISTRATIVE MATTERS.—(1) The Director  
 16 shall retain direct supervision and control over the element  
 17 established under subsection (a).

18 (2) The element established under subsection (a)  
 19 shall connect elements of the intelligence community uti-

1 lizing the most current available information technology  
2 that is applicable to the function of the element.

3 (d) DEADLINE FOR ESTABLISHMENT.—The element  
4 required by subsection (a) shall be established as soon as  
5 practicable after the date of the enactment of this Act,  
6 but not later than 90 days after that date.

7 **SEC. 312. FOREIGN TERRORIST ASSET TRACKING CENTER.**

8 (a) ESTABLISHMENT.—The Director of Central Intel-  
9 ligence, acting as the head of the intelligence community,  
10 shall establish in the Central Intelligence Agency an ele-  
11 ment responsible for conducting all-source intelligence  
12 analysis of information relating to the financial capabili-  
13 ties, practices, and activities of individuals, groups, and  
14 nations associated with international terrorism in their ac-  
15 tivities relating to international terrorism.

16 (b) DESIGNATION.—The element established under  
17 subsection (a) shall be known as the Foreign Terrorist  
18 Asset Tracking Center.

19 (c) DEADLINE FOR ESTABLISHMENT.—The element  
20 required by subsection (a) shall be established as soon as  
21 practicable after the date of the enactment of this Act,  
22 but not later than 90 days after that date.



1 **SEC. 313. TERRORIST IDENTIFICATION CLASSIFICATION**  
2 **SYSTEM.**

3 (a) REQUIREMENT.—(1) The Director of Central In-  
4 telligence, acting as head of the Intelligence Community,  
5 shall—

6 (A) establish and maintain a list of individuals  
7 who are known or suspected international terrorists,  
8 and of organizations that are known or suspected  
9 international terrorist organizations; and

10 (B) ensure that pertinent information on the  
11 list is shared with the departments, agencies, and  
12 organizations described by subsection (c).

13 (2) The list under paragraph (1), and the mecha-  
14 nisms for sharing information on the list, shall be known  
15 as the “Terrorist Identification Classification System”.

16 (b) ADMINISTRATION.—(1) The Director shall pre-  
17 scribe requirements for the inclusion of an individual or  
18 organization on the list required by subsection (a), and  
19 for the deletion or omission from the list of an individual  
20 or organization currently on the list.

21 (2) The Director shall ensure that the information  
22 utilized to determine the inclusion, or deletion or omission,  
23 of an individual or organization on or from the list is de-  
24 rived from all-source intelligence.

25 (3) The Director shall ensure that the list is main-  
26 tained in accordance with existing law and regulations

1 governing the collection, storage, and dissemination of in-  
2 telligence concerning United States persons.

3 (c) INFORMATION SHARING.—Subject to section  
4 103(c)(6) of the National Security Act of 1947 (50 U.S.C.  
5 403–3(c)(6)), relating to the protection of intelligence  
6 sources and methods, the Director shall provide for the  
7 sharing of the list, and information on the list, with such  
8 departments and agencies of the Federal Government,  
9 State and local government agencies, and entities of for-  
10 eign governments and international organizations as the  
11 Director considers appropriate.

12 (d) REPORTING AND CERTIFICATION.—(1) The Di-  
13 rector shall review on an annual basis the information pro-  
14 vided by various departments and agencies for purposes  
15 of the list under subsection (a) in order to determine  
16 whether or not the information so provided is derived from  
17 the widest possible range of intelligence available to such  
18 departments and agencies.

19 (2) The Director shall, as a result of each review  
20 under paragraph (1), certify whether or not the elements  
21 of the intelligence community responsible for the collection  
22 of intelligence related to the list have provided information  
23 for purposes of the list that is derived from the widest  
24 possible range of intelligence available to such department  
25 and agencies.

1       (e) REPORT ON CRITERIA FOR INFORMATION SHAR-  
2     ING.—(1) Not later than March 1, 2003, the Director  
3     shall submit to the congressional intelligence committees  
4     a report describing the criteria used to determine which  
5     types of information on the list required by subsection (a)  
6     are to be shared, and which types of information are not  
7     to be shared, with various departments and agencies of  
8     the Federal Government, State and local government  
9     agencies, and entities of foreign governments and inter-  
10    national organizations.

11       (2) The report shall include a description of the cir-  
12    cumstances in which the Director has determined that  
13    sharing information on the list with the departments and  
14    agencies of the Federal Government, and of State and  
15    local governments, described by subsection (c) would be  
16    inappropriate due to the concerns addressed by section  
17    103(c)(6) of the National Security Act of 1947, relating  
18    to the protection of sources and methods, and any instance  
19    in which the sharing on information on the list has been  
20    inappropriate in light of such concerns.

21       (f) SYSTEM ADMINISTRATION REQUIREMENTS.—(1)  
22    The Director shall, to the maximum extent practicable, en-  
23    sure the interoperability of the Terrorist Identification  
24    Classification System with relevant information systems of  
25    the departments and agencies of the Federal Government,

1 and of State and local governments, described by sub-  
2 section (c).

3 (2) The Director shall ensure that the System utilizes  
4 technologies that are effective in aiding the identification  
5 of individuals in the field.

6 (g) REPORT ON STATUS OF SYSTEM.—(1) Not later  
7 than one year after the date of the enactment of this Act,  
8 the Director shall, in consultation with the Director of  
9 Homeland Security, submit to the congressional intel-  
10 ligence committees a report on the status of the Terrorist  
11 Identification Classification System. The report shall con-  
12 tain a certification on the following:

13 (A) Whether or not the System contains the in-  
14 telligence information necessary to facilitate the con-  
15 tribution of the System to the domestic security of  
16 the United States.

17 (B) Whether or not the departments and agen-  
18 cies having access to the System have access in a  
19 manner that permits such departments and agencies  
20 to carry out appropriately their domestic security re-  
21 sponsibilities.

22 (C) Whether or not the System is operating in  
23 a manner that maximizes its contribution to the do-  
24 mestic security of the United States.

1 (D) If a certification under subparagraph (A),  
 2 (B), or (C) is in the negative, the modifications or  
 3 enhancements of the System necessary to ensure a  
 4 future certification in the positive.

5 (2) The report shall be submitted in unclassified  
 6 form, but may include a classified annex.

7 (h) CONGRESSIONAL INTELLIGENCE COMMITTEES  
 8 DEFINED.—In this section, the term “congressional intel-  
 9 ligence committees” means—

10 (1) the Select Committee on Intelligence of the  
 11 Senate; and

12 (2) the Permanent Select Committee on Intel-  
 13 ligence of the House of Representatives.

14 **SEC. 314. ANNUAL REPORT ON FOREIGN COMPANIES IN-**  
 15 **VOLVED IN THE PROLIFERATION OF WEAP-**  
 16 **ONS OF MASS DESTRUCTION THAT RAISE**  
 17 **FUNDS IN THE UNITED STATES CAPITAL**  
 18 **MARKETS.**

19 (a) ANNUAL REPORT REQUIRED.—The Director of  
 20 Central Intelligence shall submit to the appropriate com-  
 21 mittees of Congress on an annual basis a report setting  
 22 forth each foreign company described in subsection (b)  
 23 that raised or attempted to raise funds in the United  
 24 States capital markets during the preceding year.

1 (b) COVERED FOREIGN COMPANIES.—A foreign com-  
2 pany described in this subsection is any foreign company  
3 determined by the Director to be engaged or involved in  
4 the proliferation of weapons of mass destruction (including  
5 nuclear, biological, or chemical weapons) or the means to  
6 deliver such weapons.

7 (c) SUBMITTAL DATES.—(1) In the case of the ap-  
8 propriate committees of Congress referred to in paragraph  
9 (1) of subsection (e), the date each year for the submittal  
10 of the report required by subsection (a) shall be the date  
11 provided in section 507 of the National Security Act of  
12 1947, as added by section 401 of this Act.

13 (2) In the case of the appropriate committees of Con-  
14 gress referred to in paragraphs (2) and (3) of subsection  
15 (e), the date each year for the submittal of the report re-  
16 quired by subsection (a) shall be February 1 of such year.

17 (d) FORM OF REPORTS.—Each report under sub-  
18 section (a) shall be submitted in unclassified form, but  
19 may include a classified annex.

20 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-  
21 FINED.—In this section, the term “appropriate commit-  
22 tees of Congress” means—

23 (1) the Select Committee on Intelligence of the  
24 Senate and the Permanent Select Committee on In-  
25 telligence of the House of Representatives;

1           (2) the Committees on Armed Services, Bank-  
 2           ing, Housing, and Urban Affairs, and Governmental  
 3           Affairs of the Senate; and

4           (3) the Committees on Armed Services, Finan-  
 5           cial Services, and Government Reform of the House  
 6           of Representatives.

7 **SEC. 315. TWO-YEAR EXTENSION OF CENTRAL INTEL-**  
 8 **LIGENCE AGENCY VOLUNTARY SEPARATION**  
 9 **PAY ACT.**

10       Section 2(i) of the Central Intelligence Agency Vol-  
 11       untary Separation Pay Act (50 U.S.C. 403–4 note) is  
 12       amended—

13           (1) in subsection (f), by striking “September  
 14       30, 2003” and inserting “September 30, 2005”; and

15           (2) in subsection (i), by striking “in fiscal year  
 16       1998, 1999, 2000, 2001, 2002, or 2003” and insert-  
 17       ing “in fiscal years 1998 through 2005”.

18 **SEC. 316. ADDITIONAL ONE-YEAR SUSPENSION OF REORGA-**  
 19 **NIZATION OF DIPLOMATIC TELECOMMUNI-**  
 20 **CATIONS SERVICE PROGRAM OFFICE.**

21       Section 311 of the Intelligence Authorization Act for  
 22       Fiscal Year 2002 (Public Law 107–108; 115 Stat. 1401;  
 23       22 U.S.C. 7301 note) is amended by striking “October  
 24       1, 2002” and inserting “October 1, 2003”.

1           **TITLE IV—REPORTING**  
2           **REQUIREMENTS**  
3   **Subtitle A—Submittal of Reports to**  
4           **Intelligence Committees**

5   **SEC. 401. DATES FOR SUBMITTAL OF VARIOUS ANNUAL**  
6           **AND SEMI-ANNUAL REPORTS TO THE CON-**  
7           **GRESSIONAL INTELLIGENCE COMMITTEES.**

8           (a) IN GENERAL.—(1) Title V of the National Secu-  
9   rity Act of 1947 (50 U.S.C. 413 et seq.), as amended by  
10   section 304 of this Act, is further amended by adding at  
11   the end the following new section:

12   “DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMI-  
13       ANNUAL REPORTS TO THE CONGRESSIONAL INTEL-  
14       LIGENCE COMMITTEES

15       “SEC. 507. (a) ANNUAL REPORTS.—The date for the  
16   submittal to the congressional intelligence committees of  
17   the following annual reports shall be the date each year  
18   provided in subsection (c)(1):

19           “(1) The annual report on the assessment of  
20       the satisfaction of the intelligence community with  
21       the collection, analysis, and production of intel-  
22       ligence required by section 102(i).

23           “(2) The annual evaluation of the performance  
24       and responsiveness of certain elements of the intel-  
25       ligence community required by section 105(d).



1           “(3) The annual report on intelligence required  
2           by section 109.

3           “(4) The annual report on the detail of intel-  
4           ligence community personnel required by section  
5           113.

6           “(5) The annual report on intelligence commu-  
7           nity cooperation with Federal law enforcement agen-  
8           cies required by section 114(a)(2).

9           “(6) The annual report on the safety and secu-  
10          rity of Russian nuclear facilities and nuclear military  
11          forces required by section 114(b).

12          “(7) The annual report on the threat of attack  
13          on the United States from weapons of mass destruc-  
14          tion required by section 114(c).

15          “(8) The annual report on covert leases re-  
16          quired by section 114(d).

17          “(9) The annual report on improvements of the  
18          financial statements of the intelligence community  
19          for auditing purposes required by section 114A.

20          “(10) The annual report on the protection of  
21          the identities of covert agents required by section  
22          603.

23          “(11) The annual report on transfers of  
24          amounts for acquisition of land by the Central Intel-  
25          ligence Agency required by section 5(c)(2) of the

1 Central Intelligence Agency Act of 1949 (50 U.S.C.  
2 403f(c)(2)).

3 “(12) The annual audit of the Central Intel-  
4 ligence Agency central services program required by  
5 section 21(g) of the Central Intelligence Agency Act  
6 of 1949 (50 U.S.C. 403u(g)).

7 “(13) The annual report on the use of National  
8 Security Agency personnel as special policemen re-  
9 quired by section 11(a)(5) of the National Security  
10 Agency Act of 1959 (50 U.S.C. 402 note).

11 “(14) The annual report of the Inspectors Gen-  
12 erals of the intelligence community on proposed re-  
13 sources and activities of their offices required by sec-  
14 tion 8H(g) of the Inspector General Act of 1978.

15 “(15) The annual report on commercial activi-  
16 ties as security for intelligence collection required by  
17 section 437(c) of title 10, United States Code.

18 “(16) The annual report on expenditures for  
19 postemployment assistance for terminated intel-  
20 ligence employees required by section 1611(e)(2) of  
21 title 10, United States Code.

22 “(17) The annual report on activities of per-  
23 sonnel of the Federal Bureau of Investigation out-  
24 side the United States required by section  
25 540C(c)(2) of title 28, United States Code.

1           “(18) The annual update on foreign industrial  
2           espionage required by section 809(b) of the Counter-  
3           intelligence and Security Enhancements Act of 1994  
4           (title VIII of Public Law 103–359; 50 U.S.C. App.  
5           2170b(b)).

6           “(19) The annual report on coordination of  
7           counterintelligence matters with the Federal Bureau  
8           of Investigation required by section 811(c)(6) of the  
9           Counterintelligence and Security Enhancements Act  
10          of 1994 (50 U.S.C. 402a(c)(6)).

11          “(20) The annual report on intelligence activi-  
12          ties of the People’s Republic of China required by  
13          section 308(c) of the Intelligence Authorization Act  
14          for Fiscal Year 1998 (Public Law 105–107; 50  
15          U.S.C. 402a note).

16          “(21) The annual report on enhancing protec-  
17          tion of national security at the Department of Jus-  
18          tice required by section 606(b)(2)(B) of the Coun-  
19          terintelligence Reform Act of 2000 (title VI of Pub-  
20          lic Law 106–567).

21          “(22) The annual report on foreign companies  
22          involved in the proliferation of weapons of mass de-  
23          struction that raise funds in the United States cap-  
24          ital markets required by section 314 of the Intel-  
25          ligence Authorization Act for Fiscal Year 2003.

1           “(23) The annual report on counterdrug intel-  
2           ligence matters required by section 417 of the Intel-  
3           ligence Authorization Act for Fiscal Year 2003.

4           “(24) The annual report on certifications for  
5           immunity in interdiction of aircraft engaged in illicit  
6           drug trafficking required by section 1012(c)(2) of  
7           the National Defense Authorization Act for Fiscal  
8           Year 1995 (22 U.S.C. 2291–4(c)(2)).

9           “(25) The annual report on exceptions to con-  
10          sumer disclosure requirements for national security  
11          investigations under section 604(b)(4)(E) of the  
12          Fair Credit Reporting Act (15 U.S.C.  
13          1681b(b)(4)(E)).

14          “(26) The annual report on activities under the  
15          David L. Boren National Security Education Act of  
16          1991 (title VIII of Public Law 102–183; 50 U.S.C.  
17          1901 et seq.) required by section 806(a) of that Act  
18          (50 U.S.C. 1906(a)).

19          “(b) SEMI-ANNUAL REPORTS.—The dates for the  
20          submittal to the congressional intelligence committees of  
21          the following semi-annual reports shall be the dates each  
22          year provided in subsection (c)(2):

23               “(1) The periodic reports on intelligence pro-  
24               vided to the United Nations required by section  
25               112(b)(3).

1           “(2) The semiannual reports on the Office of  
2           the Inspector General of the Central Intelligence  
3           Agency required by section 17(d)(1) of the Central  
4           Intelligence Agency Act of 1949 (50 U.S.C.  
5           403q(d)(1)).

6           “(3) The semiannual reports on decisions not to  
7           prosecute certain violations of law under the Classi-  
8           fied Information Procedures Act (5 U.S.C. App.) as  
9           required by section 13(b) of that Act.

10          “(4) The semiannual reports on the acquisition  
11          of technology relating to weapons of mass destruc-  
12          tion and advanced chemical munitions required by  
13          section 721(b) of the Combatting Proliferation of  
14          Weapons of Mass Destruction Act of 1996 (title VII  
15          of Public Law 104–293; 50 U.S.C. 2366(b)).

16          “(5) The semiannual reports on the activities of  
17          the Diplomatic Telecommunications Service Program  
18          Office (DTS–PO) required by section  
19          322(a)(6)(D)(ii) of the Intelligence Authorization  
20          Act for Fiscal Year 2001 (22 U.S.C.  
21          7302(a)(6)(D)(ii)).

22          “(6) The semiannual reports on the disclosure  
23          of information and consumer reports to the Federal  
24          Bureau of Investigation for counterintelligence pur-

1       poses required by section 624(h)(2) of the Fair  
2       Credit Reporting Act (15 U.S.C. 1681u(h)(2)).

3           “(7) The semiannual provision of information  
4       on requests for financial information for foreign  
5       counterintelligence purposes required by section  
6       1114(a)(5)(C) of the Right to Financial Privacy Act  
7       of 1978 (12 U.S.C. 3414(a)(5)(C)).

8       “(c) SUBMITTAL DATES FOR REPORTS.—(1) Except  
9       as provided in subsection (d), each annual report listed  
10      in subsection (a) shall be submitted not later than Feb-  
11      ruary 1.

12       “(2) Except as provided in subsection (d), each semi-  
13      annual report listed in subsection (b) shall be submitted  
14      not later than February 1 and August 1.

15       “(d) POSTPONEMENT OF SUBMITTAL.—(1) Subject  
16      to paragraph (3), the date for the submittal of an annual  
17      report listed in subsection (a) may be postponed until  
18      March 1, or the date of the submittal of a semiannual  
19      report listed in subsection (b) may be postponed until  
20      March 1 or September 1, as the case may be, if the official  
21      required to submit such report submits to the congres-  
22      sional intelligence committees a written notification of  
23      such postponement.

24       “(2)(A) Notwithstanding any other provision of law  
25      and subject to paragraph (3), the date for the submittal

1 to the congressional intelligence committees of any report  
2 described in subparagraph (B) may be postponed by not  
3 more than 30 days from the date otherwise specified in  
4 the provision of law for the submittal of such report if  
5 the official required to submit such report submits to the  
6 congressional intelligence committees a written notifica-  
7 tion of such postponement.

8 “(B) A report described in this subparagraph is any  
9 report on intelligence or intelligence-related activities of  
10 the United States Government that is submitted under a  
11 provision of law requiring the submittal of only a single  
12 report.

13 “(3)(A) The date for the submittal of a report whose  
14 submittal is postponed under paragraph (1) or (2) may  
15 be postponed beyond the time provided for the submittal  
16 of such report under such paragraph if the official re-  
17 quired to submit such report submits to the congressional  
18 intelligence committees a written certification that prepa-  
19 ration and submittal of such report at such time will im-  
20 pede the work of officers or employees of the intelligence  
21 community in a manner that will be detrimental to the  
22 national security of the United States.

23 “(B) A certification with respect to a report under  
24 subparagraph (A) shall include a proposed submittal date

1 for such report, and such report shall be submitted not  
2 later than that date.

3 “(e) CONSTRUCTION.—The provisions of this section  
4 shall not affect the date for the submittal of any report  
5 covered by this section to a Member or committee of Con-  
6 gress other than the congressional intelligence committees,  
7 or to an official of the Executive branch.”.

8 (2) The table of sections for the National Security  
9 Act of 1947, as amended by section 304 of this Act, is  
10 further amended by inserting after the item relating to  
11 section 506 the following new item:

“Sec. 507. Dates for submittal of various annual and semi-annual reports to the  
congressional intelligence committees.”.

12 (b) REPORT OF GENERAL COUNSEL OF CIA ON EF-  
13 FORTS TO ENSURE COMPLIANCE WITH REPORTING  
14 DEADLINES.—(1) Not later than December 1, 2002, the  
15 General Counsel of the Central Intelligence Agency shall  
16 submit to the congressional intelligence committees a re-  
17 port on the efforts of the Office of the General Counsel  
18 of the Central Intelligence Agency to ensure compliance  
19 by the elements of the intelligence community with the re-  
20 quirements of section 507 of the National Security Act  
21 of 1947, as added by subsection (a).

22 (c) CONFORMING AMENDMENTS TO EXISTING RE-  
23 PORTING REQUIREMENTS.—



1           (1) NATIONAL SECURITY ACT OF 1947.—(A)  
2           Subsection (d) of section 105 of the National Secu-  
3           rity Act of 1947 (50 U.S.C. 403–5) is amended to  
4           read as follows:

5           “(d) ANNUAL EVALUATION OF PERFORMANCE AND  
6           RESPONSIVENESS OF CERTAIN ELEMENTS OF INTEL-  
7           LIGENCE COMMUNITY.—(1) Not later each year than the  
8           date provided in section 507, the Director shall submit to  
9           the congressional intelligence committees the evaluation  
10          described in paragraph (3).

11          “(2) The Director shall submit each year to the Com-  
12          mittee on Foreign Intelligence of the National Security  
13          Council, and to the Committees on Armed Services and  
14          Appropriations of the Senate and House of Representa-  
15          tives, the evaluation described in paragraph (3).

16          “(3) An evaluation described in this paragraph is an  
17          evaluation of the performance and responsiveness of the  
18          National Security Agency, the National Reconnaissance  
19          Office, and the National Imagery and Mapping Agency in  
20          meeting their respective national missions.

21          “(4) The Director shall submit each evaluation under  
22          this subsection in consultation with the Secretary of De-  
23          fense and the Chairman of the Joint Chiefs of Staff.”.

24                (B) Section 109 of that Act (50 U.S.C. 404d)  
25          is amended—

1 (i) in subsection (a), by striking paragraph  
2 (1) and inserting the following new paragraph  
3 (1):

4 “(1)(A) Not later each year than the date provided  
5 in section 507, the President shall submit to the congres-  
6 sional intelligence committees a report on the require-  
7 ments of the United States for intelligence and the activi-  
8 ties of the intelligence community.

9 “(B) Not later than January 31 each year, and in-  
10 cluded with the budget of the President for the next fiscal  
11 year under section 1105(a) of title 31, United States  
12 Code, the President shall submit to the appropriate con-  
13 gressional committees the report described in subpara-  
14 graph (A).”;

15 (ii) in subsection (c), as amended by sec-  
16 tion 803(a) of the Intelligence Renewal and Re-  
17 form Act of 1996 (title VIII of Public Law  
18 104–293; 110 Stat. 3475)—

19 (I) in paragraph (1), by striking “The  
20 Select Committee on Intelligence of the  
21 Senate, the Committee on Appropriations,”  
22 and inserting “The Committee on Appro-  
23 priations”; and

24 (II) in paragraph (2), by striking  
25 “The Permanent Select Committee on In-

1 telligence of the Senate, the Committee on  
2 Appropriations,” and inserting “The Com-  
3 mittee on Appropriations”; and

4 (iii) by striking subsection (c), as added by  
5 section 304(a) of the Intelligence Authorization  
6 Act for Fiscal Year 1994 (Public Law 103–178;  
7 107 Stat. 2034).

8 (C) Section 112(b) of that Act (50 U.S.C.  
9 404g(b)) is amended by adding at the end the fol-  
10 lowing new paragraph:

11 “(3) In the case of periodic reports required to be  
12 submitted under the first sentence of paragraph (1) to the  
13 congressional intelligence committees, the submittal dates  
14 for such reports shall be as provided in section 507.”.

15 (D) Section 113(c) of that Act (50 U.S.C.  
16 404h(c)) is amended by striking “Not later than”  
17 and all that follows through “a report” and inserting  
18 “Not later each year than the date provided in sec-  
19 tion 507, the Director of Central Intelligence shall  
20 submit to the congressional intelligence committees  
21 an annual report”.

22 (E) Section 114 of that Act (50 U.S.C. 404i)  
23 is amended—

24 (i) in subsection (a)—

1 (I) in paragraph (1), by striking “the  
2 congressional intelligence committees and”;

3 (II) by redesignating paragraphs (2)  
4 and (3) as paragraphs (3) and (4), respec-  
5 tively; and

6 (III) by inserting after paragraph (1)  
7 the following new paragraph (2):

8 “(2) Not later each year than the date provided in  
9 section 507, the Director shall submit to the congressional  
10 intelligence committees the report required to be sub-  
11 mitted under paragraph (1) during the preceding year.”;

12 and

13 (ii) in subsection (b)(1), by striking “, on  
14 an annual basis” and all that follows through  
15 “leadership” and inserting “submit to the con-  
16 gressional leadership on an annual basis, and to  
17 the congressional intelligence committees on the  
18 date each year provided in section 507,”.

19 (F) Section 603 of that Act (50 U.S.C. 423) is  
20 amended—

21 (i) in subsection (a), by adding at the end  
22 the following new sentence: “The date for the  
23 submittal of the report shall be the date pro-  
24 vided in section 507.”; and

1 (ii) in subsection (b), by striking the sec-  
2 ond sentence.

3 (2) CENTRAL INTELLIGENCE AGENCY ACT OF  
4 1949.—(A) Section 5(c)(2) of the Central Intelligence  
5 Agency Act of 1949 (50 U.S.C. 403f(c)(2)) is  
6 amended—

7 (i) by striking “The Director” and all that  
8 follows through “an annual” and inserting  
9 “Not later each year than the date provided in  
10 section 507 of the National Security Act of  
11 1947, the Director shall submit to the congres-  
12 sional intelligence committees (as defined in  
13 section 3 of that Act (50 U.S.C. 401a)) a”; and

14 (ii) by inserting “during the preceding  
15 year” after “paragraph (1)”.

16 (B) Section 17(d)(1) of that Act (50 U.S.C.  
17 403q(d)(1)) is amended in the second sentence by  
18 striking “Within thirty days of receipt of such re-  
19 ports,” and inserting “Not later than the dates each  
20 year provided for the transmittal of such reports in  
21 section 507 of the National Security Act of 1947,”.

22 (C) Section 21(g) of that Act (50 U.S.C.  
23 403u(g)) is amended by striking paragraph (3) and  
24 inserting the following new paragraphs:

1       “(3) Not later than 30 days after the completion of  
 2 an audit under paragraph (1), the Inspector General shall  
 3 submit a copy of the audit to the Director of the Office  
 4 of Management and Budget and the Director of Central  
 5 Intelligence.

6       “(4) Not later each year than the date provided in  
 7 section 507 of the National Security Act of 1947, the In-  
 8 spector General shall submit to the congressional intel-  
 9 ligence committees (as defined in section 3 of that Act  
 10 (50 U.S.C. 401a)) a copy of the audit completed under  
 11 paragraph (1) during the preceding year.”.

12           (3) NATIONAL SECURITY AGENCY ACT OF  
 13 1959.—Section 11(a)(5) of the National Security  
 14 Agency Act of 1959 (50 U.S.C. 402 note) is amend-  
 15 ed by striking “Not later than” and all that follows  
 16 through “the Senate” and inserting “Not later each  
 17 year than the date provided in section 507 of the  
 18 National Security Act of 1947, the Director shall  
 19 submit to the congressional intelligence committees  
 20 (as defined in section 3 of that Act (50 U.S.C.  
 21 401a)) a report”.

22           (4) CLASSIFIED INFORMATION PROCEDURES  
 23 ACT.—Section 13 of the Classified Information Pro-  
 24 cedures Act (5 U.S.C. App.) is amended—

1 (A) by redesignating subsection (b) as sub-  
2 section (c); and

3 (B) by inserting after subsection (a) the  
4 following new subsection (b):

5 “(b) In the case of the semiannual reports (whether  
6 oral or written) required to be submitted under subsection  
7 (a) to the Permanent Select Committee on Intelligence of  
8 the House of Representatives and the Select Committee  
9 on Intelligence of the Senate, the submittal dates for such  
10 reports shall be as provided in section 507 of the National  
11 Security Act of 1947.”.

12 (5) TITLE 10, UNITED STATES CODE.—(A) Sec-  
13 tion 437 of title 10, United States Code, is  
14 amended—

15 (i) in subsection (c), by striking “Not later  
16 than” and all that follows through “of Con-  
17 gress” and inserting “Not later each year than  
18 the date provided in section 507 of the National  
19 Security Act of 1947, the Secretary shall sub-  
20 mit to the congressional intelligence committees  
21 (as defined in section 3 of that Act (50 U.S.C.  
22 401a))”; and

23 (ii) by striking subsection (d).

24 (B) Section 1611(e) of that title is amended—

1 (i) in paragraph (1), by striking “para-  
2 graph (2)” and inserting “paragraph (3)”;

3 (ii) by redesignating paragraph (2) as  
4 paragraph (3); and

5 (iii) by inserting after paragraph (1) the  
6 following new paragraph (2):

7 “(2) In the case of a report required to be submitted  
8 under paragraph (1) to the Permanent Select Committee  
9 on Intelligence of the Senate and the Select Committee  
10 on Intelligence of the House of Representatives, the date  
11 for the submittal of such report shall be as provided in  
12 section 507 of the National Security Act of 1947.”.

13 (6) INTELLIGENCE AUTHORIZATION ACTS.—(A)  
14 Section 809 of the Counterintelligence and Security  
15 Enhancements Act of 1994 (title VIII of Public Law  
16 103–359; 108 Stat. 3454; 50 U.S.C. 2170b) is  
17 amended—

18 (i) by striking subsection (b) and inserting  
19 the following new subsection (b):

20 “(b) ANNUAL UPDATE.—

21 “(1) SUBMITTAL TO CONGRESSIONAL INTEL-  
22 LIGENCE COMMITTEES.—Not later each year than  
23 the date provided in section 507 of the National Se-  
24 curity Act of 1947, the President shall submit to the  
25 congressional intelligence committees a report updat-



1       ing the information referred to in subsection  
2       (a)(1)(D).

3               “(2) SUBMITTAL TO CONGRESSIONAL LEADER-  
4       SHIP.—Not later than April 14 each year, the Presi-  
5       dent shall submit to the congressional leadership a  
6       report updating the information referred to in sub-  
7       section (a)(1)(D).

8               “(3) DEFINITIONS.—In this subsection:

9               “(A) CONGRESSIONAL INTELLIGENCE COM-  
10       MITTEES.—The term ‘congressional intelligence  
11       committees’ has the meaning given that term in  
12       section 3 of the National Security Act of 1947  
13       (50 U.S.C. 401a).

14              “(B) CONGRESSIONAL LEADERSHIP.—The  
15       term ‘congressional leadership’ means the  
16       Speaker and the minority leader of the House  
17       of Representatives and the majority leader and  
18       the minority leader of the Senate.”; and

19              (ii) by redesignating subsection (e) as sub-  
20       section (d).

21              (B) Paragraph (6) of section 811(c) of that Act  
22       (50 U.S.C. 402a(c)) is amended to read as follows:

23              “(6)(A) Not later each year than the date provided  
24       in section 507 of the National Security Act of 1947, the  
25       Director of the Federal Bureau of Investigation shall sub-

1 mit to the congressional intelligence committees (as de-  
 2 fined in section 3 of that Act (50 U.S.C. 401a)) a report  
 3 with respect to compliance with paragraphs (1) and (2)  
 4 during the previous calendar year.

5 “(B) Not later than February 1 each year, the Direc-  
 6 tor shall, in accordance with applicable security proce-  
 7 dures, submit to the Committees on the Judiciary of the  
 8 Senate and House of Representatives a report with respect  
 9 to compliance with paragraphs (1) and (2) during the pre-  
 10 vious calendar year.

11 “(C) The Director of the Federal Bureau of Inves-  
 12 tigation shall submit each report under this paragraph in  
 13 consultation with the Director of Central Intelligence and  
 14 the Secretary of Defense.”.

15 (C) Section 721 of the Combatting Proliferation  
 16 of Weapons of Mass Destruction Act of 1996 (title  
 17 VII of Public Law 104–293; 110 Stat. 3474; 50  
 18 U.S.C. 236) is amended—

19 (i) in subsection (a), by striking “Not later  
 20 than” and all that follows through “the Direc-  
 21 tor” and inserting “The Director”;

22 (ii) by redesignating subsection (b) as sub-  
 23 section (c);

24 (iii) by inserting after subsection (a) the  
 25 following new subsection (b):

1       “(b) SUBMITTAL DATES.—(1) The report required by  
 2 subsection (a) shall be submitted each year to the congres-  
 3 sional intelligence committees on a semiannual basis on  
 4 the dates provided in section 507 of the National Security  
 5 Act of 1947.

6       “(2) The report required by subsection (a) shall be  
 7 submitted each year to the congressional leadership on  
 8 April 11 and October 11 of such year.

9       “(3) In this subsection:

10           “(A) The term ‘congressional intelligence com-  
 11 mittees’ has the meaning given that term in section  
 12 3 of the National Security Act of 1947 (50 U.S.C.  
 13 401a).

14           “(B) The term ‘congressional leadership’ means  
 15 the Speaker and the minority leader of the House of  
 16 Representatives and the majority leader and the mi-  
 17 nority leader of the Senate.”; and

18           (iv) in subsection (c), as so redesignated,  
 19 by striking “The reports” and inserting “Each  
 20 report”.

21           (D) Section 308 of the Intelligence Authoriza-  
 22 tion Act for Fiscal Year 1998 (Public Law 105–107;  
 23 111 Stat. 2253; 50 U.S.C. 402a note) is amended—

24           (i) in subsection (a)—

1 (I) by striking “Not later than” and  
 2 all that follows through “the Director of  
 3 Central Intelligence” and inserting “The  
 4 Director of Central Intelligence”; and

5 (II) by inserting “on an annual basis”  
 6 after “to Congress”; and

7 (ii) by adding at the end the end the fol-  
 8 lowing new subsection (c):

9 “(c) SUBMITTAL DATE OF REPORT TO LEADERSHIP  
 10 OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—The  
 11 date each year for the submittal to the Chairman and  
 12 Ranking Member of the Permanent Select Committee on  
 13 Intelligence of the House of Representatives and the  
 14 Chairman and Ranking Member of the Select Committee  
 15 on Intelligence of the Senate of the report required by sub-  
 16 section (a) shall be the date provided in section 507 of  
 17 the National Security Act of 1947.”.

18 (E) Section 322(a)(6)(D) of the Intelligence  
 19 Authorization Act for Fiscal Year 2001 (Public Law  
 20 105–567; 114 Stat. 2844; 22 U.S.C. 7302(a)(6)(D))  
 21 is amended—

22 (i) in clause (i), by striking “Beginning  
 23 on” and inserting “Except as provided in clause  
 24 (ii), beginning on”;

1 (ii) by redesignating clause (ii) as clause  
2 (iii);

3 (iii) by inserting after clause (i) the fol-  
4 lowing new clause (ii):

5 “(ii) SUBMITTAL DATE OF REPORTS TO  
6 CONGRESSIONAL INTELLIGENCE COMMIT-  
7 TEES.—In the case of reports required to be  
8 submitted under clause (i) to the congressional  
9 intelligence committees (as defined in section 3  
10 of the National Security Act of 1947 (50  
11 U.S.C. 401a)), the submittal dates for such re-  
12 ports shall be as provided in section 507 of that  
13 Act.”; and

14 (iv) in clause (iii), as so redesignated, by  
15 striking “report” and inserting “reports”.

16 (F) Section 606(b)(2) of the Counterintelligence  
17 Reform Act of 2000 (title VI of Public Law 106–  
18 567; 114 Stat. 2854) is amended—

19 (i) in subparagraph (A), by striking “sub-  
20 paragraph (B)” and inserting “subparagraph  
21 (C)”;

22 (ii) by redesignating subparagraph (B) as  
23 subparagraph (C); and

24 (iii) by inserting after subparagraph (A)  
25 the following new subparagraph (B):

1       “(B) In the case of a report required to be submitted  
2 under subparagraph (A) to the congressional intelligence  
3 committees (as defined in section 3 of the National Secu-  
4 rity Act of 1947 (50 U.S.C. 401a)), the submittal date  
5 for such report shall be as provided in section 507 of that  
6 Act.”.

7           (7) PUBLIC LAW 103–337.—Section 1012(c) of  
8 the National Defense Authorization Act for Fiscal  
9 Year 1995 (22 U.S.C. 2291–4(c)) is amended—

10           (A) in paragraph (1), by striking “Not  
11 later than” and inserting “Except as provided  
12 in paragraph (2), not later than”;

13           (B) by redesignating paragraph (2) as  
14 paragraph (3); and

15           (C) by inserting after paragraph (1) the  
16 following new paragraph (2):

17       “(2) In the case of a report required to be submitted  
18 under paragraph (1) to the congressional intelligence com-  
19 mittees (as defined in section 3 of the National Security  
20 Act of 1947 (50 U.S.C. 401a)), the submittal date for  
21 such report shall be as provided in section 507 of that  
22 Act.”.

23           (8) DAVID L. BOREN NATIONAL SECURITY EDU-  
24 CATION ACT OF 1991.—The David L. Boren National  
25 Security Education Act of 1991 (title VIII of Public

1 Law 102–183; 50 U.S.C. 1901 et seq.) is  
2 amended—

3 (A) in section 806(a) (50 U.S.C.  
4 1906(a))—

5 (i) by inserting “(1)” before “The  
6 Secretary”;

7 (ii) in paragraph (1), as so des-  
8 ignated, by striking “the Congress” and  
9 inserting “the congressional intelligence  
10 committees”;

11 (iii) by designating the second sen-  
12 tence as paragraph (2) and indenting the  
13 left margin of such paragraph, as so des-  
14 ignated, two ems;

15 (iv) in paragraph (2), as so des-  
16 ignated, by inserting “submitted to the  
17 President” after “The report”; and

18 (v) by adding at the end the following  
19 new paragraph (3):

20 “(3) The report submitted to the congressional intel-  
21 ligence committees shall be submitted on the date provided  
22 in section 507 of the National Security Act of 1947.”; and

23 (B) in section 808 (50 U.S.C. 1908), by  
24 adding at the end the following new paragraph  
25 (5):

1           “(5) The term ‘congressional intelligence com-  
2       mittees’ means—

3           “(A) the Select Committee on Intelligence  
4       of the Senate; and

5           “(B) the Permanent Select Committee on  
6       Intelligence of the House of Representatives.”.

7       (9) FAIR CREDIT REPORTING ACT.—(A) Section  
8       604(b)(4) of the Fair Credit Reporting Act (15  
9       U.S.C. 1681b(b)(4)) is amended—

10           (i) in subparagraph (D), by striking “Not  
11       later than” and inserting “Except as provided  
12       in subparagraph (E), not later than”;

13           (ii) by redesignating subparagraph (E) as  
14       subparagraph (F); and

15           (iii) by inserting after subparagraph (D)  
16       the following new subparagraph (E):

17           “(E) REPORTS TO CONGRESSIONAL INTEL-  
18       LIGENCE COMMITTEES.—In the case of a report  
19       to be submitted under subparagraph (D) to the  
20       congressional intelligence committees (as de-  
21       fined in section 3 of the National Security Act  
22       of 1947 (50 U.S.C. 401a)), the submittal date  
23       for such report shall be as provided in section  
24       507 of that Act.”.



1 (B) Section 624(h) of that Act (15 U.S.C.  
2 1681u(h)) is amended—

3 (i) by inserting “(1)” before “On a semi-  
4 annual basis,”; and

5 (ii) by adding at the end the following new  
6 paragraph:

7 “(2) In the case of the semiannual reports required  
8 to be submitted under paragraph (1) to the Permanent  
9 Select Committee on Intelligence of the House of Rep-  
10 resentatives and the Select Committee on Intelligence of  
11 the Senate, the submittal dates for such reports shall be  
12 as provided in section 507 of the National Security Act  
13 of 1947.”.

14 (10) RIGHT TO FINANCIAL PRIVACY ACT OF  
15 1978.—Section 1114(a)(5)(C) of the Right to Finan-  
16 cial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C))  
17 is amended by striking “On a semiannual” and all  
18 that follows through “the Senate” and inserting “On  
19 the dates provided in section 507 of the National Se-  
20 curity Act of 1947, the Attorney General shall fully  
21 inform the congressional intelligence committees (as  
22 defined in section 3 of that Act (50 U.S.C. 401a))”.

## **Subtitle B—Recurring Annual Reports**

**SEC. 411. ANNUAL ASSESSMENT OF SATISFACTION OF INTELLIGENCE COMMUNITY WITH COLLECTION, ANALYSIS, AND PRODUCTION OF INTELLIGENCE.**

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following new subsection:

“(i) ANNUAL ASSESSMENT OF SATISFACTION OF INTELLIGENCE COMMUNITY WITH COLLECTION, ANALYSIS, AND PRODUCTION OF INTELLIGENCE.—(1) The Assistant Director of Central Intelligence for Collection and the Assistant Director of Central Intelligence for Analysis and Production shall conduct each year a comprehensive review of the satisfaction of the elements of the intelligence community with the collection, analysis, and production of intelligence during the preceding year.

“(2) Each review for a year under paragraph (1) shall include—

“(A) an evaluation of the effectiveness of the intelligence collection, analysis, and production programs of the intelligence community in such year in meeting the requirements of the intelligence commu-

1 nity for intelligence, including whether or not gaps  
2 exist in such programs; and

3 “(B) an assessment of the allocation of re-  
4 sources for the collection, analysis, and production of  
5 intelligence in such year to determine whether or not  
6 an alternative allocation of such resources would bet-  
7 ter meet the requirements of the intelligence commu-  
8 nity for intelligence.

9 “(3) The Assistant Directors shall jointly submit to  
10 the Director of Central Intelligence a report on each re-  
11 view conducted under paragraph (1). Each report shall—

12 “(A) set forth the results of the evaluation and  
13 assessment under paragraph (2);

14 “(B) describe any significant successes or fail-  
15 ures in the collection, analysis, or production of in-  
16 telligence in the year covered by such report; and

17 “(C) include any recommendations regarding  
18 the collection, analysis, or production of intelligence  
19 that the Assistant Directors consider appropriate.

20 “(4) The Director of Central Intelligence shall trans-  
21 mit to the congressional intelligence committees each re-  
22 port submitted under paragraph (3). The Director shall  
23 include in the transmittal of such report any comments  
24 and recommendations regarding such report that the Di-  
25 rector considers appropriate.

1 “(5) The submittal date for a report under paragraph  
2 (4) each year shall be the date provided in section 507.”.

3 **SEC. 412. ANNUAL REPORT ON THREAT OF ATTACK ON THE**  
4 **UNITED STATES USING WEAPONS OF MASS**  
5 **DESTRUCTION.**

6 Section 114 of the National Security Act of 1947,  
7 as amended by section 303(b)(6) of this Act, is further  
8 amended—

9 (1) by redesignating subsection (c) as sub-  
10 section (d); and

11 (2) by inserting after subsection (b) the fol-  
12 lowing new subsection (c):

13 “(c) ANNUAL REPORT ON THREAT OF ATTACK ON  
14 THE UNITED STATES USING WEAPONS OF MASS DE-  
15 STRUCTION.—(1) Not later each year than the date pro-  
16 vided in section 507, the Director shall submit to the con-  
17 gressional intelligence committees a report assessing the  
18 following:

19 “(A) The current threat of attack on the  
20 United States using ballistic missiles or cruise mis-  
21 siles.

22 “(B) The current threat of attack on the  
23 United States using a chemical, biological, or nu-  
24 clear weapon delivered by a system other than a bal-  
25 listic missile or cruise missile.

1       “(2) Each report under paragraph (1) shall be a na-  
 2 tional intelligence estimate, or have the formality of a na-  
 3 tional intelligence estimate.”.

4 **SEC. 413. ANNUAL REPORT ON COVERT LEASES.**

5       Section 114 of the National Security Act of 1947,  
 6 as amended by section 412 of this Act, is further  
 7 amended—

8           (1) by redesignating subsection (d) as sub-  
 9 section (e); and

10          (2) by inserting after subsection (c) the fol-  
 11 lowing new subsection (d):

12       “(d) ANNUAL REPORT ON COVERT LEASES.—(1)  
 13 Not later each year than the date provided in section 507,  
 14 the Director shall submit to the congressional intelligence  
 15 committees a report on each covert lease of an element  
 16 of the intelligence community that is in force as of the  
 17 end of the preceding year.

18       “(2) Each report under paragraph (1) shall include  
 19 the following:

20           “(A) A list of each lease described by that para-  
 21 graph.

22           “(B) For each lease—

23               “(i) the cost of such lease;

24               “(ii) the duration of such lease;

25               “(iii) the purpose of such lease; and

1                   “(iv) the directorate or office that controls  
2                   such lease.”.

3 **SEC. 414. ANNUAL REPORT ON IMPROVEMENT OF FINAN-**  
4 **CIAL STATEMENTS OF CERTAIN ELEMENTS**  
5 **OF THE INTELLIGENCE COMMUNITY FOR AU-**  
6 **DITING PURPOSES.**

7           (a) IN GENERAL.—Title I of the National Security  
8 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-  
9 ing after section 114 the following new section:

10       “ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL  
11       STATEMENTS FOR AUDITING PURPOSES

12       “SEC. 114A. Not later each year than the date pro-  
13 vided in section 507, the Director of Central Intelligence,  
14 Director of the National Security Agency, Director of the  
15 Defense Intelligence Agency, and Director of the National  
16 Imagery and Mapping Agency shall each submit to the  
17 congressional intelligence committees a report describing  
18 the activities being undertaken by such official to ensure  
19 that the financial statements of such agency can be au-  
20 dited in accordance with applicable law and requirements  
21 of the Office of Management and Budget.”.

22       (b) CLERICAL AMENDMENT.—The table of sections  
23 for the National Security Act of 1947 is amended by in-  
24 serting after the item relating to section 114 the following  
25 new item:

“Sec. 114A. Annual report on improvement of financial statements for auditing purposes.”.

1 **SEC. 415. ANNUAL REPORT ON ACTIVITIES OF FEDERAL BU-**  
 2 **REAU OF INVESTIGATION PERSONNEL OUT-**  
 3 **SIDE THE UNITED STATES.**

4 (a) ANNUAL REPORT.—Chapter 33 of title 28,  
 5 United States Code, is amended by adding at the end the  
 6 following new section:

7 **“§ 540C. Annual report on activities of Federal Bu-**  
 8 **reau of Investigation personnel outside**  
 9 **the United States**

10 “(a) The Director of the Federal Bureau of Inves-  
 11 tigation shall submit to the appropriate committees of  
 12 Congress each year a report on the activities of personnel  
 13 of the Federal Bureau of Investigation outside the United  
 14 States.

15 “(b) The report under subsection (a) shall include the  
 16 following:

17 “(1) For the year preceding the year in which  
 18 the report is required to be submitted—

19 “(A) the number of personnel of the Bu-  
 20 reau posted or detailed outside the United  
 21 States during the year;

22 “(B) a description of the coordination of  
 23 the investigations, asset handling, liaison, and  
 24 operational activities of the Bureau during the

1 year with other elements of the intelligence  
2 community; and

3 “(C) a description of the extent to which  
4 information derived from activities described in  
5 subparagraph (B) was shared with other ele-  
6 ments of the intelligence community.

7 “(2) For the year in which the report is re-  
8 quired to be submitted—

9 “(A) a description of the plans, if any, of  
10 the Director—

11 “(i) to modify the number of per-  
12 sonnel of the Bureau posted or detailed  
13 outside the United States; or

14 “(ii) to modify the scope of the activi-  
15 ties of personnel of the Bureau posted or  
16 detailed outside the United States; and

17 “(B) a description of the manner and ex-  
18 tent to which information derived from activi-  
19 ties of the Bureau described in paragraph  
20 (1)(B) during the year will be shared with other  
21 elements of the intelligence community.

22 “(c)(1) In the case of the committees of Congress  
23 specified in subsection (d)(1), the date of the submittal  
24 each year of the report required by subsection (a) shall  
25 be February 1 of such year.



1 “(2) In the case of the committees of Congress speci-  
 2 fied in subsection (d)(2), the date of the submittal each  
 3 year of the report required by subsection (a) shall be the  
 4 date provided in section 507 of the National Security Act  
 5 of 1947.

6 “(d) In this section, the term ‘appropriate committees  
 7 of Congress’ means—

8 “(1) the Committees on the Judiciary of the  
 9 Senate and House of Representatives; and

10 “(2) the congressional intelligence committees  
 11 (as defined in section 3 of the National Security Act  
 12 of 1947 (50 U.S.C. 401a)).”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
 14 at the beginning of chapter 33 of that title is amended  
 15 by inserting after the item relating to section 540B the  
 16 following new item:

“540C. Annual report on activities of Federal Bureau of Investigation personnel  
 outside the United States.”.

17 **SEC. 416. ANNUAL REPORTS OF INSPECTORS GENERAL OF**  
 18 **THE INTELLIGENCE COMMUNITY ON PRO-**  
 19 **POSED RESOURCES AND ACTIVITIES OF**  
 20 **THEIR OFFICES.**

21 Section 8H of the Inspector General Act of 1978 (5  
 22 U.S.C. App.) is amended—

23 (1) in subsection (f), by striking “this section”  
 24 and inserting “subsections (a) through (e)”;

1           (2) by redesignating subsection (g) as sub-  
2       section (h); and

3           (3) by inserting after subsection (f) the fol-  
4       lowing new subsection (g):

5       “(g)(1) The Inspector General of the Defense Intel-  
6       ligence Agency, the National Imagery and Mapping Agen-  
7       cy, the National Reconnaissance Office, and the National  
8       Security Agency shall each submit to the congressional in-  
9       telligence committees each year a report that sets forth  
10      the following:

11           “(A) The personnel and funds requested by  
12       such Inspector General for the fiscal year beginning  
13       in such year for the activities of the office of such  
14       Inspector General in such fiscal year.

15           “(B) The plan of such Inspector General for  
16       such activities, including the programs and activities  
17       scheduled for review by the office of such Inspector  
18       General during such fiscal year.

19           “(C) An assessment of the current ability of  
20       such Inspector General to hire and retain qualified  
21       personnel for the office of such Inspector General.

22           “(D) Any matters that such Inspector General  
23       considers appropriate regarding the independence  
24       and effectiveness of the office of such Inspector Gen-  
25       eral.

1 “(2) The submittal date for a report under paragraph  
 2 (1) each year shall be the date provided in section 507  
 3 of the National Security Act of 1947.

4 “(3) In this subsection, the term ‘congressional intel-  
 5 ligence committees’ shall have the meaning given that  
 6 term in section 3 of the National Security Act of 1947  
 7 (50 U.S.C. 401a).”.

8 **SEC. 417. ANNUAL REPORT ON COUNTERDRUG INTEL-**  
 9 **LIGENCE MATTERS.**

10 (a) ANNUAL REPORT.—The Counterdrug Intelligence  
 11 Coordinating Group shall submit to the appropriate com-  
 12 mittees of Congress each year a report on current  
 13 counterdrug intelligence matters. The report shall include  
 14 the recommendations of the Counterdrug Intelligence Co-  
 15 ordinating Group on the appropriate number of perma-  
 16 nent staff, and of detailed personnel, for the staff of the  
 17 Counterdrug Intelligence Executive Secretariat.

18 (b) SUBMITTAL DATE.—(1) In the case of the com-  
 19 mittees of Congress specified in subsection (c)(1), the date  
 20 of the submittal each year of the report required by sub-  
 21 section (a) shall be February 1 of such year.

22 (2) In the case of the committees of Congress speci-  
 23 fied in subsection (c)(2), the date of the submittal each  
 24 year of the report required by subsection (a) shall be the

1 date provided in section 507 of the National Security Act  
 2 of 1947, as added by section 401 of this Act.

3 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
 4 FINED.—In this section, the term “appropriate commit-  
 5 tees of Congress” means—

6 (1) the Committees on Appropriations of the  
 7 Senate and House of Representatives; and

8 (2) the congressional intelligence committees  
 9 (as defined in section 3 of the National Security Act  
 10 of 1947 (50 U.S.C. 401a)).

## 11 **Subtitle C—Other Reports**

### 12 **SEC. 431. EVALUATION OF POLICIES AND PROCEDURES OF** 13 **DEPARTMENT OF STATE ON PROTECTION OF** 14 **CLASSIFIED INFORMATION AT DEPARTMENT** 15 **HEADQUARTERS.**

16 (a) EVALUATION REQUIRED.—Not later than Decem-  
 17 ber 31 of 2002, 2003, and 2004, the Inspector General  
 18 of the Department of State shall conduct an evaluation  
 19 of the policies and procedures of the Department on the  
 20 protection of classified information at the Headquarters  
 21 of the Department, including compliance with the direc-  
 22 tives of the Director of Central Intelligence (DCIDs) re-  
 23 garding the storage and handling of Sensitive Compart-  
 24 mented Information (SCI) material.

1 (b) ANNUAL REPORT.—Except as provided in sub-  
 2 section (c), not later than February 1 of 2003, 2004, and  
 3 2005, the Inspector General shall submit to the congres-  
 4 sional intelligence committees a report on the evaluation  
 5 conducted under subsection (a) during the preceding year.

6 (c) EXCEPTION.—The date each year for the sub-  
 7 mittal of a report under subsection (b) may be postponed  
 8 in accordance with section 507(d) of the National Security  
 9 Act of 1947, as added by section 401 of this Act.

10 (d) CONGRESSIONAL INTELLIGENCE COMMITTEES  
 11 DEFINED.—In this section, the term “congressional intel-  
 12 ligence committees” means—

13 (1) the Select Committee on Intelligence of the  
 14 Senate; and

15 (2) the Permanent Select Committee on Intel-  
 16 ligence of the House of Representatives.

## 17 **Subtitle D—Repeal of Certain** 18 **Report Requirements**

### 19 **SEC. 441. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

20 (a) ANNUAL REPORT ON EXERCISE OF NATIONAL  
 21 SECURITY AGENCY VOLUNTARY SEPARATION PAY AU-  
 22 THORITY.—Section 301(j) of the National Security Act of  
 23 1947 (50 U.S.C. 409a(j)), as amended by section  
 24 303(b)(2)(B) of this Act, is further amended—

1           (1) by striking “REPORTING REQUIRE-  
2           MENTS.—” and all that follows through “The Direc-  
3           tor” and inserting “NOTIFICATION OF EXERCISE OF  
4           AUTHORITY.—The Director”; and

5           (2) by striking paragraph (2).

6           (b) ANNUAL REPORT ON USE OF CIA PERSONNEL  
7           AS SPECIAL POLICEMEN.—Section 15(a) of the Central  
8           Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is  
9           amended by striking paragraph (5).

## 10   **TITLE   V—COUNTERINTEL-** 11                   **LIGENCE ACTIVITIES**

### 12   **SEC. 501. SHORT TITLE; PURPOSE.**

13           (a) SHORT TITLE.—This title may be cited as the  
14           “Counterintelligence Enhancement Act of 2002”.

15           (b) PURPOSE.—The purpose of this title is to facili-  
16           tate the enhancement of the counterintelligence activities  
17           of the United States Government by—

18                   (1) enabling the counterintelligence community  
19                   of the United States Government to fulfill better its  
20                   mission of identifying, assessing, prioritizing, and  
21                   countering the intelligence threats to the United  
22                   States;

23                   (2) ensuring that the counterintelligence com-  
24                   munity of the United States Government acts in an  
25                   efficient and effective manner; and

1           (3) providing for the integration of all the coun-  
2           terintelligence activities of the United States Govern-  
3           ment.

4   **SEC. 502. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.**

5           (a) ESTABLISHMENT.—(1) There shall be a National  
6   Counterintelligence Executive, who shall be appointed by  
7   the President.

8           (2) It is the sense of Congress that the President  
9   should seek the views of the Attorney General, Secretary  
10   of Defense, and Director of Central Intelligence in select-  
11   ing an individual for appointment as the Executive.

12          (b) MISSION.—The mission of the National Counter-  
13   intelligence Executive shall be to serve as the head of na-  
14   tional counterintelligence for the United States Govern-  
15   ment.

16          (c) DUTIES.—Subject to the direction and control of  
17   the President, the duties of the National Counterintel-  
18   ligence Executive are as follows:

19                (1) To carry out the mission referred to in sub-  
20                section (c).

21                (2) To act as chairperson of the National Coun-  
22                terintelligence Policy Board under section 811 of the  
23                Counterintelligence and Security Enhancements Act  
24                of 1994 (title VIII of Public Law 103–359; 50

1 U.S.C. 402a), as amended by section 503 of this  
2 Act.

3 (3) To act as head of the Office of the National  
4 Counterintelligence Executive under section 504.

5 (4) To participate as an observer on such  
6 boards, committees, and entities of the Executive  
7 branch as the President considers appropriate for  
8 the discharge of the mission and functions of the  
9 Executive and the Office of the National Counter-  
10 intelligence Executive under section 504.

11 **SEC. 503. NATIONAL COUNTERINTELLIGENCE POLICY**  
12 **BOARD.**

13 (a) CHAIRPERSON.—Section 811 of the Counterintel-  
14 ligence and Security Enhancements Act of 1994 (title VII  
15 of Public Law 103–359; 50 U.S.C. 402a) is amended—

16 (1) by striking subsection (b);

17 (2) by redesignating subsection (c) as sub-  
18 section (e); and

19 (3) by inserting after subsection (a) the fol-  
20 lowing new subsection (b):

21 “(b) CHAIRPERSON.—The National Counterintel-  
22 ligence Executive under section 502 of the Counterintel-  
23 ligence Enhancement Act of 2002 shall serve as the chair-  
24 person of the Board.”.



1 (b) MEMBERSHIP.—That section is further amended  
2 by inserting after subsection (b), as amended by sub-  
3 section (a)(3) of this section, the following new subsection  
4 (c):

5 “(c) MEMBERSHIP.—The membership of the Na-  
6 tional Counterintelligence Policy Board shall consist of the  
7 following:

8 “(1) The National Counterintelligence Execu-  
9 tive.

10 “(2) Senior personnel of departments and ele-  
11 ments of the United States Government, appointed  
12 by the head of the department or element concerned,  
13 as follows:

14 “(A) The Department of Justice, including  
15 the Federal Bureau of Investigation.

16 “(B) The Department of Defense, includ-  
17 ing the Joint Chiefs of Staff.

18 “(C) The Department of State.

19 “(D) The Department of Energy.

20 “(E) The Central Intelligence Agency.

21 “(F) Any other department, agency, or ele-  
22 ment of the United States Government specified  
23 by the President.”.

24 (c) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—  
25 That section is further amended by inserting after sub-

1 section (c), as amended by subsection (b) of this section,  
2 the following new subsection:

3 “(d) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—

4 (1) The Board shall—

5 “(A) serve as the principal mechanism for—

6 “(i) developing policies and procedures for  
7 the approval of the President to govern the con-  
8 duct of counterintelligence activities; and

9 “(ii) upon the direction of the President,  
10 resolving conflicts that arise between elements  
11 of the Government conducting such activities;  
12 and

13 “(B) act as an interagency working group to—

14 “(i) ensure the discussion and review of  
15 matters relating to the implementation of the  
16 Counterintelligence Enhancement Act of 2002;  
17 and

18 “(ii) provide advice to the National Coun-  
19 terintelligence Executive on priorities in the im-  
20 plementation of the National Counterintel-  
21 ligence Strategy produced by the Office of the  
22 National Counterintelligence Executive under  
23 section 504(e)(2) of that Act.

24 “(2) The Board may, for purposes of carrying out  
25 its functions under this section, establish such interagency

1 boards and working groups as the Board considers appro-  
2 priate.”.

3 **SEC. 504. OFFICE OF THE NATIONAL COUNTERINTEL-**  
4 **LIGENCE EXECUTIVE.**

5 (a) ESTABLISHMENT.—There shall be an Office of  
6 the National Counterintelligence Executive.

7 (b) HEAD OF OFFICE.—The National Counterintel-  
8 ligence Executive shall be the head of the Office of the  
9 National Counterintelligence Executive.

10 (c) LOCATION OF OFFICE.—The Office of the Na-  
11 tional Counterintelligence Executive shall be located in the  
12 Executive Office of the President.

13 (d) GENERAL COUNSEL.—(1) There shall be in the  
14 Office of the National Counterintelligence Executive a  
15 general counsel who shall serve as principal legal advisor  
16 to the National Counterintelligence Executive.

17 (2) The general counsel shall—

18 (A) provide legal advice and counsel to the Ex-  
19 ecutive on matters relating to functions of the Of-  
20 fice;

21 (B) ensure that the Office complies with all ap-  
22 plicable laws, regulations, Executive orders, and  
23 guidelines; and

24 (C) carry out such other duties as the Execu-  
25 tive may specify.

1       (e) FUNCTIONS.—Subject to the direction and control  
2 of the National Counterintelligence Executive, the func-  
3 tions of the Office of the National Counterintelligence Ex-  
4 ecutive shall be as follows:

5           (1) NATIONAL THREAT IDENTIFICATION AND  
6 PRIORITIZATION ASSESSMENT.—Subject to sub-  
7 section (f), in consultation with appropriate depart-  
8 ment and agencies of the United States Government,  
9 and private sector entities, to produce on an annual  
10 basis a strategic planning assessment of the counter-  
11 intelligence requirements of the United States to be  
12 known as the National Threat Identification and  
13 Prioritization Assessment.

14          (2) NATIONAL COUNTERINTELLIGENCE STRAT-  
15 EGY.—Subject to subsection (f), in consultation with  
16 appropriate department and agencies of the United  
17 States Government, and private sector entities, and  
18 based on the most current National Threat Identi-  
19 fication and Prioritization Assessment under para-  
20 graph (1), to produce on an annual basis a strategy  
21 for the counterintelligence programs and activities of  
22 the United States Government to be known as the  
23 National Counterintelligence Strategy.

24          (3) IMPLEMENTATION OF NATIONAL COUNTER-  
25 INTELLIGENCE STRATEGY.—To evaluate on an on-

1       going basis the implementation of the National  
2       Counterintelligence Strategy and to submit to the  
3       President periodic reports on such evaluation, in-  
4       cluding a discussion of any shortfalls in the imple-  
5       mentation of the Strategy and recommendations for  
6       remedies for such shortfalls.

7               (4) NATIONAL COUNTERINTELLIGENCE STRA-  
8       TEGIC ANALYSES.—As directed by the Director of  
9       Central Intelligence and in consultation with appro-  
10      prium elements of the departments and agencies of  
11      the United States Government, to oversee and co-  
12      ordinate the production of strategic analyses of  
13      counterintelligence matters, including the production  
14      of counterintelligence damage assessments and as-  
15      sessments of lessons learned from counterintelligence  
16      activities.

17              (5) NATIONAL COUNTERINTELLIGENCE PRO-  
18      GRAM BUDGET.—In consultation with the Director  
19      of Central Intelligence—

20                   (A) to coordinate the development of budg-  
21                   ets and resource allocation plans for the coun-  
22                   terintelligence programs and activities of the  
23                   Department of Defense, the Federal Bureau of  
24                   Investigation, the Central Intelligence Agency,

1 and other appropriate elements of the United  
2 States Government;

3 (B) to ensure that the budgets and re-  
4 source allocations plans developed under sub-  
5 paragraph (A) address the objectives and prior-  
6 ities for counterintelligence under the National  
7 Counterintelligence Strategy; and

8 (C) to submit to the National Security  
9 Council periodic reports on the activities under-  
10 taken by the Office under subparagraphs (A)  
11 and (B).

12 (6) NATIONAL COUNTERINTELLIGENCE COL-  
13 LECTION AND TARGETING COORDINATION.—To de-  
14 velop priorities for counterintelligence investigations  
15 and operations, and for collection of counterintel-  
16 ligence, for purposes of the National Counterintel-  
17 ligence Strategy, except that the Office may not—

18 (A) carry out any counterintelligence inves-  
19 tigations or operations; or

20 (B) establish its own contacts, or carry out  
21 its own activities, with foreign intelligence serv-  
22 ices.

23 (7) NATIONAL COUNTERINTELLIGENCE OUT-  
24 REACH, WATCH, AND WARNING.—

1           (A) COUNTERINTELLIGENCE VULNER-  
2 ABILITY SURVEYS.—To carry out and coordi-  
3 nate surveys of the vulnerability of the United  
4 States Government, and the private sector, to  
5 intelligence threats in order to identify the  
6 areas, programs, and activities that require pro-  
7 tection from such threats.

8           (B) OUTREACH.—To carry out and coordi-  
9 nate outreach programs and activities on coun-  
10 terintelligence to other elements of the United  
11 States Government, and the private sector, and  
12 to coordinate the dissemination to the public of  
13 warnings on intelligence threats to the United  
14 States.

15          (C) RESEARCH AND DEVELOPMENT.—To  
16 ensure that research and development programs  
17 and activities of the United States Government,  
18 and the private sector, direct attention to the  
19 needs of the counterintelligence community for  
20 technologies, products, and services.

21          (D) TRAINING AND PROFESSIONAL DEVEL-  
22 OPMENT.—To develop policies and standards  
23 for training and professional development of in-  
24 dividuals engaged in counterintelligence activi-

1           ties and to manage the conduct of joint training  
2           exercises for such personnel.

3           (f) ADDITIONAL REQUIREMENTS REGARDING NA-  
4 TIONAL THREAT IDENTIFICATION AND PRIORITIZATION  
5 ASSESSMENT AND NATIONAL COUNTERINTELLIGENCE  
6 STRATEGY.—(1) A National Threat Identification and  
7 Prioritization Assessment under subsection (e)(1), and  
8 any modification of such assessment, shall not go into ef-  
9 fect until approved by the President.

10          (2) A National Counterintelligence Strategy under  
11 subsection (e)(2), and any modification of such strategy,  
12 shall not go into effect until approved by the President.

13          (3) The National Counterintelligence Executive shall  
14 submit to the congressional intelligence committees each  
15 National Threat Identification and Prioritization Assess-  
16 ment, or modification thereof, and each National Counter-  
17 intelligence Strategy, or modification thereof, approved  
18 under this section.

19          (4) In this subsection, the term “congressional intel-  
20 ligence committees” means—

21               (A) the Select Committee on Intelligence of the  
22               Senate; and

23               (B) the Permanent Select Committee on Intel-  
24               ligence of the House of Representatives.



1       (g) PERSONNEL.—(1) Personnel of the Office of the  
2 National Counterintelligence Executive may consist of per-  
3 sonnel employed by the Office or personnel on detail from  
4 any other department, agency, or element of the Federal  
5 Government. Any such detail may be on a reimbursable  
6 or non-reimbursable basis, at the election of the head of  
7 the agency detailing such personnel.

8       (2) Notwithstanding section 104(d) or any other pro-  
9 vision of law limiting the period of the detail of personnel  
10 on a non-reimbursable basis, the detail of an officer or  
11 employee of United States or a member of the Armed  
12 Forces under paragraph (1) on a non-reimbursable basis  
13 may be for any period in excess of one year that the Na-  
14 tional Counterintelligence Executive and the head of the  
15 department, agency, or element concerned consider appro-  
16 priate.

17       (3) The employment of personnel by the Office, in-  
18 cluding the appointment, compensation and benefits, man-  
19 agement, and separation of such personnel, shall be gov-  
20 erned by the provisions of law on such matters with re-  
21 spect to the personnel of the Central Intelligence Agency,  
22 except that, for purposes of the applicability of such provi-  
23 sions of law to personnel of the Office, the National Coun-  
24 terintelligence Executive shall be treated as the head of  
25 the Office.

1       (4) Positions in the Office shall be excepted service  
2 positions for purposes of title 5, United States Code.

3       (h) SUPPORT.—(1) The Attorney General, Secretary  
4 of Defense, and Director of Central Intelligence may each  
5 provide the Office of the National Counterintelligence Ex-  
6 ecutive such support as may be necessary to permit the  
7 Office to carry out its functions under this section.

8       (2) Subject to any terms and conditions specified by  
9 the Director of Central Intelligence, the Director may pro-  
10 vide administrative and contract support to the Office as  
11 if the Office were an element of the Central Intelligence  
12 Agency.

13       (3) Support provided under this subsection may be  
14 provided on a reimbursable or non-reimbursable basis, at  
15 the election of the official providing such support.

16       (i) AVAILABILITY OF FUNDS FOR REIMBURSE-  
17 MENT.—The National Counterintelligence Executive may,  
18 from amounts available for the Office, transfer to a de-  
19 partment or agency detailing personnel under subsection  
20 (g), or providing support under subsection (h), on a reim-  
21 bursable basis amounts appropriate to reimburse such de-  
22 partment or agency for the detail of such personnel or the  
23 provision of such support, as the case may be.

24       (j) CONTRACTS.—(1) Subject to paragraph (2), the  
25 National Counterintelligence Executive may enter into any

1 contract, lease, cooperative agreement, or other trans-  
2 action that the Executive considers appropriate to carry  
3 out the functions of the Office of the National Counter-  
4 intelligence Executive under this section.

5 (2) The authority under paragraph (1) to enter into  
6 contracts, leases, cooperative agreements, and other trans-  
7 actions shall be subject to any terms, conditions, and limi-  
8 tations applicable to the Central Intelligence Agency under  
9 law with respect to similar contracts, leases, cooperative  
10 agreements, and other transactions.

11 (k) TREATMENT OF ACTIVITIES UNDER CERTAIN  
12 ADMINISTRATIVE LAWS.—(1) The provisions of the Fed-  
13 eral Advisory Committee Act (5 U.S.C. App.) shall not  
14 apply to the activities of the Office of the National Coun-  
15 terintelligence Executive.

16 (2) The files of the Office shall be treated as oper-  
17 ational files of the Central Intelligence Agency for pur-  
18 poses of section 701 of the National Security Act of 1947  
19 (50 U.S.C. 431) to the extent such files meet criteria  
20 under subsection (b) of that section for treatment of files  
21 as operational files of an element of the Agency.

22 (l) OVERSIGHT BY CONGRESS.—The location of the  
23 Office of the National Counterintelligence Executive with-  
24 in the Executive Office of the President shall not be con-

1 strued as affecting access by Congress, or any committee  
 2 of Congress, to—

3 (1) any information, document, record, or paper  
 4 in the possession of the Office; or

5 (2) any personnel of the Office.

6 (m) DESIGNATION OF OFFICE AS ELEMENT OF IN-  
 7 TELLIGENCE COMMUNITY.—Section 3(4) of the National  
 8 Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

9 (1) in subparagraph (I), by striking “and” at  
 10 the end;

11 (2) by redesignating subparagraph (J) as sub-  
 12 paragraph (K); and

13 (3) by inserting after subparagraph (I) the fol-  
 14 lowing new subparagraph (J):

15 “(J) the Office of the National Counterintel-  
 16 ligence Executive; and”.

17 **TITLE VI—NATIONAL COMMIS-**  
 18 **SION FOR REVIEW OF RE-**  
 19 **SEARCH AND DEVELOPMENT**  
 20 **PROGRAMS OF THE UNITED**  
 21 **STATES INTELLIGENCE COM-**  
 22 **MUNITY**

23 **SEC. 601. FINDINGS.**

24 Congress makes the following findings:

1           (1) Research and development efforts under the  
2           purview of the intelligence community are vitally im-  
3           portant to the national security of the United States.

4           (2) The intelligence community must operate in  
5           a dynamic, highly-challenging environment, charac-  
6           terized by rapid technological growth, against a  
7           growing number of hostile, technically-sophisticated  
8           threats. Research and development programs under  
9           the purview of the intelligence community are crit-  
10          ical to ensuring that intelligence agencies, and their  
11          personnel, are provided with important technological  
12          capabilities to detect, characterize, assess, and ulti-  
13          mately counter the full range of threats to the na-  
14          tional security of the United States.

15          (3) There is a need to review the full range of  
16          current research and development programs under  
17          the purview of the intelligence community, evaluate  
18          such programs against the scientific and techno-  
19          logical fields judged to be of most importance, and  
20          articulate program and resource priorities for future  
21          research and development activities to ensure a uni-  
22          fied and coherent research and development program  
23          across the entire intelligence community.

1 **SEC. 602. NATIONAL COMMISSION FOR THE REVIEW OF**  
 2 **THE RESEARCH AND DEVELOPMENT PRO-**  
 3 **GRAMS OF THE UNITED STATES INTEL-**  
 4 **LIGENCE COMMUNITY.**

5 (a) ESTABLISHMENT.—There is established a com-  
 6 mission to be known as the “National Commission for the  
 7 Review of the Research and Development Programs of the  
 8 United States Intelligence Community” (in this title re-  
 9 ferred to as the “Commission”).

10 (b) COMPOSITION.—The Commission shall be com-  
 11 posed of ~~11 members~~ *12 members*, as follows:

12 (1) The Deputy Director of Central Intelligence  
 13 for Community Management.

14 (2) *A senior intelligence official of the Office of*  
 15 *the Secretary of Defense, as designated by the Sec-*  
 16 *retary of Defense.*

17 ~~(2)~~ (3) Three members appointed by the Major-  
 18 ity Leader of the Senate, in consultation with the  
 19 Chairman of the Select Committee on Intelligence of  
 20 the Senate, one from Members of the Senate and  
 21 two from private life.

22 ~~(3)~~ (4) Two members appointed by the Minority  
 23 Leader of the Senate, in consultation with the Vice  
 24 Chairman of the Select Committee on Intelligence of  
 25 the Senate, one from Members of the Senate and  
 26 one from private life.

1           ~~(4)~~ (5) Three members appointed by the Speak-  
 2           er of the House of Representatives, in consultation  
 3           with the Chairman of the Permanent Select Com-  
 4           mittee on Intelligence of the House of Representa-  
 5           tives, one from Members of the House of Represent-  
 6           atives and two from private life.

7           ~~(5)~~ (6) Two members appointed by the Minority  
 8           Leader of the House of Representatives, in consulta-  
 9           tion with the ranking member of the Permanent Se-  
 10          lect Committee on Intelligence of the House of Rep-  
 11          resentatives, one from Members of the House of  
 12          Representatives and one from private life.

13          (c) MEMBERSHIP.—(1) The individuals appointed  
 14          from private life as members of the Commission shall be  
 15          individuals who are nationally recognized for expertise,  
 16          knowledge, or experience in—

17                (A) research and development programs;

18                (B) technology discovery and insertion;

19                (C) use of intelligence information by national  
 20          policymakers and military leaders; or

21                (D) the implementation, funding, or oversight  
 22          of the national security policies of the United States.

23          (2) An official who appoints members of the Commis-  
 24          sion may not appoint an individual as a member of the  
 25          Commission if, in the judgment of the official, such indi-

1   vidual possesses any personal or financial interest in the  
2   discharge of any of the duties of the Commission.

3       (3) All members of the Commission appointed from  
4   private life shall possess an appropriate security clearance  
5   in accordance with applicable laws and regulations con-  
6   cerning the handling of classified information.

7       (d) CO-CHAIRS.—(1) The Commission shall have two  
8   co-chairs, selected from among the members of the Com-  
9   mission.

10      (2) One co-chair of the Commission shall be a mem-  
11   ber of the Democratic Party, and one co-chair shall be  
12   a member of the Republican Party.

13      (3) The individuals who serve as the co-chairs of the  
14   Commission shall be jointly agreed upon by the President,  
15   the Majority Leader of the Senate, the Minority Leader  
16   of the Senate, the Speaker of the House of Representa-  
17   tives, and the Minority Leader of the House of Represent-  
18   atives.

19      (e) APPOINTMENT; INITIAL MEETING.—(1) Members  
20   of the Commission shall be appointed not later than 45  
21   days after the date of the enactment of this Act.

22      (2) The Commission shall hold its initial meeting on  
23   the date that is 60 days after the date of the enactment  
24   of this Act.



1       (f) MEETINGS; QUORUM; VACANCIES.—(1) After its  
2 initial meeting, the Commission shall meet upon the call  
3 of the co-chairs of the Commission.

4       (2) Six members of the Commission shall constitute  
5 a quorum for purposes of conducting business, except that  
6 two members of the Commission shall constitute a quorum  
7 for purposes of receiving testimony.

8       (3) Any vacancy in the Commission shall not affect  
9 its powers, but shall be filled in the same manner in which  
10 the original appointment was made.

11       (4) If vacancies in the Commission occur on any day  
12 after 45 days after the date of the enactment of this Act,  
13 a quorum shall consist of a majority of the members of  
14 the Commission as of such day.

15       (g) ACTIONS OF COMMISSION.—(1) The Commission  
16 shall act by resolution agreed to by a majority of the mem-  
17 bers of the Commission voting and present.

18       (2) The Commission may establish panels composed  
19 of less than the full membership of the Commission for  
20 purposes of carrying out the duties of the Commission  
21 under this title. The actions of any such panel shall be  
22 subject to the review and control of the Commission. Any  
23 findings and determinations made by such a panel shall  
24 not be considered the findings and determinations of the  
25 Commission unless approved by the Commission.

1       (3) Any member, agent, or staff of the Commission  
2 may, if authorized by the co-chairs of the Commission,  
3 take any action which the Commission is authorized to  
4 take pursuant to this title.

5       (h) DUTIES.—The duties of the Commission shall  
6 be—

7           (1) to conduct, until not later than the date on  
8 which the Commission submits the report under sec-  
9 tion 607(a), the review described in subsection (i);  
10 and

11          (2) to submit to the congressional intelligence  
12 committees, the Director of Central Intelligence, and  
13 the Secretary of Defense a final report on the re-  
14 sults of the review.

15       (i) REVIEW.—The Commission shall review the status  
16 of research and development programs and activities with-  
17 in the intelligence community, including—

18           (1) an assessment of the advisability of modi-  
19 fying the scope of research and development for pur-  
20 poses of such programs and activities;

21           (2) a review of the particular individual re-  
22 search and development activities under such pro-  
23 grams;

24           (3) an evaluation of the current allocation of re-  
25 sources for research and development, including

1       whether the allocation of such resources for that  
2       purpose should be modified;

3           (4) an identification of the scientific and tech-  
4       nological fields judged to be of most importance to  
5       the intelligence community;

6           (5) an evaluation of the relationship between  
7       the research and development programs and activi-  
8       ties of the intelligence community and the research  
9       and development programs and activities of other  
10      departments and agencies of the Federal Govern-  
11      ment; and

12          (6) an evaluation of the relationship between  
13      the research and development programs and activi-  
14      ties of the intelligence community and the research  
15      and development programs and activities of the pri-  
16      vate sector.

17   **SEC. 603. POWERS OF COMMISSION.**

18      (a) IN GENERAL.—(1) The Commission or, on the  
19      authorization of the Commission, any subcommittee or  
20      member thereof, may, for the purpose of carrying out the  
21      provisions of this title—

22          (A) hold such hearings and sit and act at such  
23      times and places, take such testimony, receive such  
24      evidence, and administer such oaths; and

1 (B) require, by subpoena or otherwise, the at-  
2 tendance and testimony of such witnesses and the  
3 production of such books, records, correspondence,  
4 memoranda, papers, and documents, as the Commis-  
5 sion or such designated subcommittee or designated  
6 member considers necessary.

7 (2) Subpoenas may be issued under subparagraph  
8 (1)(B) under the signature of the co-chairs of the Commis-  
9 sion, and may be served by any person designated by such  
10 co-chairs.

11 (3) The provisions of sections 102 through 104 of the  
12 Revised Statutes of the United States (2 U.S.C. 192–194)  
13 shall apply in the case of any failure of a witness to comply  
14 with any subpoena or to testify when summoned under  
15 authority of this section.

16 (b) CONTRACTING.—The Commission may, to such  
17 extent and in such amounts as are provided in advance  
18 in appropriation Acts, enter into contracts to enable the  
19 Commission to discharge its duties under this title.

20 (c) INFORMATION FROM FEDERAL AGENCIES.—The  
21 Commission may secure directly from any executive de-  
22 partment, agency, bureau, board, commission, office, inde-  
23 pendent establishment, or instrumentality of the Govern-  
24 ment information, suggestions, estimates, and statistics  
25 for the purposes of this title. Each such department, agen-

1 cy, bureau, board, commission, office, establishment, or in-  
2 strumentality shall, to the extent authorized by law, fur-  
3 nish such information, suggestions, estimates, and statis-  
4 tics directly to the Commission, upon request of the co-  
5 chairs of the Commission. The Commission shall handle  
6 and protect all classified information provided to it under  
7 this section in accordance with applicable statutes and reg-  
8 ulations.

9 (d) ASSISTANCE FROM FEDERAL AGENCIES.—(1)  
10 The Director of Central Intelligence shall provide to the  
11 Commission, on a nonreimbursable basis, such administra-  
12 tive services, funds, staff, facilities, and other support  
13 services as are necessary for the performance of the Com-  
14 mission's duties under this title.

15 (2) The Secretary of Defense may provide the Com-  
16 mission, on a nonreimbursable basis, with such adminis-  
17 trative services, staff, and other support services as the  
18 Commission may request.

19 (3) In addition to the assistance set forth in para-  
20 graphs (1) and (2), other departments and agencies of the  
21 United States may provide the Commission such services,  
22 funds, facilities, staff, and other support as such depart-  
23 ments and agencies consider advisable and as may be au-  
24 thorized by law.

1       (4) The Commission shall receive the full and timely  
2 cooperation of any official, department, or agency of the  
3 United States Government whose assistance is necessary  
4 for the fulfillment of the duties of the Commission under  
5 this title, including the provision of full and current brief-  
6 ings and analyses.

7       (e) PROHIBITION ON WITHHOLDING INFORMA-  
8 TION.—No department or agency of the Government may  
9 withhold information from the Commission on the grounds  
10 that providing the information to the Commission would  
11 constitute the unauthorized disclosure of classified infor-  
12 mation or information relating to intelligence sources or  
13 methods.

14       (f) POSTAL SERVICES.—The Commission may use  
15 the United States mails in the same manner and under  
16 the same conditions as the departments and agencies of  
17 the United States.

18       (g) GIFTS.—The Commission may accept, use, and  
19 dispose of gifts or donations of services or property in car-  
20 rying out its duties under this title.

21 **SEC. 604. STAFF OF COMMISSION.**

22       (a) IN GENERAL.—(1) The co-chairs of the Commis-  
23 sion, in accordance with rules agreed upon by the Commis-  
24 sion, shall appoint and fix the compensation of a staff di-  
25 rector and such other personnel as may be necessary to

1 enable the Commission to carry out its duties, without re-  
2 gard to the provisions of title 5, United States Code, gov-  
3 erning appointments in the competitive service, and with-  
4 out regard to the provisions of chapter 51 and subchapter  
5 III or chapter 53 of such title relating to classification  
6 and General Schedule pay rates, except that no rate of  
7 pay fixed under this subsection may exceed the equivalent  
8 of that payable to a person occupying a position at level  
9 V of the Executive Schedule under section 5316 of such  
10 title.

11 (2) Any Federal Government employee may be de-  
12 tailed to the Commission without reimbursement from the  
13 Commission, and such detailee shall retain the rights, sta-  
14 tus, and privileges of his or her regular employment with-  
15 out interruption.

16 (3) All staff of the Commission shall possess a secu-  
17 rity clearance in accordance with applicable laws and regu-  
18 lations concerning the handling of classified information.

19 (b) CONSULTANT SERVICES.—(1) The Commission  
20 may procure the services of experts and consultants in ac-  
21 cordance with section 3109 of title 5, United States Code,  
22 but at rates not to exceed the daily rate paid a person  
23 occupying a position at level IV of the Executive Schedule  
24 under section 5315 of such title.

1       (2) All experts and consultants employed by the Com-  
2 mission shall possess a security clearance in accordance  
3 with applicable laws and regulations concerning the han-  
4 dling of classified information.

5 **SEC. 605. COMPENSATION AND TRAVEL EXPENSES.**

6       (a) COMPENSATION.—(1) Except as provided in para-  
7 graph (2), each member of the Commission may be com-  
8 pensated at not to exceed the daily equivalent of the an-  
9 nual rate of basic pay in effect for a position at level IV  
10 of the Executive Schedule under section 5315 of title 5,  
11 United States Code, for each day during which that mem-  
12 ber is engaged in the actual performance of the duties of  
13 the Commission under this title.

14       (2) Members of the Commission who are officers or  
15 employees of the United States or Members of Congress  
16 shall receive no additional pay by reason of their service  
17 on the Commission.

18       (b) TRAVEL EXPENSES.—While away from their  
19 homes or regular places of business in the performance  
20 of services for the Commission, members of the Commis-  
21 sion may be allowed travel expenses, including per diem  
22 in lieu of subsistence, in the same manner as persons em-  
23 ployed intermittently in the Government service are al-  
24 lowed expenses under section 5703(b) of title 5, United  
25 States Code.



1 **SEC. 606. TREATMENT OF INFORMATION RELATING TO NA-**  
2 **TIONAL SECURITY.**

3 (a) IN GENERAL.—(1) The Director of Central Intel-  
4 ligence shall assume responsibility for the handling and  
5 disposition of any information related to the national secu-  
6 rity of the United States that is received, considered, or  
7 used by the Commission under this title.

8 (2) Any information related to the national security  
9 of the United States that is provided to the Commission  
10 by a congressional intelligence committee may not be fur-  
11 ther provided or released without the approval of the  
12 chairman of such committee.

13 (b) ACCESS AFTER TERMINATION OF COMMIS-  
14 SION.—Notwithstanding any other provision of law, after  
15 the termination of the Commission under section 607, only  
16 the Members and designated staff of the congressional in-  
17 telligence committees, the Director of Central Intelligence  
18 (and the designees of the Director), and such other offi-  
19 cials of the executive branch as the President may des-  
20 ignate shall have access to information related to the na-  
21 tional security of the United States that is received, con-  
22 sidered, or used by the Commission.

23 **SEC. 607. FINAL REPORT; TERMINATION.**

24 (a) FINAL REPORT.—Not later than September 1,  
25 2003, the Commission shall submit to the congressional  
26 intelligence committees, the Director of Central Intel-

1   ligence, and the Secretary of Defense a final report as re-  
2   quired by section 602(h)(2).

3       (b) TERMINATION.—(1) The Commission, and all the  
4   authorities of this title, shall terminate at the end of the  
5   120-day period beginning on the date on which the final  
6   report under subsection (a) is transmitted to the congres-  
7   sional intelligence committees.

8       (2) The Commission may use the 120-day period re-  
9   ferred to in paragraph (1) for the purposes of concluding  
10   its activities, including providing testimony to Congress  
11   concerning the final report referred to in that paragraph  
12   and disseminating the report.

13   **SEC. 608. ASSESSMENTS OF FINAL REPORT.**

14       Not later than 60 days after receipt of the final re-  
15   port under section 607(a), the Director of Central Intel-  
16   ligence and the Secretary of Defense shall each submit to  
17   the congressional intelligence committees an assessment  
18   by the Director or the Secretary, as the case may be, of  
19   the final report. Each assessment shall include such com-  
20   ments on the findings and recommendations contained in  
21   the final report as the Director or Secretary, as the case  
22   may be, considers appropriate.

1 **SEC. 609. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE**  
2 **PROVISIONS.**

3 (a) FEDERAL ADVISORY COMMITTEE ACT.—The pro-  
4 visions of the Federal Advisory Committee Act (5 U.S.C.  
5 App.) shall not apply to the activities of the Commission  
6 under this title.

7 (b) FREEDOM OF INFORMATION ACT.—The provi-  
8 sions of section 552 of title 5, United States Code (com-  
9 monly referred to as the Freedom of Information Act),  
10 shall not apply to the activities, records, and proceedings  
11 of the Commission under this title.

12 **SEC. 610. FUNDING.**

13 (a) TRANSFER FROM THE COMMUNITY MANAGE-  
14 MENT ACCOUNT.—Of the amounts authorized to be appro-  
15 priated by this Act for the Intelligence Technology Innova-  
16 tion Center of the Community Management Account, the  
17 Deputy Director of Central Intelligence for Community  
18 Management shall transfer to the Director of Central In-  
19 telligence \$2,000,000 for purposes of the activities of the  
20 Commission under this title.

21 (b) AVAILABILITY IN GENERAL.—The Director of  
22 Central Intelligence shall make available to the Commis-  
23 sion, from the amount transferred to the Director under  
24 subsection (a), such amounts as the Commission may re-  
25 quire for purposes of the activities of the Commission  
26 under this title.

1       (c) DURATION OF AVAILABILITY.—Amounts made  
2 available to the Commission under subsection (b) shall re-  
3 main available until expended.

4 **SEC. 611. DEFINITIONS.**

5       In this title:

6           (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
7 TEES.—The term “congressional intelligence com-  
8 mittees” means—

9                   (A) the Select Committee on Intelligence of  
10 the Senate; and

11                   (B) the Permanent Select Committee on  
12 Intelligence of the House of Representatives.

13           (2) INTELLIGENCE COMMUNITY.—The term  
14 “intelligence community” has the meaning given  
15 that term in section 3 of the National Security Act  
16 of 1947 (50 U.S.C. 401a).



**Calendar No. 490**

107TH CONGRESS  
2D SESSION

**S. 2506**

**[Report No. 107-149]  
[Report No. 107-208]**

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**A BILL**

To authorize appropriations for fiscal year 2003 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.

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JULY 9, 2002

Reported with amendments