

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we have been working on a number of issues. I want to enter one, and then we will have another quorum call while we conclude some other agreements. The first has to do with the intelligence authorization bill. Obviously, this is very important legislation. It has been agreed to on both sides.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, S. 2507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2507

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

Sec. 201. Authorization of appropriations.

#### TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Prohibition on unauthorized disclosure of classified information.

Sec. 304. POW/MIA analytic capability within the intelligence community.

Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.

Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.

Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.

Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.

#### TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Expansion of Inspector General actions requiring a report to Congress.

Sec. 402. Subpoena authority of the Inspector General.

Sec. 403. Improvement and extension of central services program.

Sec. 404. Details of employees to the National Reconnaissance Office.

Sec. 405. Transfers of funds to other agencies for acquisition of land.

Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

#### TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

[Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.]

[Sec. 502. Nuclear test monitoring equipment.]

[Sec. 503. Experimental personnel management program for technical personnel for certain elements of the intelligence community.]

Sec. 501. *Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.*

Sec. 502. *Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.*

Sec. 503. *Authorized personnel ceiling for General Defense Intelligence Program.*

Sec. 504. *Measurement and signature intelligence.*

#### TITLE I—INTELLIGENCE ACTIVITIES

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

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The National Reconnaissance Office.
- (6) The National Imagery and Mapping Agency.

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

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Federal Bureau of Investigation.

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

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

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

#### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill \_\_\_\_\_ of the One Hundred Sixth Congress.

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

#### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

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

#### SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of \$232,051,000.

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

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2001

such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

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

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

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

## **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of \$216,000,000.

## **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. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**

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

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

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

#### **“§ 798A. Unauthorized disclosure of classified information**

“(a) **PROHIBITION.**—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information to a person who is not both an officer or employee of the United States and who is not authorized access to the classified information shall be fined not more than \$10,000, imprisoned not more than 3 years, or both.

“(b) **CONSTRUCTION OF PROHIBITION.**—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

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

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

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘authorized’, in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by the such House of Congress.

“(2) The term ‘classified information’ means information or material designated and clearly marked or represented, or that the person knows or has reason to believe has been determined by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

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

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

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

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

“798A. Unauthorized disclosure of classified information.

“798B. Temporary extension of section 794.”

### **SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.**

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

#### **“POW/MIA ANALYTIC CAPABILITY**

“SEC. 115. (a) **REQUIREMENT.**—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to prisoners of war and missing persons (as that term is defined in section 1513(1) of title 10, United States Code).

“(2) The analytic capability maintained under paragraph (1) shall be known as the

‘POW/MIA analytic capability of the intelligence community’.

“(b) **SCOPE OF RESPONSIBILITY.**—The responsibilities of the analytic capability maintained under subsection (a) shall—

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

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

### **SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.**

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

#### **“TITLE X—MISCELLANEOUS**

“APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

“SEC. 1001. (a) **IN GENERAL.**—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person acting at their direction to the extent such other person is carrying out such activity on behalf of the United States, unless such Federal law specifically addresses such intelligence activity.

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

### **SEC. 306. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.**

(a) **CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.**—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence, and all applicable Executive Orders, relating to the handling, retention, or storage of covered classified materials.

(b) **LIMITATION ON CERTIFICATION.**—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives and Executive Orders referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive or Executive Order.

(c) **REPORT ON NONCOMPLIANCE.**—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive or Executive Order referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) **EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.**—(1)(A) Effective as of January 1, 2001, no funds authorized to be appropriated by this Act may be obligated or expended by the Bureau of Intelligence and Research of the Department of State unless the Director of Central Intelligence has certified under subsection (a) as of such date that each covered element of the Department of State is in full compliance with the directives and Executive Orders referred to in subsection (a).

(B) If the prohibition in subparagraph (A) takes effect in accordance with that subparagraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that each covered element of the Department of State is in full compliance with the directives and Executive Orders referred to in that subsection.

(2)(A) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified information unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives and Executive Orders referred to in subsection (a).

(B) If the prohibition in subparagraph (A) takes effect in accordance with that subparagraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives and Executive Orders referred to in that subsection.

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

(2) The President shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

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

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

(B) The reasons for the waiver.

(C) The actions taken by the President to protect any covered classified material to be handled, retained, or stored by such element.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means the following:

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

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

(2) The term “covered classified material” means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term “covered element of the Department of State” means each element of the Department of State that handles, retains, or stores covered classified material.

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

(5) The term “Sensitive Compartmented Information (SCI) level”, in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

#### **SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES CITIZENS TO CHALLENGE CERTAIN BLOCKING OF ASSETS.**

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

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

“No provision of this title shall be construed to prohibit a United States citizen from raising any challenge otherwise available to the United States citizen under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other provision of law, with respect to the blocking of assets by the United States under this title.”

#### **SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINISTRATIVE COSTS OF COUNTERDRUG INTELLIGENCE EXECUTIVE SECRETARIAT.**

Notwithstanding section 1346 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 113 Stat. 467), funds made available for fiscal year 2000 for any department or agency of the Federal Government with authority to conduct counterdrug intelligence activities, including counterdrug law enforcement information-gathering activities, may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000.

### **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

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

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

“(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

“(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

“(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

“(I) Executive Director;

“(II) Deputy Director for Operations;

“(III) Deputy Director for Intelligence;

“(IV) Deputy Director for Administration; or

“(V) Deputy Director for Science and Technology;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

“(D) the Inspector General becomes aware of the possible criminal conduct of a current or former Agency official described or referred to in subparagraph (B) through a means other than an investigation, inspection, or audit and such conduct is not referred to the Department of Justice; or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

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

#### **SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL.**

(a) **CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.**—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

“(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and”; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) **SCOPE OF AUTHORITY.**—Subsection (e)(5)(B) of that section is amended by striking “Government” and inserting “Federal”.

#### **SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.**

(a) **DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.**—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

“(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

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

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

(c) **FINANCIAL STATEMENTS OF PROGRAM.**—Subsection (g)(2) of that section is amended in the first sentence by striking “annual audits under paragraph (1)” and inserting the following: “financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).”

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

#### **SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.**

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

##### **“DETAILS OF EMPLOYEES**

“SEC. 22. The Director may—

“(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal government personnel; and

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

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

(a) **IN GENERAL.**—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) is amended by adding at the end the following new subsection:

“(c) **TRANSFERS FOR ACQUISITION OF LAND.**—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

“(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).”

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

(1) in subsection (a), by inserting “IN GENERAL.” after “(a)”; and

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

(c) APPLICABILITY.—Subsection (c) of section 8 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

**SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.**

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

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

**[SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.]**

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

**[SEC. 502. NUCLEAR TEST MONITORING EQUIPMENT.]**

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

**“§ 23501. Nuclear test monitoring equipment**

“(a) AUTHORITY TO CONVEY OR PROVIDE.—Subject to subsection (b), the Secretary of Defense may, for purposes of satisfying nuclear test explosion monitoring requirements applicable to the United States—

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

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

“(b) AGREEMENT REQUIRED.—Nuclear test explosion monitoring equipment may be conveyed or otherwise provided under the authority in subsection (a) only pursuant to the terms of an agreement in which the foreign government receiving such equipment agrees as follows:

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

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

“(c) DELEGATION OF RESPONSIBILITIES.—(1) The Secretary of Defense may delegate any or all of the responsibilities of that Secretary under subsection (b) to the Secretary of the Air Force.

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

[(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2350k the following new item:

“2350l. Nuclear test monitoring equipment.”]

**[SEC. 503. EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY.]**

[(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Director of Central Intelligence may carry out a program of experimental use of the special personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects administered by the elements of the intelligence community specified in subsection (c).

[(b) SPECIAL PERSONNEL MANAGEMENT AUTHORITY.—Under the program, the Director of Central Intelligence may—

“(1) within the limitations specified in subsection (c), appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 39 scientific and engineering positions in the elements of the intelligence community specified in that subsection without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service;

“(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of such title governing the rates of pay or classification of employees in the executive branch; and

“(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limit applicable to the employee under subsection (e)(1).

[(c) SPECIFIED ELEMENTS AND LIMITATIONS.—The elements of the intelligence community in which individuals may be appointed under the program, and the maximum number of positions for which individuals may be appointed in each such element, are as follows:

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

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

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

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

[(d) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed 4 years.

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

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

“(A) \$25,000.

“(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

“(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

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

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

“(2) After the termination of the program—

“(A) no appointment may be made under paragraph (1) of subsection (b);

“(B) a rate of basic pay prescribed under paragraph (2) of that subsection may not take effect for a position; and

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

[(g) SAVINGS PROVISIONS.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

“(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

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

“(B) the period to which the employee's service is limited under subsection (d), including any extension made under paragraph (2) of that subsection before the termination of the program; and

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

[(h) ANNUAL REPORT.—(1) Not later than October 15 of each year, beginning in 2001 and ending in the year in which the service of employees under the program concludes (including service, if any, that concludes under subsection (g)), the Director of Central Intelligence shall submit a report on the program to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

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

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

“(A) A detailed discussion of the exercise of authority under this section.

“(B) The sources from which individuals appointed under subsection (b)(1) were recruited.

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

“(D) Any additional information that the Director considers helpful for assessing the utility of the authority under this section.]

**SEC. 501. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.**

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL

PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospatial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term “appropriate committees of Congress” means the following:

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

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

**SEC. 502. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.**

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

**SEC. 503. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.**

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

**SEC. 504. MEASUREMENT AND SIGNATURE INTELLIGENCE.**

(a) **STUDY OF OPTIONS.**—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence.

(b) **REPORT.**—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means the following:

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The committee amendments were agreed to.

AMENDMENTS NOS. 4280 THROUGH 4285, EN BLOC

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following amendments which are at the desk: Warner amendment No. 4280, Specter amendment No. 4281, Feinstein amendment No. 4282, Moynihan amendment No. 4283, Kerrey amendment No. 4284, and the Shelby-Bryan amendment No. 4285. I further ask unanimous consent that the

amendments be agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4280 through 4285) were agreed to, en bloc, as follows:

AMENDMENT NO. 4280

(Purpose: To modify the provisions relating to Department of Defense intelligence activities)

On page 27, strike line 3 and all that follows through page 37, line 3, and insert the following:

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

**SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.**

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

**SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.**

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

**SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.**

(a) **PROHIBITION ON USE OF FUNDS FOR TRANSFER.**—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) **ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.**—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospatial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term “appropriate committees of Congress” means the following:

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

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

**SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.**

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

**SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.**

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

**SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.**

(a) **STUDY OF OPTIONS.**—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) **REPORT.**—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means the following:

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

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

AMENDMENT NO. 4281

(Purpose: To modify procedures under the Foreign Intelligence Surveillance Act of 1978 relating to orders for surveillance and searches for foreign intelligence purposes.)

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

AMENDMENT NO. 4282

(Purpose: To require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters)

On page 37, after line 3, add the following:

**TITLE VI—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Japanese Imperial Army Disclosure Act”.

**SEC. 602. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.**

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given such term under section 551 of title 5, United States Code.

(2) **INTERAGENCY GROUP.**—The term “Interagency Group” means the Japanese Imperial

Army Records Interagency Working Group established under subsection (b).

(3) **JAPANESE IMPERIAL ARMY RECORDS.**—The term “Japanese Imperial Army records” means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) **RECORD.**—The term “record” means a Japanese Imperial Army record.

(b) **ESTABLISHMENT OF INTERAGENCY GROUP.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) **MEMBERSHIP.**—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) **INITIAL MEETING.**—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) **FUNCTIONS.**—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 603—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) **FUNDING.**—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

#### **SEC. 603. REQUIREMENT OF DISCLOSURE OF RECORDS.**

(a) **RELEASE OF RECORDS.**—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working

Group shall release in their entirety Japanese Imperial Army records.

(b) **EXCEPTION FOR PRIVACY.**—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) **APPLICATIONS OF EXEMPTIONS.**—

(1) **IN GENERAL.**—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **APPLICATION OF TITLE 5.**—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) **LIMITATION ON EXEMPTIONS.**—

(1) **IN GENERAL.**—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) **RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.**—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

#### **SEC. 604. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.**

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 602(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

#### **SEC. 605. EFFECTIVE DATE.**

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

#### **AMENDMENT NO. 4283**

(Purpose: To improve the identification, collection, and review for declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States)

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

#### **AMENDMENT NO. 4284**

(Purpose: To honor the outstanding contributions of Senator Daniel Patrick Moynihan toward the redevelopment of Pennsylvania Avenue, Washington, DC)

At the end of title III, add the following:

#### **SEC. 3. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.**

(a) **FINDINGS.**—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the “Avenue”);

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the “grand axis” of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a “solid phalanx of public and private office buildings which close down completely at night and on weekends,” but that it be “lively, friendly, and inviting, as well as dignified and impressive”;

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the “Guiding Principles for Federal Architecture,” that recommends a choice of designs that are “efficient and economical” and that provide “visual testimony to the dignity, enterprise, vigor, and stability” of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the “development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.”;

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and



(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103-284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

#### AMENDMENT NO. 4285

On page 10, strike line 11 and all that follows through page 12, line 2, and insert the following:

"(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

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

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

"(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

"(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

"(B) is within the scope of such officer's or employee's duties.

"(4) Any other person authorized to receive the classified information.

"(c) DEFINITIONS.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means hav-

ing authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

"(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

On page 12, strike line 21 and all that follows through page 13, line 16, and insert the following:

"SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

"(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

"(2) include support for any department or agency of the Federal Government engaged in such activities.

"(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

"(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States."

On page 14, beginning on line 11, strike "acting at their direction".

On page 14, line 13, insert ", and at the direction of," after "on behalf of".

On page 14, line 16, strike "AUTHORIZED ACTIVITIES.—An activity" and insert "AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity".

On page 14, line 18, insert "intelligence" before "activity".

On page 15, beginning on line 9, strike ", and all applicable Executive Orders."

On page 15, line 11, strike "materials" and insert "material".

On page 15, line 15, strike "and Executive Orders".

On page 15, line 18, strike "or Executive Order".

On page 15, line 22, strike "or Executive Order".

On page 15, strike line 25 and all that follows through page 16, line 16, and insert the following:

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State

On page 16, line 20, strike "and Executive Orders".

On page 16, strike lines 22 and 23 and insert the following:

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition

On page 17, beginning on line 1, strike "and Executive Orders".

On page 17, strike line 3 and insert the following:

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may

On page 17, beginning on line 4, strike "subsection (d)(2)" and insert "subsection (d)".

On page 17, line 6, strike "the President" and insert "the Director".

On page 17, line 9, strike "The President" and insert "The Director".

On page 17, between lines 17 and 18, insert the following:

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

On page 17, line 18, strike "(C) The actions taken by the President" and insert "(D) The actions taken by the Director".

On page 17, line 20, insert before the period the following: "pending achievement of full compliance of such element with such directives".

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and the Senate proceed to the consideration of H.R. 4392. Further, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 2507, as amended, be inserted in lieu thereof, the bill be read the third time and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. Finally, I ask unanimous consent that S. 2507 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2507), as amended, was read the third time.

The bill (H.R. 4392), as amended, was read the third time and passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 4392) entitled "An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

#### TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Prohibition on unauthorized disclosure of classified information.
- Sec. 304. POW/MIA analytic capability within the intelligence community.
- Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
- Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
- Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
- Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.
- Sec. 309. Designation of Daniel Patrick Moynihan Place.

#### TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
- Sec. 402. Subpoena authority of the Inspector General.
- Sec. 403. Improvement and extension of central services program.
- Sec. 404. Details of employees to the National Reconnaissance Office.
- Sec. 405. Transfers of funds to other agencies for acquisition of land.
- Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

#### TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

- Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
- Sec. 503. Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.
- Sec. 504. Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.
- Sec. 505. Authorized personnel ceiling for General Defense Intelligence Program.
- Sec. 506. Measurement and signature intelligence.

#### TITLE VI—COUNTERINTELLIGENCE MATTERS

- Sec. 601. Short title.
- Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
- Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
- Sec. 606. Enhancing protection of national security at the Department of Justice.
- Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
- Sec. 608. Severability.

#### TITLE VII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

- Sec. 701. Short title.

- Sec. 702. Establishment of Japanese Imperial Army Records Interagency Working Group.
- Sec. 703. Requirement of disclosure of records.
- Sec. 704. Expedited processing of FOIA requests for Japanese Imperial Army records.
- Sec. 705. Effective date.

#### TITLE VIII—DECLASSIFICATION OF INFORMATION

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Public Interest Declassification Board.
- Sec. 804. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
- Sec. 805. Protection of national security information and other information.
- Sec. 806. Standards and procedures.
- Sec. 807. Judicial review.
- Sec. 808. Funding.
- Sec. 809. Definitions.
- Sec. 810. Sunset.

#### TITLE I—INTELLIGENCE ACTIVITIES

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

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The National Reconnaissance Office.
- (6) The National Imagery and Mapping Agency.
- (7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated for each of fiscal years 2002 through 2005 for the conduct in each such fiscal year of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill \_\_\_\_\_ of the One Hundred Sixth Congress.

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

##### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that

such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

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

##### SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of \$232,051,000.

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

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

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

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

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

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be



used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

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

## **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of \$216,000,000.

## **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. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**

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

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

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

#### **“§ 798A. Unauthorized disclosure of classified information**

“(a) **PROHIBITION.**—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

“(b) **CONSTRUCTION OF PROHIBITION.**—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

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

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

“(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

“(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

“(B) is within the scope of such officer's or employee's duties.

“(4) Any other person authorized to receive the classified information.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘authorized’, in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of

a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

“(2) The term ‘classified information’ means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

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

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

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

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

“798A. Unauthorized disclosure of classified information.

“798B. Temporary extension of section 794.”

### **SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.**

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

#### **“POW/MIA ANALYTIC CAPABILITY**

“SEC. 115. (a) **REQUIREMENT.**—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

“(2) The analytic capability maintained under paragraph (1) shall be known as the ‘POW/MIA analytic capability of the intelligence community’.

“(b) **SCOPE OF RESPONSIBILITY.**—The responsibilities of the analytic capability maintained under subsection (a) shall—

“(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

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

“(c) **UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.**—In this section, the term ‘unaccounted for United States personnel’ means the following:

“(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

“(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.”

### **SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.**

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

#### **“TITLE X—MISCELLANEOUS**

“APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

“SEC. 1001. (a) **IN GENERAL.**—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other

international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

“(b) **AUTHORIZED INTELLIGENCE ACTIVITIES.**—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.”

### **SEC. 306. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.**

(a) **CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.**—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) **LIMITATION ON CERTIFICATION.**—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) **REPORT ON NONCOMPLIANCE.**—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) **EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.**—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified information unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) **WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.**—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

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

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

(B) The reasons for the waiver.

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means the following:

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

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

(2) The term "covered classified material" means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term "covered element of the Department of State" means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term "material" means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term "Sensitive Compartmented Information (SCI) level", in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

#### **SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES CITIZENS TO CHALLENGE CERTAIN BLOCKING OF ASSETS.**

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

##### **"SEC. 811. STANDING OF UNITED STATES CITIZENS TO CHALLENGE BLOCKING OF ASSETS.**

"No provision of this title shall be construed to prohibit a United States citizen from raising any challenge otherwise available to the United States citizen under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other provision of law, with respect to the blocking of assets by the United States under this title."

#### **SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINISTRATIVE COSTS OF COUNTERDRUG INTELLIGENCE EXECUTIVE SECRETARIAT.**

Notwithstanding section 1346 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 113 Stat. 467), funds made available for fiscal year 2000 for any department or agency of the Federal Government with authority to conduct counterdrug intelligence activities, including counterdrug law enforcement information-gathering activities, may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000.

#### **SEC. 309. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.**

(a) FINDINGS.—Congress finds that—  
(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961-1962), as a

member of the President's Council on Pennsylvania Avenue (1962-1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965-1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103-284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

#### **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

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

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

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

"(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

"(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

"(I) Executive Director;

"(II) Deputy Director for Operations;

"(III) Deputy Director for Intelligence;

"(IV) Deputy Director for Administration; or

"(V) Deputy Director for Science and Technology;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

"(D) the Inspector General becomes aware of the possible criminal conduct of a current or former Agency official described or referred to in subparagraph (B) through a means other than an investigation, inspection, or audit and such conduct is not referred to the Department of Justice; or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately submit a report on such matter to the intelligence committees."

##### **SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL.**

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

"(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and"; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) SCOPE OF AUTHORITY.—Subsection (e)(5)(B) of that section is amended by striking "Government" and inserting "Federal".

##### **SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.**

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

"(G) Receipts from individuals for the rental of property and equipment under the program."

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

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking "annual audits under paragraph (1)" and inserting the following: "financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1)."

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

##### **SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.**

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

###### **"DETAILS OF EMPLOYEES**

"SEC. 22. The Director may—

"(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal government personnel; and

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

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

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

“(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

“(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).”.

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

(1) in subsection (a), by inserting “IN GENERAL.—” after “(a)”; and

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

(c) APPLICABILITY.—Subsection (c) of section 8 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

**SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.**

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

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

**SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.**

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

**SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.**

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the

Secretary shall respond to such request not later than 30 days after the date of such request.

**SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.**

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospatial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term “appropriate committees of Congress” means the following:

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

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

**SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.**

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

**SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.**

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

**SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.**

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means the following:

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

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

**TITLE VI—COUNTERINTELLIGENCE MATTERS**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Counterintelligence Reform Act of 2000”.

**SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

“(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

“(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

“(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

“(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

“(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

“(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.”.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

“(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.”; and

(3) in subsection (d), as redesignated by paragraph (1), by striking “subsection (b)(1)” and inserting “subsection (c)(1)”.

**SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

“(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

“(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

“(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

“(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

“(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

“(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.”.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.”.

**SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.**

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by adding at the end the following new paragraph:

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

“(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.”.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term “appropriate committees of Congress” means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

**SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.**

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking “paragraph (3)” and inserting “paragraph (5)”;

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

“(B) The head of the department or agency concerned shall—

“(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

“(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.”.

(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.”; and

(4) in paragraph (5), as so redesignated, by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (3)”.

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting “in a timely manner” after “through appropriate channels”; and

(2) by inserting “in a timely manner” after “are consulted”.

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

“(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

“(B)(i) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination with the Federal Bureau of Investigation.

“(ii) Any examination, interrogation, or other action taken under clause (i) shall be taken in consultation with the Federal Bureau of Investigation.”.

**SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.**

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) \$7,000,000 for fiscal year 2001;

(2) \$7,500,000 for fiscal year 2002; and

(3) \$8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review may be obligated or expended until the later of the dates on which the Attorney General submits the reports required by paragraphs (2) and (3).

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) a report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to

such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) **REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.**—The Attorney General shall report to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

**SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.**

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

**“COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION**

**“SEC. 9A. (a) BRIEFINGS REQUIRED.**—The Assistant Attorney General for the Criminal Division and the appropriate United States Attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

**“(b) TIMING OF BRIEFINGS.**—Briefings under subsection (a) with respect to a case shall occur—

“(1) as soon as practicable after the Department of Justice and the United States Attorney concerned determine that a prosecution or potential prosecution could result; and

“(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

**“(c) SENIOR AGENCY OFFICIAL DEFINED.**—In this section, the term ‘senior agency official’ has the meaning given that term in section 1.1 of Executive Order No. 12958.”.

**SEC. 608. SEVERABILITY.**

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

**TITLE VII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Japanese Imperial Army Disclosure Act”.

**SEC. 702. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.**

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given such term under section 551 of title 5, United States Code.

(2) **INTERAGENCY GROUP.**—The term “Interagency Group” means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) **JAPANESE IMPERIAL ARMY RECORDS.**—The term “Japanese Imperial Army records” means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion,

has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) **RECORD.**—The term “record” means a Japanese Imperial Army record.

(b) **ESTABLISHMENT OF INTERAGENCY GROUP.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) **MEMBERSHIP.**—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) **INITIAL MEETING.**—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) **FUNCTIONS.**—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 703—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) **FUNDING.**—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

**SEC. 703. REQUIREMENT OF DISCLOSURE OF RECORDS.**

(a) **RELEASE OF RECORDS.**—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) **EXCEPTION FOR PRIVACY.**—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) **APPLICATIONS OF EXEMPTIONS.**—

(1) **IN GENERAL.**—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **APPLICATION OF TITLE 5.**—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) **LIMITATION ON EXEMPTIONS.**—

(1) **IN GENERAL.**—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) **RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.**—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

**SEC. 704. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.**

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 702(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

**SEC. 705. EFFECTIVE DATE.**

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

**TITLE VIII—DECLASSIFICATION OF INFORMATION**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Public Interest Declassification Act of 2000”.

**SEC. 802. FINDINGS.**

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

#### **SEC. 803. PUBLIC INTEREST DECLASSIFICATION BOARD.**

(a) **ESTABLISHMENT.**—There is established within the executive branch of the United States a board to be known as the “Public Interest Declassification Board” (in this title referred to as the “Board”).

(b) **PURPOSES.**—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive Order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive Orders regarding the classification and declassification of national security information.

(c) **MEMBERSHIP.**—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Majority Leader of the Senate;

(C) one shall be appointed by the Minority Leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the Minority Leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board, three shall be appointed for a term of four years, three shall be appointed for a term of three years, and three shall be appointed for a term of two years.

(B) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) **CHAIRPERSON; EXECUTIVE SECRETARY.**—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be re-designated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) **MEETINGS.**—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) **STAFF.**—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) **SECURITY.**—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive Orders and agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 806(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) **COMPENSATION.**—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES-1

of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) **GUIDANCE; ANNUAL BUDGET.**—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) **SUPPORT.**—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) **PUBLIC AVAILABILITY OF RECORDS AND REPORTS.**—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) **APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

#### **SEC. 804. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.**

(a) **BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.**—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive Order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments, and the elements of the intelligence community shall be provided on a consolidated basis.

(B) In this paragraph, the term “elements of the intelligence community” means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).



(b) **RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.**—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 803(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) **RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.**—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) **PRESIDENT'S DECLASSIFICATION PRIORITIES.**—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive Order.

#### **SEC. 805. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.**

(a) **IN GENERAL.**—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by an agency.

(b) **SPECIAL ACCESS PROGRAMS.**—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) **AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.**—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(d) **EXEMPTIONS TO RELEASE OF INFORMATION.**—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under section 552(b) of title 5, United States Code (commonly referred to as the

"Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) **WITHHOLDING INFORMATION FROM CONGRESS.**—Nothing in this title shall be construed to authorize the withholding of information from Congress.

#### **SEC. 806. STANDARDS AND PROCEDURES.**

(a) **LIAISON.**—(1) The head of each agency with the authority under an Executive Order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library, as the case may be, to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) **LIMITATIONS ON ACCESS.**—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library, as the case may be, shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) **DISCRETION TO DISCLOSE.**—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) **DISCRETION TO PROTECT.**—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) **REPORTS.**—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials by the head of an agency or the head of a Federal Presidential library of access of the Board to records or materials under this title.

(B) In this paragraph, the term "appropriate congressional committees" means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform and Oversight of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be sub-

mitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

#### **SEC. 807. JUDICIAL REVIEW.**

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

#### **SEC. 808. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, \$650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) **FUNDING REQUESTS.**—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

#### **SEC. 809. DEFINITIONS.**

In this title:

(1) **AGENCY.**—(A) Except as provided in subparagraph (B), the term "agency" means the following:

(i) An executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) **CLASSIFIED MATERIAL OR RECORD.**—The terms "classified material" and "classified record" include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive Order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) **DECLASSIFICATION.**—The term "declassification" means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) **DONATED HISTORICAL MATERIAL.**—The term “donated historical material” means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) **FEDERAL PRESIDENTIAL LIBRARY.**—The term “Federal Presidential library” means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of chapter 21 of title 44, United States Code.

(6) **NATIONAL SECURITY.**—The term “national security” means the national defense or foreign relations of the United States.

(7) **RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.**—The term “records or materials of extraordinary public interest” means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive Order.

(8) **RECORDS OF ARCHIVAL VALUE.**—The term “records of archival value” means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

#### SEC. 810. SUNSET.

The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

The PRESIDING OFFICER (Mr. FITZGERALD) appointed Mr. SHELBY, Mr. LUGAR, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. MACK, Mr. WARNER, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN conferees on the part of the Senate.

Mr. LOTT. Mr. President, I yield to Senator BRYAN.

Mr. BRYAN. Mr. President, I thank the leader. I specifically thank the chairman, Senator SHELBY. We have worked to put this authorization bill together. It could not have happened but for his cooperation and the cooperation of a number of others of our colleagues on the Intelligence Committee. I thank them for their cooperation, the chairman in particular. I thank the majority leader and Senator DASCHLE as well. Again, I acknowledge the leadership of my chairman. He has been most helpful in working through this bill. I thank him, the majority leader, and our colleagues.

My remarks will echo many of the points made by the distinguished chairman of the Intelligence Committee, Senator SHELBY. Those who are not familiar with the workings of the Intelligence Committee may find it odd that members from different parties have such agreement on the substance of this legislation. Most of my colleagues, however, know that the committee has a long tradition of biparti-

sanship and I am proud to say that under Senator SHELBY's leadership we have upheld that tradition. We have confronted difficult policy issues and budget choices, and the chairman has gone out of his way to ensure that the committee addressed these in a fair and nonpartisan way. I appreciate the courtesies he has shown me as vice chairman. I think we have produced a good bill that focuses on several critical areas of intelligence policy.

This important legislation authorizes the activities of the U.S. intelligence community and seeks to ensure that this critical function will continue to serve our national security interests into the 21st century. The community faces momentous challenges from both the proliferation of threats facing America and from the rapid pace of technological change occurring throughout society. How we respond to these challenges today will affect our ability to protect American interests in the years ahead.

Some have argued that the end of the cold war should have significantly reduced our need for a robust intelligence collection capability. In fact, the opposite is true. The bipolar world of the Soviet-United States confrontation provided a certain stability with a clear threat and a single principal adversary on which to focus. We now face a world with growing transnational threats of weapons proliferation, terrorism, and international crime and narcotics trafficking, and multiple regional conflicts which create instability and threaten U.S. interests. While we, of course, must continue to closely monitor Russia, which still possesses the singular capability to destroy our country, these emerging threats demand increasing attention and resources.

A decade after the collapse of Soviet communism, the intelligence community continues its difficult transition, from an organization which confronted one threat to one which now must focus on a variety of threats, each unique in its potential to harm the United States. At the same time, the community has been buffeted by the information revolution, which provides tremendous opportunity for intelligence collection, but threatens to overwhelm our ability to process and disseminate information. These twin challenges—new and qualitatively different threats, coupled with an information and technological explosion—threaten the community's ability to serve as an early warning system for our country and a force multiplier for our armed services.

Unfortunately, the intelligence community has often been too slow to confront these challenge and to adapt to these new realities. To make this transition will require the following:

First, the intelligence community must get its budget in order. Although I believe the community probably needs additional resources, the Congress first must be convinced that ex-

isting resources are being used effectively.

Second, the various intelligence agencies must begin to function more corporately—as a community, rather than as separate entities, all with different and often conflicting priorities. This has been a topic of debate for some time. And yet, the passage of time does not seem to have brought us much closer to this objective.

Third, the intelligence community must do a better job of setting priorities. That means making hard decisions about what it will not do. Resources are stretched thin, often because community leadership has been unable to say no. The result is that agencies like the National Security Agency are starved for recapitalization funds necessary to keep pace with technological changes.

Fourth, the community must streamline its bureaucracy, eliminating unnecessary layers of management, particularly those that separate the collector of intelligence from the analyzer of that intelligence.

Finally, the community must revamp its information technology backbone so that agencies can easily and effectively communicate with one another.

These steps will not be easy but are essential if the intelligence community is to stay relevant in today's world. Good intelligence is more important than ever. As we deal with calls for military intervention in far flung locales, intelligence becomes a force multiplier. We rely on the intelligence community to keep us informed of developing crises, to describe the situation prior to any U.S. intervention, to help with force protection when U.S. personnel are on the ground, and to analyze foreign leadership intentions. Solid intelligence allows U.S. policymakers and military commanders to make and implement informed decisions.

Maintaining our intelligence capability is difficult and sometimes expensive but absolutely essential to national security. The committee has identified a few areas that we think are priorities that need additional attention. One area of particular concern is the need to recapitalize the National Security Agency to assure our ability to collect signals intelligence. Collecting and deciphering the communications of America's adversaries provides senior policymakers with a unique source of sensitive information. In 1998, and again this year, the committee asked a group of highly qualified technical experts to review NSA operations. The Technical Advisory Group's conclusions were unsettling. They identified significant shortcomings which have resulted from the sustained budget decline of the past decade. With limited available resources the NSA has maintained its day-to-day readiness but has not invested in needed modernization. Consequently, NSA's technological infrastructure and human resources are

struggling to meet emerging challenges.

The NSA historically has led the way in development and use of cutting edge technology. This innovative spirit has helped keep the United States a step ahead of those whose interests are hostile to our own. Unfortunately, rather than leading the way, the NSA now struggles to keep pace with communications and computing advances.

There is, however, some reason for optimism. The current Director of NSA, General Hayden, has developed a strategy for recovery. He has undertaken an aggressive and ambitious modernization effort, including dramatic organizational changes and innovative business practices. These changes and the rebuilding of NSA's infrastructure will, however, require significant additional resources. The committee decided that this situation demands immediate attention, but the intelligence budget faces the same constrained fiscal situation as other areas of the Federal budget. We have, therefore, realigned priorities within existing resources in order to reverse this downward trend. This was not an easy process and we were forced to make some painful tradeoffs, but ensuring the future of the NSA is the committee's top priority. We cannot stand by and allow the United States to lose this capability. We have taken prudent steps in this legislation to make sure NSA will continue to be the premier signals intelligence organization in the world.

The bill also attempts to address an imbalance that has concerned the committee for some time. We have argued that our ability to collect intelligence far exceeds our ability to analyze and disseminate finished intelligence to the end user. We spend a tremendous amount of the budget developing and fielding satellites, unmanned aerial vehicles and all manner of other sensors and collection platforms. These programs are important but too often new sensors are put into place without sufficient thought to how we will process and distribute the additional data. No matter how good a satellite is at collecting raw intelligence, it is useless if that intelligence never makes it into the hands of a competent analyst and then on to an end user.

This imbalance has been particularly acute at the National Imagery and Mapping Agency. At the request of Congress, NIMA has identified projected processing shortfalls associated with its future sensor acquisition plans. NIMA also outlined a three phase modernization to address these shortfalls. Unfortunately, the future year funding profile creates a situation that will force the intelligence community to either cut deeply into other programs or abandon the modernization. The committee has rejected that approach and has realigned priorities in order to avoid this budgetary squeeze in the out years. It makes no sense to purchase expensive collection

platforms when the rest of the system cannot handle the amount of intelligence produced.

Beyond the questions of resource allocation, this legislation also address several policy issues, including the problem of serious security breakdowns at the State Department. Over the course of the last 2½ years the Department has been beset by seemingly inexplicable security compromises, the latest being the disappearance of a laptop computer in January of this year. This incident, still unexplained, follows closely on the heels of the discovery of a Russian listening device planted in a seventh floor conference room. Subsequently we learned that there was no escort requirement for foreign visitors, including Russians, to the State Department. Finally, I must mention the 1998 tweed jacket incident. In this case an unidentified man wearing a tweed jacket entered the Secretary of State's office suite unchallenged by State Department employees and removed classified documents. No one knows who he was.

The only conclusion that I can draw is that the State Department culture does not place a priority on security. Despite Secretary Albright's efforts to correct procedural deficiencies and to emphasize the need for better security, we have not seen much progress. The authorization bill contains a provision requiring all elements of the State Department to be certified as in compliance with regulations for the handling of Sensitive Compartmented Information. This is the most highly classified information and is controlled by the Director of Central Intelligence. If a component of the State Department is not in compliance with the applicable regulations, then that office will no longer be allowed to retain or store this sensitive information. It is unfortunate that this provision is necessary, but we must make it clear to individuals who handle classified material that we are serious about enforcing security rules.

A broader but related area of concern is the ability of the U.S. Intelligence community to meet the counterintelligence threats of the 21st Century with current structures and programs. We can no longer worry only about the intelligence services of adversaries such as the old Soviet Union, North Korea, or Cuba. We must deal with ever more sophisticated terrorist organizations and international crime syndicates capable of launching their own intelligence and counterintelligence efforts. We also face challenges from friendly states seeking access to economic data and advanced U.S. technology.

All of these changes argue for a major retooling of a U.S. counterintelligence apparatus designed for the cold war. The Director of Central Intelligence, the Director of the FBI, and the Deputy Secretary of Defense have undertaken an effort, referred to as CI-21, to design the structures and policies

that we will need to cope with cutting edge technology and with the emergence of threats from nontraditional sources. I have been encouraged by the early progress made on the CI-21 effort. We have chosen not to include legislative provisions in the bill with the hope that the agencies involved will reach agreement and finalize the CI-21 plan. The report accompanying the bill strongly encourages them to do so and I reiterate that encouragement.

One provision in the bill that has created a bit of controversy is the section that closes a gap in existing law related to the unauthorized disclosure of classified material. This provision will make it a felony for a U.S. government official to knowingly pass classified material to someone who is not authorized to receive it. I say that this provision closes a gap because many categories of classified information are covered by existing statutes. This includes nuclear weapons data and defense information. Unfortunately much sensitive intelligence information does not fall into one of the existing definitions. Disclosure of this information could compromise sensitive sources and in some cases endanger peoples lives. The provision in the bill has been carefully crafted to avoid first amendment concerns and the chairman and I will offer a technical amendment incorporating suggestions made by the Attorney General. It is my understanding that she supports the provision as amended.

Another provision which merits further explanation is the section dealing with treaty implementing legislation. This language provides that future criminal laws enacted to implement treaties will not apply to intelligence activities unless those activities are specifically named in the legislation. On its face this could be interpreted as exempting our intelligence community from the law regardless of the nature of the activity. In fact, this only applies to activities which are otherwise lawful and authorized. Intelligence activities are subject to an extensive set of statutes, regulations and presidential directives. These rules try to balance our need for intelligence to protect our national security with the American sense of values and ethical behavior.

Intelligence gathering—spying—is an inherently deceitful activity. To protect our military forces, thwart terrorist acts, or dismantle drug trafficking organizations, we gather information through surreptitious means. We either convince people to betray their country or cause, or we use intrusive technical means to find out what people are doing or saying. This may make some people uncomfortable, but it is absolutely essential to protecting American interests. Treaties that proscribe certain kinds of behavior should not inadvertently restrict these intelligence activities. If the Congress intends to apply treaty implementing legislation to intelligence activities,

then we should say so explicitly. We want to be precise and ensure that intelligence operatives in the field understand what we expect of them. Ambiguity and uncertainty are more likely to create problems. This provision will put the burden on Congress to make the determination of which treaty restrictions we want to apply to intelligence activities.

I have served on the Intelligence Committee for almost 8 years now and I have had the privilege of serving as vice chairman since January. During that time I have made a few observations that I would like to share. Since I am leaving the committee and the Senate at the end of this year, I have no vested interest other than my continuing belief in the importance of the committee's work conducting oversight of the intelligence community.

My experience leads me to the conclusion that excessive turnover is seriously hampering the effectiveness of the Intelligence Committee—a committee the Senate relies upon and points to in reassuring the American people that the intelligence community is being appropriately monitored by their elected representatives. Because of the 8-year limitation, member turn-over can be, and often is dramatic. For example, when the 107th Congress convenes next January, 5 of the 7 currently serving Democrats will have departed the committee. At the end of the 107th Congress, 5 of the 8 currently serving Republicans will leave the committee.

Over time, this brain drain diminishes the committee's ability to discharge its responsibilities. For example, in 1994 the committee dealt with the Aldrich Ames espionage case, arguably the most devastating counterintelligence failure of the cold war. The committee produced a report extremely critical of the CIA in this case and of the way the CIA and FBI dealt with counterintelligence in general. The Ames debacle led to a major restructuring of our national counterintelligence system with significant legislative input. Yet today, there is only one member on the majority side who served on the committee during that period, and at the end of this year there will be no members on the Democratic side. This lack of corporate memory greatly reduces the committee's effectiveness.

This committee deals with sensitive and complex issues, and much of the committee's business involves the technical agencies such as the National Security Agency and the National Reconnaissance Office. To understand these issues a Senator must invest significant time to committee briefings and hearings. There is no outside source to go to stay abreast of developments in the intelligence community. Just about the time members are beginning to understand these issues they are forced to rotate off the committee. This makes no sense.

The rationale behind the term limits was two fold. First, it was feared that

the intelligence community could over time co-opt permanently serving members. In fact, new members who have little experience with the workings of the intelligence community are more dependent on information provided by the intelligence agencies. SSCI members are no more likely to be co-opted by the intelligence community than the members of other authorizing committees are likely to be co-opted by the Departments and agencies they oversee. The second reason term limits were enacted stemmed from the understandable view that the SSCI would benefit from a flow of fresh ideas that new members would bring. But because of naturally occurring turnover, new members have regularly joined the committee, irrespective of term limits. Since the SSCI was created 24 years ago, approximately sixty Senators have served on the committee. Members have served an average of just over 5 years—and approximately 60 percent of committee members have served on the committee less than 8 years. This historical record confirms that vacancies will continue to occur regularly on the SSCI, thus allowing the new faces and fresh ideas. At the same time, however, members who have a long-term interest in the area of intelligence should continue to serve and develop expertise.

My second observation relates to the committee's authority but also to a larger issue that is the question of declassifying the top line number for the intelligence budget. It is difficult to conduct a thorough and rationale debate concerning intelligence policy without mentioning how much money we spend on our intelligence system. Declassifying the top line budget would allow for a healthy debate within the Congress about the priority we place on intelligence. I would provide greater visibility and openness to average Americans, whose tax dollars fund these programs. Disclosure of the overall budget would provide these benefits without damaging U.S. national security. DCI Tenet declassified the budget numbers for top past budgets with no adverse effects, but has declined to continue this practice. I hope that the Congress and the next administration will revisit this issue and left this unnecessary veil of secrecy.

Finally, Mr. President, I want to thank the staff of the Intelligence Committee for the work they do and for the support they have given me as vice chairman. The committee is staffed by professionals dedicated to ensuring that the intelligence community enhances U.S. national security and does so in strict compliance with the intent of Congress. The staff is unique in the Senate in that the vast majority are nonpartisan and go about their business without regard to any political agenda. The four members of the staff with partisan affiliations, the staff directors and their deputies, approach their work with same spirit of bipartisanship that always has been a

hallmark of the committee. Let me single out our Bill Duhnke and Joan Grimson, the majority staff director and deputy for their excellent cooperation and the courtesy they have extended this year. I should note that Joan is not here today because she is off on maternity leave. I extend my congratulations to her and her husband on the birth of their first child, Jacqueline Anna. I also thank Melvin Dubee, my deputy minority staff director. Melvin brings a wealth of experience to the job, and it has been reflected in the sound advice I have come to depend on him to provide. Vicki Divoll, who joined the committee staff as counsel in January, also has been invaluable to me during the preparation of this legislation and in dealing with other legal issues.

Finally, I would have been lost as vice chairman without the guidance and advice of Al Cumming, the minority staff director. Al kept me well informed and helped me focus on issues that will have a lasting impact on the functioning of the intelligence community. The staff has done superb work on this legislation.

Mr. LOTT. Mr. President, I thank Senator BRYAN for his comments. Obviously, as I said, this is very important legislation. The Intelligence Committee does good work, important work for our committee. It has been partially delayed by misunderstandings which we have worked out. I think everybody is satisfied with this. I thank the chairman for his persistence. I yield to the chairman of the committee.

Mr. SHELBY. Mr. President, I want to take a minute or two and talk about my colleague from Nevada, Senator BRYAN. He is going to be leaving the Senate soon. As the vice chairman of the committee—a long-term and long-time member of the Senate Intelligence Committee—he has been a delight to work with most of the time. Seriously. He puts a lot of effort into what we do on the Senate Intelligence Committee.

I would be remiss if I did not bring that up as we pass this bill tonight. We have a conference to go to. We will be spending a lot of time together in the waning days of this Congress. DICK BRYAN served this country well, first as a State legislator, as the attorney general of his State, as the Governor of his State, and in two terms in the U.S. Senate. I have worked with him on a lot of issues, and I can say this: He is a hard worker, he is smart, he is going to be prepared, he is going to be tough, and he is going to put the Nation first.

Mr. BRYAN. Mr. President, if I may respond to the excessively generous comments of my chairman, my colleague, and my friend, the reality is that working with him has been a pleasure. Without his cooperation and, obviously, trying to work in a bipartisan way to process this piece of legislation and other things we have done since the two of us have been privileged

to serve as chairman and vice chairman, we would not be here today with this bill.

I acknowledge his leadership. The good citizens of Alabama have a fine Member here and a person with whom I have been privileged to work for the last 12 years I have been in the Senate, and most especially this last year when we have served in our respective roles on the Intelligence Committee. I thank him publicly.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that following the vote relative to the H-1B bill and the visa waiver bill on Tuesday, the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, en bloc: No. 652, Michael Reagan; No. 654, Susan Bolton; and No. 655, Mary Murguia.

I further ask unanimous consent that following the en bloc consideration, the following Senators be recognized to speak for the allotted timeframes. They are: Senator HATCH for 20 minutes; Senator KYL for 20 minutes; Senator LOTT or designee for 20 minutes; Senator LEVIN for 20 minutes; Senator ROBB for 10 minutes; Senator HARKIN for 30 minutes; Senator LEAHY for 20 minutes; and Senator DURBIN for 10 minutes.

I further ask unanimous consent that following the use or yielding back of time, the nominations be temporarily set aside.

I also ask unanimous consent that following that debate, the Senate then proceed to the nomination of Calendar No. 656, James Teilborg, and there be up to 1 hour each for Senators HATCH, KYL, and LEAHY, and up to 3 hours for Senator HARKIN or his designee, and following the use or yielding back of the time, the Senate proceed to vote in relation to that nominee, without any intervening action or debate, to be followed immediately by a vote en bloc in relation to the three previously debated nominations. I further ask consent that the vote count as three separate votes on each of the nominations.

Finally, I ask consent that following the confirmation votes, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, I ask the distinguished majority leader, in good faith, if he would

modify his unanimous consent request to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate under the same terms and at the same time as the nominees included in the majority leader's request?

I ask the majority leader if he would modify his request.

Mr. LOTT. Mr. President, I understand the Senator's interest in that additional nomination. I do not think I have ever moved to discharge the Judiciary Committee on a single nomination or a judge. There are other judges presumably that will also need to be considered. I do appreciate the agreement that has been reached here. I know that it has been difficult for the Senator from Iowa to even agree to this. But in view of the fact that the committee has not acted, I could not agree to that at this time, so I would have to object.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, further reserving the right to object for just one more, again, I just want to say to the majority leader that on some of these nominees—I think maybe three of them were nominated, got their hearings and were reported out of committee all within one week in July. Yet Bonnie Campbell from Iowa was nominated early this year. She has had her hearing, and has been sitting there now for four months without being reported out. I just find this rather odd. I haven't heard of any objections to bringing her nomination out on the floor.

I just ask the majority leader whether or not we can expect to have at least some disposition of Bonnie Campbell before we get out of here.

Mr. LOTT. I respond, Mr. President, that I do not get into the background of all the nominees when they are before the committee. I do not know all of the background on these nominees. As majority leader, when nominations reach the calendar, I try to get them cleared. I do think the fact that we had not been able to clear these four, even though they were already on the calendar, has maybe had a negative impact on other nominations being reported on the assumption that, well, if we could not move these, which were, I think, unanimously cleared quickly without any reservations, that that had become an impediment. I do not know that this will remove that impediment, but it looks to me as if it is a positive step.

Mr. HARKIN. I just say to the leader, it seems odd we have a nominee that is supported by both of the Senators from her home State, on both sides of the aisle, on the Republican and Democratic side; and I think she is not getting her due process here in this body. I just want to make that point. I appreciate that.

Mr. LOTT. I say for the RECORD—and you know that it is true because I believe you were with me when he spoke to me—Senator GRASSLEY has indicated more than once his support for the nominee. So he has made it clear he does support her. I do not know all of the problems or if there are any. But perhaps further consideration could occur. I am sure you won't relent.

Mr. HARKIN. I plan to be here every day. I thank the leader.

The PRESIDING OFFICER. Is there objection to the majority leader's original request?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent, on behalf of the leader, that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO REAR ADMIRAL LOUIS M. SMITH, CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, it is with great pleasure that I rise to take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Rear Admiral Louis M. Smith, upon his retirement from the Navy at the conclusion of more than 33 years of honorable and distinguished service. Throughout his exemplary career, he has truly epitomized the Navy core values of honor, courage, and commitment and demonstrated an exceptional ability to advance the Navy's facilities requirements within the Department of Defense and the Congress. It is my privilege to commend him for a superb career of service to the Navy, our great Nation, and my home State of Mississippi.

Since September 1998, Rear Admiral Smith has served as the Commander, Naval Facilities Engineering Command, and Chief of Civil Engineers. As the senior civil engineer in the Navy, he is responsible for the planning, design, construction and maintenance of naval facilities around the globe. On Capitol Hill, he is best known for his quick wit, entertaining and informative testimony, and ability to communicate the Navy's facilities requirements in addition to his role in developing and executing the Navy's Military Construction, Base Realignment and Closure and Environmental programs. He often testified before congressional committees and ensured