

104TH CONGRESS
2D SESSION

S. 1718

[Report No. 104-258]

To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 1996

Mr. SPECTER, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

MAY 2, 1996

Referred to the Committee on Armed Services for a thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress, except that if the Committee fails to report the bill within the thirty-day limit, the Committee shall be automatically discharged from further consideration of the bill in accordance with that section

A BILL

To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Intelligence Authorization Act for Fiscal Year 1997”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 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. Postponement of applicability of sanctions laws to intelligence activities.

Sec. 304. Post-employment restrictions.

Sec. 305. Executive branch oversight of budgets of elements of the intelligence community.

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

Sec. 401. Access to telephone records.

TITLE V—ECONOMIC ESPIONAGE

Sec. 501. Short title.

Sec. 502. Prevention of economic espionage and protection of proprietary economic information.

TITLE VI—COMBATTING PROLIFERATION

Sec. 601. Short title.

**Subtitle A—Assessment of Organization and Structure of Government for
Combatting Proliferation**

Sec. 611. Establishment of commission.

Sec. 612. Duties of commission.

Sec. 613. Powers of commission.

Sec. 614. Commission personnel matters.

Sec. 615. Termination of commission.

Sec. 616. Definition.

Sec. 617. Authorization of appropriations.

Subtitle B—Other Matters

- Sec. 621. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE
ACTIVITIES

- Sec. 701. Short title.
- Sec. 702. Committee on Foreign Intelligence.
- Sec. 703. Annual reports on intelligence.
- Sec. 704. Transnational threats.
- Sec. 705. Office of the Director of Central Intelligence.
- Sec. 706. National Intelligence Council.
- Sec. 707. Enhancement of authority of Director of Central Intelligence to manage budget, personnel, and activities of intelligence community.
- Sec. 708. Reallocation of responsibilities of Director of Central Intelligence and Secretary of Defense for intelligence activities under National Foreign Intelligence Program.
- Sec. 709. Improvement of intelligence collection.
- Sec. 710. Improvement of analysis and production of intelligence.
- Sec. 711. Improvement of administration of intelligence activities.
- Sec. 712. Pay level of Assistant Directors of Central Intelligence.
- Sec. 713. General Counsel of the Central Intelligence Agency.
- Sec. 714. Office of Congressional Affairs of the Intelligence Community.
- Sec. 715. Assistance for law enforcement agencies by intelligence community.
- Sec. 716. Appointment and evaluation of officials responsible for intelligence-related activities.
- Sec. 717. Intelligence Community Senior Executive Service.
- Sec. 718. Requirements for submittal of budget information on intelligence activities.
- Sec. 719. Terms of service for members of Select Committee on Intelligence of the Senate.
- Sec. 720. Report on intelligence community policy on protecting the national information infrastructure against strategic attacks.

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

- Sec. 801. Establishment.
- Sec. 802. Effective date.

1 **TITLE I—INTELLIGENCE**
2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 1997 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

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

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

16 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
17 CEILINGS.—The amounts authorized to be appropriated
18 under section 101, and the authorized personnel ceilings
19 as of September 30, 1997, for the conduct of the intel-
20 ligence and intelligence-related activities of the elements
21 listed in such section, are those specified in the classified
22 Schedule of Authorizations prepared to accompany the
23 conference report on the bill of the One Hundred
24 Fourth Congress.

1 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
2 THORIZATIONS.—The Schedule of Authorizations shall be
3 made available to the Committees on Appropriations of
4 the Senate and House of Representatives and to the Presi-
5 dent. The President shall provide for suitable distribution
6 of the Schedule, or of appropriate portions of the Sched-
7 ule, within the executive branch.

8 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

9 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
10 proval of the Director of the Office of Management and
11 Budget, the Director of Central Intelligence may authorize
12 employment of civilian personnel in excess of the number
13 authorized for fiscal year 1997 under section 102 when
14 the Director of Central Intelligence determines that such
15 action is necessary to the performance of important intel-
16 ligence functions, except that the number of personnel em-
17 ployed in excess of the number authorized under such sec-
18 tion may not, for any element of the intelligence commu-
19 nity, exceed two percent of the number of civilian person-
20 nel authorized under such section for such element.

21 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
22 Director of Central Intelligence shall promptly notify the
23 Permanent Select Committee on Intelligence of the House
24 of Representatives and the Select Committee on Intel-

1 lidence of the Senate whenever he exercises the authority
2 granted by this section.

3 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

4 (a) AUTHORIZATIONS OF APPROPRIATIONS.—There
5 is authorized to be appropriated for the Community Man-
6 agement Account of the Director of Central Intelligence
7 for fiscal year 1997 the sum of \$95,526,000. Within such
8 amounts authorized, funds identified in the classified
9 Schedule of Authorizations referred to in section 102(a)
10 for the Advanced Research and Development Committee
11 and the Environmental Task Force shall remain available
12 until September 30, 1998.

13 (b) AUTHORIZED PERSONNEL LEVELS.—The staff of
14 the Community Management Account of the Director of
15 Central Intelligence is authorized 265 full-time personnel
16 as of September 30, 1997. Such personnel of the Commu-
17 nity Management Staff may be permanent employees of
18 the Community Management Staff or personnel detailed
19 from other elements of the United States Government.

20 (c) REIMBURSEMENT.—During fiscal year 1997, any
21 officer or employee of the United States or member of the
22 Armed Forces who is detailed to the staff of the Commu-
23 nity Management Account from another element of the
24 United States Government shall be detailed on a reimburs-
25 able basis, except that any such officer, employee, or mem-

1 ber may be detailed on a non-reimbursable basis for a pe-
2 riod of less than one year for the performance of tem-
3 porary functions as required by the Director of Central
4 Intelligence.

5 **TITLE II—CENTRAL INTEL-**
6 **LIGENCE AGENCY RETIRE-**
7 **MENT AND DISABILITY SYS-**
8 **TEM**

9 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated for the
11 Central Intelligence Agency Retirement and Disability
12 Fund for fiscal year 1997 the sum of \$184,200,000.

13 **TITLE III—GENERAL**
14 **PROVISIONS**

15 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
16 **BENEFITS AUTHORIZED BY LAW.**

17 Appropriations authorized by this Act for salary, pay,
18 retirement, and other benefits for Federal employees may
19 be increased by such additional or supplemental amounts
20 as may be necessary for increases in such compensation
21 or benefits authorized by law.

22 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
23 **ACTIVITIES.**

24 The authorization of appropriations by this Act shall
25 not be deemed to constitute authority for the conduct of

1 any intelligence activity which is not otherwise authorized
2 by the Constitution or the laws of the United States.

3 **SEC. 303. POSTPONEMENT OF APPLICABILITY OF SANC-**
4 **TIONS LAWS TO INTELLIGENCE ACTIVITIES.**

5 Section 905 of the National Security Act of 1947 (50
6 U.S.C. 441d) is amended by striking “the date which is
7 one year after the date of the enactment of this title” and
8 inserting “January 6, 1998”.

9 **SEC. 304. POST-EMPLOYMENT RESTRICTIONS.**

10 (a) **IN GENERAL.**—Not later than 90 days after the
11 date of enactment of this Act, the Director of Central In-
12 telligence shall prescribe regulations requiring each new
13 and current employee of the Central Intelligence Agency
14 to sign a written agreement restricting the activities of
15 that employee upon ceasing employment with the Central
16 Intelligence Agency.

17 (b) **AGREEMENT ELEMENTS.**—The regulations shall
18 provide that an agreement contain provisions specifying
19 that the employee concerned not represent or advise the
20 government, or any political party, of a foreign country
21 during the five-year period beginning on the termination
22 of the employee’s employment with the Central Intel-
23 ligence Agency.

24 (c) **DISCIPLINARY ACTIONS.**—The regulations shall
25 specify appropriate disciplinary actions (including loss of

1 retirement benefits) to be taken against any employee de-
2 termined by the Director of Central Intelligence to have
3 violated the agreement of the employee under this section.

4 **SEC. 305. EXECUTIVE BRANCH OVERSIGHT OF BUDGETS OF**
5 **ELEMENTS OF THE INTELLIGENCE COMMU-**
6 **NITY.**

7 (a) REPORT.—Not later than 90 days after the date
8 of the enactment of this Act, the President shall submit
9 to the congressional intelligence committees a report set-
10 ting forth the actions that have been taken to ensure ade-
11 quate oversight by the executive branch of the budget of
12 the National Reconnaissance Office and the budgets of
13 other elements of the intelligence community within the
14 Department of Defense.

15 (b) REPORT ELEMENTS.—The report required by
16 subsection (a) shall—

17 (1) describe the extent to which the elements of
18 the intelligence community carrying out programs
19 and activities in the National Foreign Intelligence
20 Program are subject to requirements imposed on
21 other elements and components of the Department
22 of Defense under the Chief Financial Officers Act of
23 1990 (Public Law 101–576), and the amendments
24 made by that Act, and the Federal Financial Man-

1 agement Act of 1994 (title IV of Public Law 103–
2 356), and the amendments made by that Act;

3 (2) describe the extent to which such elements
4 submit to the Office of Management and Budget
5 budget justification materials and execution reports
6 similar to the budget justification materials and exe-
7 cution reports submitted to the Office of Manage-
8 ment and Budget by the non-intelligence components
9 of the Department of Defense;

10 (3) describe the extent to which the National
11 Reconnaissance Office submits to the Office of Man-
12 agement and Budget, the Community Management
13 Staff, and the Office of the Secretary of Defense—

14 (A) complete information on the cost,
15 schedule, performance, and requirements for
16 any new major acquisition before initiating the
17 acquisition;

18 (B) yearly reports (including baseline cost
19 and schedule information) on major acquisi-
20 tions;

21 (C) planned and actual expenditures in
22 connection with major acquisitions; and

23 (D) variances from any cost baselines for
24 major acquisitions (including explanations of
25 such variances); and

1 (4) assess the extent to which the National Re-
2 connaissance Office has submitted to Office of Man-
3 agement and Budget, the Community Management
4 Staff, and the Office of the Secretary of Defense on
5 a monthly basis a detailed budget execution report
6 similar to the budget execution report prepared for
7 Department of Defense programs.

8 (c) DEFINITIONS.—For purposes of this section:

9 (1) The term “congressional intelligence com-
10 mittees” shall mean the Select Committee on Intel-
11 ligence of the Senate and the Permanent Select
12 Committee on Intelligence of the House of Rep-
13 resentatives.

14 (2) The term “National Foreign Intelligence
15 Program” has the meaning given such term in sec-
16 tion 3(6) of the National Security Act of 1947 (50
17 U.S.C. 401a(6)).

18 **TITLE IV—FEDERAL BUREAU OF** 19 **INVESTIGATION**

20 **SEC. 401. ACCESS TO TELEPHONE RECORDS.**

21 (a) ACCESS FOR COUNTERINTELLIGENCE PUR-
22 POSES.—Section 2709(b)(1) of title 18, United States
23 Code, is amended by inserting “local and long distance”
24 before “toll billing records”.

1 (b) CONFORMING AMENDMENT.—Section
2 2703(c)(1)(C) of such title is amended by inserting “local
3 and long distance” after “address,”.

4 (c) CIVIL REMEDY.—Section 2707 of such title is
5 amended—

6 (1) in subsection (a), by striking “customer”
7 and inserting “other person”;

8 (2) in subsection (c), by adding at the end the
9 following: “If the violation is willful or intentional,
10 the court may assess punitive damages. In the case
11 of a successful action to enforce liability under this
12 section, the court may assess the costs of the action,
13 together with reasonable attorney fees determined by
14 the court.”;

15 (3) by redesignating subsections (d) and (e) as
16 subsections (e) and (f), respectively; and

17 (4) by inserting after subsection (c) the follow-
18 ing new subsection (d):

19 “(d) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a
20 court determines that any agency or department of the
21 United States has violated this chapter and the court finds
22 that the circumstances surrounding the violation raise the
23 question whether or not an officer or employee of the
24 agency or department acted willfully or intentionally with
25 respect to the violation, the agency or department con-

1 cerned shall promptly initiate a proceeding to determine
 2 whether or not disciplinary action is warranted against the
 3 officer or employee.”.

4 **TITLE V—ECONOMIC**
 5 **ESPIONAGE**

6 **SEC. 501. SHORT TITLE.**

7 This title may be cited as the “Economic Espionage
 8 Act of 1996”.

9 **SEC. 502. PREVENTION OF ECONOMIC ESPIONAGE AND**
 10 **PROTECTION OF PROPRIETARY ECONOMIC**
 11 **INFORMATION.**

12 (a) IN GENERAL.—Part I of title 18, United States
 13 Code, is amended by inserting after chapter 27 the follow-
 14 ing new chapter:

15 **“CHAPTER 28—ECONOMIC ESPIONAGE**

“Sec.
 “571. Definitions.
 “572. Economic espionage.
 “573. Criminal forfeiture.
 “574. Import and export sanctions.
 “575. Scope of extraterritorial jurisdiction.
 “576. Construction with other laws.
 “577. Preservation of confidentiality.
 “578. Law enforcement and intelligence activities.

16 **“§ 571. Definitions**

17 “For purposes of this chapter, the following defini-
 18 tions shall apply:

19 “(1) FOREIGN AGENT.—The term ‘foreign
 20 agent’ means any officer, employee, proxy, servant,

1 delegate, or representative of a foreign nation or
2 government.

3 “(2) FOREIGN INSTRUMENTALITY.—The term
4 ‘foreign instrumentality’ means any agency, bureau,
5 ministry, component, institution, association, or any
6 legal, commercial, or business organization, corpora-
7 tion, firm, or entity that is substantially owned, con-
8 trolled, sponsored, commanded, managed, or domi-
9 nated by a foreign government or any political sub-
10 division, instrumentality, or other authority thereof.

11 “(3) OWNER.—The term ‘owner’ means the
12 person or persons in whom, or the United States
13 Government component, department, or agency in
14 which, rightful legal, beneficial, or equitable title to,
15 or license in, proprietary economic information is re-
16 posed.

17 “(4) PROPRIETARY ECONOMIC INFORMATION.—
18 The term ‘proprietary economic information’ means
19 all forms and types of financial, business, scientific,
20 technical, economic, or engineering information (in-
21 cluding data, plans, tools, mechanisms, compounds,
22 formulas, designs, prototypes, processes, procedures,
23 programs, codes, or commercial strategies, whether
24 tangible or intangible, and whether stored, compiled,

1 or memorialized physically, electronically, graphi-
2 cally, photographically, or in writing), if—

3 “(A) the owner thereof has taken reason-
4 able measures to keep such information con-
5 fidential; and

6 “(B) the information derives independent
7 economic value, actual or potential, from not
8 being generally known to, and not being readily
9 ascertainable through proper means by, the
10 public.

11 “(5) UNITED STATES PERSON.—The term
12 ‘United States person’ means—

13 “(A) in the case of a natural person, a citi-
14 zen of the United States or a permanent resi-
15 dent alien of the United States; and

16 “(B) in the case of an organization (as
17 that term is defined in section 18 of this title),
18 an entity substantially owned or controlled by
19 citizens of the United States or permanent resi-
20 dent aliens of the United States, or incor-
21 porated in the United States.

22 **“§ 572. Economic espionage**

23 “(a) IN GENERAL.—Any person who, with knowledge
24 or reason to believe that he or she is acting on behalf of,

1 or with the intent to benefit, any foreign nation, govern-
2 ment, instrumentality, or agent, knowingly—

3 “(1) steals, wrongfully appropriates, takes, car-
4 ries away, or conceals, or by fraud, artifice, or de-
5 ception obtains proprietary economic information;

6 “(2) wrongfully copies, duplicates, sketches,
7 draws, photographs, downloads, uploads, alters, de-
8 stroys, photocopies, replicates, transmits, delivers,
9 sends, mails, communicates, or conveys proprietary
10 economic information;

11 “(3) being entrusted with, or having lawful pos-
12 session or control of, or access to, proprietary eco-
13 nomic information, wrongfully copies, duplicates,
14 sketches, draws, photographs, downloads, uploads,
15 alters, destroys, photocopies, replicates, transmits,
16 delivers, sends, mails, communicates, or conveys the
17 same;

18 “(4) receives, buys, or possesses proprietary
19 economic information, knowing the same to have
20 been stolen or wrongfully appropriated, obtained, or
21 converted;

22 “(5) attempts to commit any offense described
23 in any of paragraphs (1) through (4);

1 “(6) wrongfully solicits another to commit any
2 offense described in any of paragraphs (1) through
3 (4); or

4 “(7) conspires with one or more other persons
5 to commit any offense described in any of para-
6 graphs (1) through (4), and one or more of such
7 persons do any act to effect the object of the con-
8 spiracy,

9 shall, except as provided in subsection (b), be fined not
10 more than \$500,000 or imprisoned not more than 25
11 years, or both.

12 “(b) ORGANIZATIONS.—Any organization that com-
13 mits any offense described in subsection (a) shall be fined
14 not more than \$10,000,000.

15 “(c) EXCEPTION.—It shall not be a violation of this
16 section to disclose proprietary economic information in the
17 case of—

18 “(1) appropriate disclosures to Congress; or

19 “(2) disclosures to an authorized official of an
20 executive agency that are deemed essential to report-
21 ing a violation of United States law.

22 **“§ 573. Criminal forfeiture**

23 “(a) IN GENERAL.—Notwithstanding any provision
24 of State law to the contrary, any person convicted of a

1 violation under this chapter shall forfeit to the United
2 States—

3 “(1) any property constituting, or derived from,
4 any proceeds the person obtained, directly or indi-
5 rectly, as the result of such violation; and

6 “(2) any of the property of that person used, or
7 intended to be used, in any manner or part, to com-
8 mit or facilitate the commission of such violation.

9 “(b) COURT ACTION.—The court, in imposing sen-
10 tence on such person, shall order, in addition to any other
11 sentence imposed pursuant to this chapter, that the person
12 forfeit to the United States all property described in this
13 section.

14 “(c) APPLICABILITY OF OTHER LAW.—Property sub-
15 ject to forfeiture under this section, any seizure and dis-
16 position thereof, and any administrative or judicial pro-
17 ceeding in relation thereto, shall be governed by the provi-
18 sions of section 413 of the Comprehensive Drug Abuse
19 Prevention and Control Act of 1970 (21 U.S.C. 853),
20 other than subsection (d) of that section.

21 **“§ 574. Import and export sanctions**

22 “(a) ACTION BY THE PRESIDENT.—The President
23 may, to the extent consistent with international agree-
24 ments to which the United States is a party, prohibit, for
25 a period of not longer than 5 years, the importation into,

1 or exportation from, the United States, whether by car-
2 riage of tangible items or by transmission, any merchan-
3 dise produced, made, assembled, or manufactured by a
4 person convicted of any offense described in section 572
5 of this title, or in the case of an organization convicted
6 of any offense described in such section, its successor en-
7 tity or entities.

8 “(b) ACTION BY THE SECRETARY OF THE TREAS-
9 URY.—

10 “(1) CIVIL PENALTY.—The Secretary of the
11 Treasury may impose on any person who knowingly
12 violates any order of the President issued under the
13 authority of this section, a civil penalty equal to not
14 more than 5 times the value of the exports or im-
15 ports involved, or \$100,000, whichever is greater.

16 “(2) SEIZURE AND FORFEITURE.—Any mer-
17 chandise imported or exported in violation of an
18 order of the President issued under this section shall
19 be subject to seizure and forfeiture in accordance
20 with sections 602 through 619 of the Tariff Act of
21 1930.

22 “(3) APPLICABILITY OF OTHER PROVISIONS.—
23 The provisions of law relating to seizure, summary
24 and judicial forfeiture, and condemnation of prop-
25 erty for violation of the United States customs laws,

1 the disposition of such property or the proceeds from
2 the sale thereof, the remission or mitigation of such
3 forfeiture, and the compromise of claims, shall apply
4 to seizures and forfeitures incurred, or alleged to
5 have been incurred under this section to the extent
6 that they are applicable and not inconsistent with
7 the provisions of this chapter.

8 **“§ 575. Scope of extraterritorial jurisdiction**

9 “This chapter applies—

10 “(1) to conduct occurring within the United
11 States; and

12 “(2) to conduct occurring outside the United
13 States if—

14 “(A) the offender is a United States per-
15 son; or

16 “(B) the act in furtherance of the offense
17 was committed in the United States.

18 **“§ 576. Construction with other laws**

19 “This chapter shall not be construed to preempt or
20 displace any other remedies, whether civil or criminal, pro-
21 vided by Federal, State, commonwealth, possession, or ter-
22 ritorial laws that are applicable to the misappropriation
23 of proprietary economic information.

1 **“§ 577. Preservation of confidentiality**

2 “In any prosecution or other proceeding under this
 3 chapter, the court shall enter such orders and take such
 4 other action as may be necessary and appropriate to pre-
 5 serve the confidentiality of proprietary economic informa-
 6 tion, consistent with the requirements of the Federal
 7 Rules of Criminal Procedure, the Federal Rules of Civil
 8 Procedure, the Federal Rules of Evidence, and all other
 9 applicable laws. An interlocutory appeal by the United
 10 States shall lie from a decision or order of a district court
 11 authorizing or directing the disclosure of proprietary eco-
 12 nomic information.

13 **“§ 578. Law enforcement and intelligence activities**

14 “This chapter does not prohibit, and shall not impair,
 15 any lawful activity conducted by a law enforcement or reg-
 16 ulatory agency of the United States, a State, or a political
 17 subdivision of a State, or an intelligence agency of the
 18 United States.”.

19 (b) CLERICAL AMENDMENT.—The table of chapters
 20 at the beginning of part I of title 18, United States Code,
 21 is amended by inserting after the item relating to chapter
 22 27 the following new item:

“28. Economic espionage 571”.

23 (c) CONFORMING AMENDMENT.—Section 2516(1)(a)
 24 of title 18, United States Code, is amended by inserting

1 “chapter 28 (relating to economic espionage),” after “or
2 under the following chapters of this title:”.

3 **TITLE VI—COMBATTING**
4 **PROLIFERATION**

5 **SEC. 601. SHORT TITLE.**

6 This title may be cited as the “Combatting Prolifera-
7 tion of Weapons of Mass Destruction Act of 1996”.

8 **Subtitle A—Assessment of Organi-**
9 **zation and Structure of Govern-**
10 **ment for Combatting Prolifera-**
11 **tion**

12 **SEC. 611. ESTABLISHMENT OF COMMISSION.**

13 (a) **ESTABLISHMENT.**—There is established a com-
14 mission to be known as the Commission to Assess the Or-
15 ganization of the Federal Government to Combat the Pro-
16 liferation of Weapons of Mass Destruction (in this subtitle
17 referred to as the “Commission”).

18 (b) **MEMBERSHIP.**—The Commission shall be com-
19 posed of eight members of whom—

20 (1) four shall be appointed by the President;

21 (2) one shall be appointed by the Majority
22 Leader of the Senate;

23 (3) one shall be appointed by the Minority
24 Leader of the Senate;

1 (4) one shall be appointed by the Speaker of
2 the House of Representatives; and

3 (5) one shall be appointed by the Minority
4 Leader of the House of Representatives.

5 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
6 bers shall be appointed for the life of the Commission. Any
7 vacancy in the Commission shall not affect its powers, but
8 shall be filled in the same manner as the original appoint-
9 ment.

10 (d) INITIAL MEETING.—No later than 30 days after
11 the date on which all members of the Commission have
12 been appointed, the Commission shall hold its first meet-
13 ing.

14 (e) QUORUM.—A majority of the members of the
15 Commission shall constitute a quorum, but a lesser num-
16 ber of members may hold hearings.

17 (f) CHAIRMAN AND VICE CHAIRMAN.—The Commis-
18 sion shall select a Chairman and Vice Chairman from
19 among its members.

20 (g) MEETINGS.—The Commission shall meet at the
21 call of the Chairman.

22 **SEC. 612. DUTIES OF COMMISSION.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Commission shall carry
25 out a thorough study of the organization of the Fed-

1 eral Government, including the elements of the intel-
2 ligence community, with respect to combatting the
3 proliferation of weapons of mass destruction.

4 (2) SPECIFIC REQUIREMENTS.—In carrying out
5 the study, the Commission shall—

6 (A) assess the current structure and orga-
7 nization of the departments and agencies of the
8 Federal Government having responsibilities for
9 combatting the proliferation of weapons of mass
10 destruction; and

11 (B) assess the effectiveness of the coopera-
12 tion between elements of the intelligence com-
13 munity and the intelligence-gathering services
14 of foreign governments in addressing issues re-
15 lating to the proliferation of such weapons.

16 (b) RECOMMENDATIONS.—In conducting the study,
17 the Commission shall develop recommendations on means
18 of improving the effectiveness of the organization of the
19 departments and agencies of the Federal Government in
20 meeting the national security interests of the United
21 States with respect to the proliferation of weapons of mass
22 destruction. Such recommendations shall include specific
23 recommendations to eliminate duplications of effort, and
24 other inefficiencies, in and among such departments and
25 agencies.

1 (c) REPORT.—Not later than 18 months after the
2 date of the enactment of this Act, the Commission shall
3 submit to Congress a report containing a detailed state-
4 ment of the findings and conclusions of the Commission,
5 together with its recommendations for such legislation and
6 administrative actions as it considers appropriate.

7 **SEC. 613. POWERS OF COMMISSION.**

8 (a) HEARINGS.—The Commission may hold such
9 hearings, sit and act at such times and places, take such
10 testimony, and receive such evidence as the Commission
11 considers advisable to carry out the purposes of this sub-
12 title.

13 (b) INFORMATION FROM FEDERAL AGENCIES.—

14 (1) IN GENERAL.—The Commission may secure
15 directly from any Federal department or agency
16 such information as the Commission considers nec-
17 essary to carry out the provisions of this subtitle.
18 Upon request of the Chairman of the Commission,
19 the head of such department or agency shall furnish
20 such information to the Commission.

21 (2) CLASSIFIED INFORMATION.—A department
22 or agency may furnish the Commission classified in-
23 formation under this subsection. The Commission
24 shall take appropriate actions to safeguard classified

1 information furnished to the Commission under this
2 paragraph.

3 (c) **POSTAL SERVICES.**—The Commission may use
4 the United States mails in the same manner and under
5 the same conditions as other departments and agencies of
6 the Federal Government.

7 (d) **GIFTS.**—The Commission may accept, use, and
8 dispose of gifts or donations of services or property.

9 **SEC. 614. COMMISSION PERSONNEL MATTERS.**

10 (a) **COMPENSATION OF MEMBERS.**—Each member of
11 the Commission who is not an officer or employee of the
12 Federal Government shall be compensated at a rate equal
13 to the daily equivalent of the annual rate of basic pay pre-
14 scribed for level IV of the Executive Schedule under sec-
15 tion 5315 of title 5, United States Code, for each day (in-
16 cluding travel time) during which such member is engaged
17 in the performance of the duties of the Commission. All
18 members of the Commission who are officers or employees
19 of the United States shall serve without compensation in
20 addition to that received for their services as officers or
21 employees of the United States.

22 (b) **TRAVEL EXPENSES.**—The members of the Com-
23 mission shall be allowed travel expenses, including per
24 diem in lieu of subsistence, at rates authorized for employ-
25 ees of agencies under subchapter I of chapter 57 of title

1 5, United States Code, while away from their homes or
2 regular places of business in the performance of services
3 for the Commission.

4 (c) STAFF.—

5 (1) IN GENERAL.—The Chairman of the Com-
6 mission may, without regard to the civil service laws
7 and regulations, appoint and terminate an executive
8 director and such other additional personnel as may
9 be necessary to enable the Commission to perform
10 its duties. The employment of an executive director
11 shall be subject to confirmation by the Commission.

12 (2) COMPENSATION.—The Chairman of the
13 Commission may fix the compensation of the execu-
14 tive director and other personnel without regard to
15 the provisions of chapter 51 and subchapter III of
16 chapter 53 of title 5, United States Code, relating
17 to classification of positions and General Schedule
18 pay rates, except that the rate of pay for the execu-
19 tive director and other personnel may not exceed the
20 rate payable for level V of the Executive Schedule
21 under section 5316 of such title.

22 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
23 Federal Government employee may be detailed to the
24 Commission without reimbursement, and such detail shall

1 be without interruption or loss of civil service status or
2 privilege.

3 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
4 **TENT SERVICES.**—The Chairman of the Commission may
5 procure temporary and intermittent services under section
6 3109(b) of title 5, United States Code, at rates for individ-
7 uals which do not exceed the daily equivalent of the annual
8 rate of basic pay prescribed for level V of the Executive
9 Schedule under section 5316 of such title.

10 **SEC. 615. TERMINATION OF COMMISSION.**

11 The Commission shall terminate 60 days after the
12 date on which the Commission submits its report under
13 section 612(c).

14 **SEC. 616. DEFINITION.**

15 For purposes of this subtitle, the term “intelligence
16 community” shall have the meaning given such term in
17 section 3(4) of the National Security Act of 1947 (50
18 U.S.C. 401a(4)).

19 **SEC. 617. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) **IN GENERAL.**—There are authorized to be appro-
21 priated for the Commission for fiscal year 1997 such sums
22 as may be necessary for the Commission to carry out its
23 duties under this subtitle.

24 (b) **AVAILABILITY.**—Amounts appropriated pursuant
25 to the authorization of appropriations in subsection (a)

1 shall remain available for expenditure until the termi-
2 nation of the Commission under section 615.

3 **Subtitle B—Other Matters**

4 **SEC. 621. REPORTS ON ACQUISITION OF TECHNOLOGY RE-** 5 **LATING TO WEAPONS OF MASS DESTRUCTION** 6 **AND ADVANCED CONVENTIONAL MUNITIONS.**

7 (a) REPORTS.—Not later than 6 months after the
8 date of the enactment of this Act, and every 6 months
9 thereafter, the Director of Central Intelligence shall sub-
10 mit to Congress a report on—

11 (1) the acquisition by foreign countries during
12 the preceding 6 months of dual-use and other tech-
13 nology useful for the development or production of
14 weapons of mass destruction (including nuclear
15 weapons, chemical weapons, and biological weapons)
16 and advanced conventional munitions; and

17 (2) trends in the acquisition of such technology
18 by such countries.

19 (b) FORM OF REPORTS.—The reports submitted
20 under subsection (a) shall be submitted in unclassified
21 form, but may include a classified annex.

1 **TITLE VII—RENEWAL AND RE-**
2 **FORM OF INTELLIGENCE AC-**
3 **TIVITIES**

4 **SEC. 701. SHORT TITLE.**

5 This title may be cited as the “Intelligence Activities
6 Renewal and Reform Act of 1996”.

7 **SEC. 702. COMMITTEE ON FOREIGN INTELLIGENCE.**

8 Section 101 of the National Security Act of 1947 (50
9 U.S.C. 402) is amended—

10 (1) by redesignating subsection (h) as sub-
11 section (j); and

12 (2) by inserting after subsection (g) the follow-
13 ing new subsection (h):

14 “(h)(1) There is established within the National Se-
15 curity Council a committee to be known as the ‘Committee
16 on Foreign Intelligence’.

17 “(2) The Committee shall be composed of the follow-
18 ing:

19 “(A) The Director of Central Intelligence.

20 “(B) The Secretary of State.

21 “(C) The Secretary of Defense.

22 “(D) The Assistant to the President for Na-
23 tional Security Affairs, who shall serve as the chair-
24 person of the Committee.

1 “(E) Such other members as the President may
2 designate.

3 “(3) The function of the Committee shall be to assist
4 the Council in its activities by—

5 “(A) identifying the intelligence required to ad-
6 dress the national security interests of the United
7 States as specified by the President;

8 “(B) establishing priorities (including funding
9 priorities) among the programs, projects, and activi-
10 ties that address such interests and requirements;
11 and

12 “(C) establishing policies relating to the con-
13 duct of intelligence activities of the United States,
14 including appropriate roles and missions for the ele-
15 ments of the intelligence community and appropriate
16 targets of intelligence collection activities.

17 “(4) In carrying out its function, the Committee
18 shall—

19 “(A) conduct an annual review of the national
20 security interests of the United States;

21 “(B) identify on an annual basis, and at such
22 other times as the Council may require, the intel-
23 ligence required to meet such interests and establish
24 an order of priority for the collection and analysis of
25 such intelligence; and

1 “(C) conduct an annual review of the elements
2 of the intelligence community in order to determine
3 the success of such elements in collecting, analyzing,
4 and disseminating the intelligence identified under
5 subparagraph (B).

6 “(5) The Committee shall submit each year to the
7 Council and to the Director of Central Intelligence a com-
8 prehensive report on its activities during the preceding
9 year, including its activities under paragraphs (3) and
10 (4).”.

11 **SEC. 703. ANNUAL REPORTS ON INTELLIGENCE.**

12 (a) IN GENERAL.—Section 109 of the National Secu-
13 rity Act of 1947 (50 U.S.C. 404d) is amended by striking
14 out subsections (a) and (b) and inserting in lieu thereof
15 the following new subsections:

16 “SEC. 109 (a). IN GENERAL.—(1) Not later than
17 January 31 each year, the President shall submit to the
18 appropriate congressional committees a report on the re-
19 quirements of the United States for intelligence and the
20 activities of the intelligence community.

21 “(2) The purpose of the report is to facilitate an as-
22 sessment of the activities of the intelligence community
23 during the preceding fiscal year and to assist in the devel-
24 opment of a mission and a budget for the intelligence com-

1 munity for the fiscal year beginning in the year in which
2 the report is submitted.

3 “(3) The report shall be submitted in unclassified
4 form, but may include a classified annex.

5 “(b) MATTERS COVERED.—(1) Each report under
6 subsection (a) shall—

7 “(A) specify the intelligence required to meet
8 the national security interests of the United States,
9 and set forth an order of priority for the collection
10 and analysis of intelligence required to meet such in-
11 terests, for the fiscal year beginning in the year in
12 which the report is submitted; and

13 “(B) evaluate the performance of the intel-
14 ligence community in collecting and analyzing intel-
15 ligence required to meet such interests during the
16 fiscal year ending in the year preceding the year in
17 which the report is submitted, including a descrip-
18 tion of the significant successes and significant fail-
19 ures of the intelligence community in such collection
20 and analysis during that fiscal year.

21 “(2) The report shall specify matters under para-
22 graph (1)(A) in sufficient detail to assist Congress in mak-
23 ing decisions with respect to the allocation of resources
24 for the matters specified.

1 “(c) DEFINITION.—In this section, the term ‘appro-
2 priate congressional committees’ means the following:

3 “(1) The Select Committee on Intelligence, the
4 Committee on Appropriations, and the Committee on
5 Armed Services of the Senate.

6 “(2) The Permanent Select Committee on Intel-
7 ligence, the Committee on Appropriations, and the
8 Committee on National Security of the House of
9 Representatives.”.

10 (b) CONFORMING AMENDMENTS.—(1) The section
11 heading of such section is amended to read as follows:

12 “ANNUAL REPORT ON INTELLIGENCE”.

13 (2) The table of contents in the first section of that
14 Act is amended by striking the item relating to section
15 109 and inserting the following new item:

 “Sec. 109. Annual report on intelligence.”.

16 **SEC. 704. TRANSNATIONAL THREATS.**

17 Section 101 of the National Security Act of 1947 (50
18 U.S.C. 402) is amended by inserting after subsection (h),
19 as amended by section 702 of this Act, the following new
20 subsection:

21 “(i)(1) There is established within the National Secu-
22 rity Council a committee to be known as the ‘Committee
23 on Transnational Threats’.

24 “(2) The Committee shall include the following mem-
25 bers:

1 “(A) The Director of Central Intelligence.

2 “(B) The Secretary of State.

3 “(C) The Secretary of Defense.

4 “(D) The Attorney General.

5 “(E) The Assistant to the President for Na-
6 tional Security Affairs, who shall serve as the chair-
7 person of the Committee.

8 “(F) Such other members as the President may
9 designate.

10 “(3) The function of the Committee shall be to co-
11 ordinate and direct the activities of the United States Gov-
12 ernment relating to combatting transnational threats.

13 “(4) In carrying out its function, the Committee
14 shall—

15 “(A) identify transnational threats;

16 “(B) develop strategies to enable the United
17 States Government to respond to transnational
18 threats identified under subparagraph (A);

19 “(C) monitor implementation of such strategies;

20 “(D) make recommendations as to appropriate
21 responses to specific transnational threats;

22 “(E) assist in the resolution of operational and
23 policy differences among Federal departments and
24 agencies in their responses to transnational threats;

1 “(F) develop policies and procedures to ensure
2 the effective sharing of information about
3 transnational threats among Federal departments
4 and agencies, including law enforcement agencies
5 and the elements of the intelligence community; and

6 “(G) develop guidelines to enhance and improve
7 the coordination of activities of Federal law enforce-
8 ment agencies and elements of the intelligence com-
9 munity outside the United States with respect to
10 transnational threats.

11 “(5) For purposes of this subsection, the term
12 ‘transnational threat’ means the following:

13 “(A) Any transnational activity (including inter-
14 national terrorism, narcotics trafficking, the pro-
15 liferation of weapons of mass destruction and the de-
16 livery systems for such weapons, and organized
17 crime) that threatens the national security of the
18 United States.

19 “(B) Any individual or group that engages in
20 an activity referred to in subparagraph (A).”.

21 **SEC. 705. OFFICE OF THE DIRECTOR OF CENTRAL INTEL-**
22 **LIGENCE.**

23 (a) IN GENERAL.—Title I of The National Security
24 Act of 1947 (50 U.S.C. 402 et seq.) is amended—

25 (1) in section 102 (50 U.S.C. 403)—

1 (A) by striking the section heading and all
2 that follows through paragraph (1) of sub-
3 section (a) and inserting the following:

4 “OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE
5 “SEC. 102.”;

6 (B) by redesignating paragraph (2) of sub-
7 section (a) as subsection (a) and in such sub-
8 section (a), as so redesignated, by redesignating
9 subparagraphs (A), (B), and (C) as paragraphs
10 (1), (2), and (3), respectively; and

11 (C) by striking subsection (d) and insert-
12 ing the following:

13 “(d)(1) There is an Office of the Director of Central
14 Intelligence. The function of the Office is to assist the Di-
15 rector of Central Intelligence in carrying out the duties
16 and responsibilities of the Director under this Act and to
17 carry out such other duties as may be prescribed by law.

18 “(2) The Office of the Director of Central Intel-
19 ligence is composed of the following:

20 “(A) The Director of Central Intelligence.

21 “(B) The Deputy Director of Central Intel-
22 ligence.

23 “(C) The National Intelligence Council.

24 “(D) The Assistant Director of Central Intel-
25 ligence for Collection.

1 “(E) The Assistant Director of Central Intel-
2 ligence for Analysis and Production.

3 “(F) The Assistant Director of Central Intel-
4 ligence for Administration.

5 “(G) Such other offices and officials as may be
6 established by law or the Director of Central Intel-
7 ligence may establish or designate in the Office.

8 “(3) To assist the Director in fulfilling the respon-
9 sibilities of the Director as head of the intelligence commu-
10 nity, the Director shall employ and utilize in the Office
11 of the Director of Central Intelligence a professional staff
12 having an expertise in matters relating to such responsibil-
13 ities and may establish permanent positions and appro-
14 priate rates of pay with respect to that staff.”; and

15 (2) by inserting after section 102, as so amend-
16 ed, the following new section:

17 “CENTRAL INTELLIGENCE AGENCY

18 “SEC. 102A. There is a Central Intelligence Agency.
19 The function of the Agency shall be to assist the Director
20 of Central Intelligence in carrying out the responsibilities
21 referred to in paragraphs (1) through (4) of section
22 103(d) of this Act.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in the first section of that Act is amended by striking the
25 item relating to section 102 and inserting the following
26 new items:

“Sec. 102. Office of the Director of Central Intelligence.
“Sec. 102A. Central Intelligence Agency.”.

1 **SEC. 706. NATIONAL INTELLIGENCE COUNCIL.**

2 Section 103(b) of the National Security Act of 1947
3 (50 U.S.C. 403–3(b)) is amended—

4 (1) in paragraph (1)(B), by inserting “, or as
5 contractors of the Council or employees of such con-
6 tractors,” after “on the Council”;

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

9 (3) by inserting after paragraph (3) the follow-
10 ing new paragraph (4):

11 “(4) Subject to the direction and control of the Direc-
12 tor of Central Intelligence, the Center may carry out its
13 responsibilities under this subsection by contract, includ-
14 ing contracts for substantive experts necessary to assist
15 the Center with particular assessments under this sub-
16 section.”; and

17 (4) in paragraph (5), as so redesignated, by
18 adding at the end the following: “The Center shall
19 also be readily accessible to policymaking officials
20 and other appropriate individuals not otherwise asso-
21 ciated with the intelligence community.”.

1 **SEC. 707. ENHANCEMENT OF AUTHORITY OF DIRECTOR OF**
2 **CENTRAL INTELLIGENCE TO MANAGE BUDG-**
3 **ET, PERSONNEL, AND ACTIVITIES OF INTEL-**
4 **LIGENCE COMMUNITY.**

5 (a) IN GENERAL.—Section 103(c) of the National Se-
6 curity Act of 1947 (50 U.S.C. 403–3(c)) is amended—

7 (1) by striking paragraph (1) and inserting the
8 following new paragraph (1):

9 “(1) facilitate the development of an annual
10 budget for intelligence and intelligence-related activi-
11 ties of the United States by—

12 “(A) developing and presenting to the
13 President an annual budget for the National
14 Foreign Intelligence Program;

15 “(B) concurring in the development by the
16 Secretary of Defense of the annual budget for
17 the Joint Military Intelligence Program; and

18 “(C) consulting with the Secretary of De-
19 fense in the development of the annual budget
20 for the Tactical Intelligence and Related Activi-
21 ties program;”;

22 (2) by redesignating paragraphs (3) through
23 (6) as paragraphs (4) through (7), respectively; and

24 (3) by inserting after paragraph (2) the follow-
25 ing new paragraph (3):

1 “(3) manage the national collection activities of
2 the intelligence community in order to ensure that
3 such activities, and the intelligence collected through
4 such activities, meet the national security require-
5 ments of the United States;”.

6 (b) USE OF FUNDS.—

7 (1) REPROGRAMMING.—Subsection (c) of such
8 section is amended by inserting “or under the Joint
9 Military Intelligence Program” after “the National
10 Foreign Intelligence Program”.

11 (2) TRANSFERS.—Subsection (d)(2)(E) of such
12 section is amended by striking “does not object to”
13 and inserting “is consulted by the Director before”.

14 (3) DIRECTION OF EXPENDITURES.—Such sec-
15 tion is further amended—

16 (A) by redesignating subsections (e), (f),
17 and (g) as subsections (f), (g), and (h), respec-
18 tively; and

19 (B) by inserting after subsection (d) the
20 following new subsection (e):

21 “(e) USE OF FUNDS.—The Director of Central Intel-
22 ligence shall, with the approval of the Director of the Of-
23 fice of Management and Budget and subject to applicable
24 provisions of law (including provisions of authorization
25 Acts and appropriations Acts), direct and oversee the allo-

1 cation, allotment, obligation, and expenditure of funds ap-
2 propriated or otherwise made available for the national in-
3 telligence programs, projects, and activities that are man-
4 aged by the Director of the Central Intelligence Agency,
5 the Director of the National Security Agency, the Director
6 of the National Reconnaissance Office, and the Director
7 of the National Imagery and Mapping Agency.”.

8 (c) PERSONNEL, TRAINING, AND ADMINISTRATIVE
9 ACTIVITIES.—Subsection (g) of such section, as redesign-
10 nating by subsection (b)(3)(A) of this section, is amend-
11 ed—

12 (1) by striking “USE OF PERSONNEL.—” and
13 inserting “PERSONNEL, TRAINING, AND ADMINIS-
14 TRATIVE FUNCTIONS.—”;

15 (2) in the matter preceding paragraph (1)—

16 (A) by striking “in coordination with” and
17 inserting “after consultation with”; and

18 (B) by inserting “national elements of”
19 after “policies and programs within”; and

20 (3) in paragraph (2), by striking “personnel,”
21 and all that follows through “programs” and insert-
22 ing “personnel programs, administrative programs,
23 training programs, and security programs and man-
24 agement activities”.

1 **SEC. 708. REALLOCATION OF RESPONSIBILITIES OF DIREC-**
2 **TOR OF CENTRAL INTELLIGENCE AND SEC-**
3 **RETARY OF DEFENSE FOR INTELLIGENCE AC-**
4 **TIVITIES UNDER NATIONAL FOREIGN INTEL-**
5 **LIGENCE PROGRAM.**

6 (a) CONSULTATION OF SECRETARY OF DEFENSE
7 WITH DCI REGARDING GENERAL RESPONSIBILITIES.—
8 Subsection (a) of section 105 of the National Security Act
9 of 1947 (50 U.S.C. 405–5) is amended—

10 (1) in the matter preceding paragraph (1), by
11 inserting “, in consultation with the Director of
12 Central Intelligence,” after “Secretary of Defense”;
13 and

14 (2) in paragraph (2), by striking “appropriate”.

15 (b) JOINT RESPONSIBILITY OF DCI AND SECRETARY
16 OF DEFENSE FOR PERFORMANCE OF CERTAIN SPECIFIC
17 FUNCTIONS.—Subsection (b) of that section is amended—

18 (1) by striking “RESPONSIBILITY” and insert-
19 ing “JOINT RESPONSIBILITY OF THE DCI AND THE
20 SECRETARY OF DEFENSE”;

21 (2) in the matter preceding paragraph (1), by
22 striking “Consistent with sections 103 and 104 of
23 this Act,” and inserting “The Director of Central
24 Intelligence and”;

25 (3) in paragraph (2)—

1 (A) by striking “within the Department of
2 Defense”; and

3 (B) by adding “and” after the semicolon
4 at the end; and

5 (4) by striking the semicolon at the end of
6 paragraph (3) and inserting a period.

7 (c) RESPONSIBILITY OF SECRETARY OF DEFENSE
8 FOR PERFORMANCE OF OTHER SPECIFIC FUNCTIONS.—
9 Such section is further amended—

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

12 (2) by inserting after paragraph (3) of sub-
13 section (b) the following:

14 “(c) RESPONSIBILITY OF SECRETARY OF DEFENSE
15 FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Con-
16 sistent with section 103 and 104 of this Act, the Secretary
17 of Defense, in consultation with the Director of Central
18 Intelligence, shall—”;

19 (3) by redesignating paragraphs (4), (5), and
20 (6) as paragraphs (1), (2), and (3), respectively, of
21 subsection (c), as added by paragraph (2) of this
22 subsection; and

23 (4) in paragraph (2), as redesignated by para-
24 graph (3) of this subsection, by inserting “(other

1 than clandestine collection)” before “human intel-
2 ligence activities”.

3 (d) CONFORMING AMENDMENTS.—(1) The section
4 heading of that section is amended to read as follows:

5 “RESPONSIBILITIES OF SECRETARY OF DEFENSE AND DI-
6 RECTOR OF CENTRAL INTELLIGENCE PERTAINING
7 TO NATIONAL FOREIGN INTELLIGENCE PROGRAM”.

8 (2) The table of contents in the first section of that
9 Act is amended by striking the item relating to section
10 105 and inserting the following new item:

“Sec. 105. Responsibilities of Secretary of Defense and Director of Central In-
telligence pertaining to National Foreign Intelligence Pro-
gram.”.

11 **SEC. 709. IMPROVEMENT OF INTELLIGENCE COLLECTION.**

12 (a) ASSISTANT DIRECTOR OF CENTRAL INTEL-
13 LIGENCE FOR COLLECTION.—Section 102 of the National
14 Security Act of 1947, as amended by section 705(a)(1)
15 of this Act, is amended by adding at the end the following:

16 “(e)(1) To assist the Director of Central Intelligence
17 in carrying out the Director’s responsibilities under this
18 Act, there shall be an Assistant Director of Central Intel-
19 ligence for Collection, who shall be appointed by the Presi-
20 dent, by and with the advice and consent of the Senate.

21 “(2)(A) If neither the Director of Central Intelligence
22 nor the Deputy Director of Central Intelligence is a com-
23 missioned officer of the Armed Forces at the time of the
24 nomination of an individual to the position of Assistant

1 Director of Central Intelligence for Collection, the Presi-
2 dent shall nominate an individual for that position from
3 among the commissioned officers of the Armed Forces who
4 have substantial experience in managing intelligence ac-
5 tivities.

6 “(B) The provisions of subsection (c)(3) shall apply
7 to any commissioned officer of the Armed Forces while
8 serving in the position of Assistant Director for Collection.

9 “(3) The Assistant Director for Collection shall man-
10 age the collection of national intelligence by the intel-
11 ligence community in order to ensure the efficient and ef-
12 fective collection of national intelligence that is identified
13 for collection by the Assistant Director of Central Intel-
14 ligence for Analysis and Production.

15 “(4) In carrying out the responsibility set forth in
16 paragraph (3), the Assistant Director for Collection
17 shall—

18 “(A) provide guidance and direction for, and
19 concur in, the procurement and operation of systems
20 necessary for the collection of national intelligence;
21 and

22 “(B) assist the Director of Central Intelligence
23 in the formulation of plans and budgets for national
24 intelligence collection activities.”.

1 (b) CONSOLIDATION OF HUMAN INTELLIGENCE COL-
2 LECTION ACTIVITIES.—Not later than 90 days after the
3 date of the enactment of this Act, the Director of Central
4 Intelligence shall enter into an agreement with the Sec-
5 retary of Defense to transfer from the Secretary to the
6 Director the responsibilities and authorities of the Sec-
7 retary for the collection of clandestine intelligence from
8 human sources currently conducted by the Defense
9 Human Intelligence Service within the Department of De-
10 fense.

11 **SEC. 710. IMPROVEMENT OF ANALYSIS AND PRODUCTION**
12 **OF INTELLIGENCE.**

13 Section 102 of the National Security Act of 1947,
14 as amended by section 709(a) of this Act, is further
15 amended by adding at the end the following:

16 “(f)(1) To assist the Director of Central Intelligence
17 in carrying out the Director’s responsibilities under this
18 Act, there shall be an Assistant Director of Central Intel-
19 ligence for Analysis and Production, who shall be ap-
20 pointed by the President, by and with the advice and con-
21 sent of the Senate.

22 “(2) The Assistant Director for Analysis and Produc-
23 tion shall—

1 “(A) oversee the analysis and production of in-
2 telligence by the elements of the intelligence commu-
3 nity;

4 “(B) establish standards and priorities relating
5 to such analysis and production;

6 “(C) monitor the allocation of resources for the
7 analysis and production of intelligence in order to
8 identify unnecessary duplication in the analysis and
9 production of intelligence;

10 “(D) identify intelligence to be collected for
11 purposes of the Assistant Director of Central Intel-
12 ligence for Collection; and

13 “(E) provide such additional analysis and pro-
14 duction of intelligence as the President and the Na-
15 tional Security Council may require.”.

16 **SEC. 711. IMPROVEMENT OF ADMINISTRATION OF INTEL-**
17 **LIGENCE ACTIVITIES.**

18 Section 102 of the National Security Act of 1947,
19 as amended by section 710 of this Act, is further amended
20 by adding at the end the following:

21 “(g)(1) To assist the Director of Central Intelligence
22 in carrying out the Director’s responsibilities under this
23 Act, there shall be an Assistant Director of Central Intel-
24 ligence for Administration, who shall be appointed by the

1 President, by and with the advice and consent of the Sen-
2 ate.

3 “(2) The Assistant Director for Administration shall
4 manage such activities relating to the administration of
5 the intelligence community as the Director of Central In-
6 telligence shall require, including management of civilian
7 personnel (including recruitment, security investigations,
8 processing, and training of such personnel), information
9 systems, telecommunications systems, finance and ac-
10 counting services, and security services, and procurement
11 of supplies and support services.”.

12 **SEC. 712. PAY LEVEL OF ASSISTANT DIRECTORS OF**
13 **CENTRAL INTELLIGENCE.**

14 Section 5315 of title 5, United States Code, is
15 amended by adding at the end the following:

16 “Assistant Directors of Central Intelligence
17 (3).”.

18 **SEC. 713. GENERAL COUNSEL OF THE CENTRAL INTEL-**
19 **LIGENCE AGENCY.**

20 (a) ESTABLISHMENT OF POSITION.—The Central In-
21 telligence Agency Act of 1949 (50 U.S.C. 403a et seq.)
22 is amended by adding at the end the following:

23 “GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE
24 AGENCY

25 “SEC. 20. (a) There is a General Counsel of the
26 Central Intelligence Agency, appointed from civilian life

1 by the President, by and with the advice and consent of
2 the Senate.

3 “(b) The General Counsel is the chief legal officer
4 of the Central Intelligence Agency.

5 “(c) The General Counsel of the Central Intelligence
6 Agency shall perform such functions as the Director of
7 Central Intelligence may prescribe.”.

8 (b) EXECUTIVE SCHEDULE IV PAY LEVEL.—Section
9 5315 of title 5, United States Code, as amended by section
10 712 of this Act, is further amended by adding at the end
11 the following:

12 “General Counsel of the Central Intelligence
13 Agency.”.

14 **SEC. 714. OFFICE OF CONGRESSIONAL AFFAIRS OF THE IN-**
15 **TELLIGENCE COMMUNITY.**

16 Section 102 of the National Security Act of 1947,
17 as amended by section 711 of this Act, is further amended
18 by adding at the end the following:

19 “(h)(1) There is hereby established the Office of Con-
20 gressional Affairs of the Intelligence Community.

21 “(2)(A) The Office shall be headed by the Director
22 of the Office of Congressional Affairs of the Intelligence
23 Community.

24 “(B) The Director of Central Intelligence may des-
25 ignate the Director of the Office of Congressional Affairs

1 of the Central Intelligence Agency to serve as the Director
2 of the Office of Congressional Affairs of the Intelligence
3 Community.

4 “(3) The Director shall coordinate the congressional
5 affairs activities of the elements of the intelligence commu-
6 nity and have such additional responsibilities as the Direc-
7 tor of Central Intelligence may prescribe.

8 “(4) Nothing in the subsection may be construed to
9 preclude the elements of the intelligence community from
10 responding directly to requests from Congress.”.

11 **SEC. 715. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES**
12 **BY INTELLIGENCE COMMUNITY.**

13 (a) IN GENERAL.—Title I of the National Security
14 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-
15 ing after section 105 the following new section:

16 “ASSISTANCE TO UNITED STATES LAW ENFORCEMENT
17 AGENCIES

18 “SEC. 105A. (a) AUTHORITY TO PROVIDE ASSIST-
19 ANCE.—Notwithstanding any other provision of law, ele-
20 ments of the intelligence community may, upon the re-
21 quest of a United States law enforcement agency, collect
22 information outside the United States about individuals
23 who are not United States persons. Such elements may
24 collect such information notwithstanding that the law en-
25 forcement agency intends to use the information collected

1 for purposes of a law enforcement investigation or coun-
2 terintelligence investigation.

3 “(b) DEFINITIONS.—For purposes of subsection (a):

4 “(1) The term ‘United States law enforcement
5 agency’ means any department or agency of the
6 Federal Government that the Attorney General des-
7 ignates as law enforcement agency for purposes of
8 this section.

9 “(2) The term ‘United States person’ means
10 the following:

11 “(A) A United States citizen.

12 “(B) An alien known by the intelligence
13 agency concerned to be a permanent resident
14 alien.

15 “(C) An unincorporated association sub-
16 stantially composed of United States citizens or
17 permanent resident aliens.

18 “(D) A corporation incorporated in the
19 United States, except for a corporation directed
20 and controlled by a foreign government or gov-
21 ernments.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in the first section of that Act is amended by inserting
24 after the item relating to section 105 the following new
25 item:

“Sec. 105A. Assistance to United States law enforcement agencies.”.

1 **SEC. 716. APPOINTMENT AND EVALUATION OF OFFICIALS**
2 **RESPONSIBLE FOR INTELLIGENCE-RELATED**
3 **ACTIVITIES.**

4 (a) IN GENERAL.—Section 106 of the National Secu-
5 rity Act of 1947 (50 U.S.C. 403–6) is amended to read
6 as follows:

7 “APPOINTMENT AND EVALUATION OF OFFICIALS
8 RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

9 “SEC. 106. (a) CONCURRENCE OF DCI IN CERTAIN
10 APPOINTMENTS.—(1) In the event of a vacancy in a posi-
11 tion referred to in paragraph (2), the Secretary of Defense
12 shall obtain the concurrence of the Director of Central In-
13 telligence before appointing an individual to fill the va-
14 cancy.

15 “(2) Paragraph (1) applies to the following positions:

16 “(A) The Director of the National Security
17 Agency.

18 “(B) The Director of the National Reconnaissance
19 Office.

20 “(b) CONSULTATION WITH DCI IN CERTAIN AP-
21 POINTMENTS.—(1) In the event of a vacancy in a position
22 referred to in paragraph (2), the head of the department
23 or agency having jurisdiction over the position shall con-
24 sult with the Director of Central Intelligence before ap-
25 pointing an individual to fill the vacancy or recommending

1 to the President an individual to be nominated to fill the
2 vacancy.

3 “(2) Paragraph (1) applies to the following positions:

4 “(A) The Director of the Defense Intelligence
5 Agency.

6 “(B) The Assistant Secretary of State for Intel-
7 ligence and Research.

8 “(C) The Director of the Office of Non-
9 proliferation and National Security of the Depart-
10 ment of Energy.

11 “(D) The Assistant Director, National Security
12 Division of the Federal Bureau of Investigation.

13 “(c) PERFORMANCE EVALUATIONS.—The Director of
14 Central Intelligence shall provide annually to the Sec-
15 retary of Defense an evaluation of the performance of the
16 individuals holding the positions referred to in subpara-
17 graphs (A) and (B) of subsection (a)(2), and of the indi-
18 vidual holding the position of Director of the National Im-
19 agery and Mapping Agency, in fulfilling their respective
20 responsibilities with regard to the National Foreign Intel-
21 ligence Program.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in the first section of that Act is amended by striking the
24 item relating to section 106 and inserting in lieu thereof
25 the following new item:

“Sec. 106. Appointment and evaluation of officials responsible for intelligence-related activities.”.

1 **SEC. 717. INTELLIGENCE COMMUNITY SENIOR EXECUTIVE**
 2 **SERVICE.**

3 (a) IN GENERAL.—(1) Title I of the National Secu-
 4 rity Act of 1947 (50 U.S.C. 402 et seq.) is amended by
 5 adding at the end the following:

6 “INTELLIGENCE COMMUNITY SENIOR EXECUTIVE
 7 SERVICE

8 “SEC. 110. (a) ESTABLISHMENT.—(1) The Director
 9 of Central Intelligence shall by regulation establish a per-
 10 sonnel system for senior civilian personnel within the intel-
 11 ligence community to be known as the Intelligence Com-
 12 munity Senior Executive Service.

13 “(2) The Intelligence Community Senior Executive
 14 Service shall include personnel within the following agen-
 15 cies:

16 “(A) The Central Intelligence Agency.

17 “(B) The National Security Agency.

18 “(C) The Defense Intelligence Agency.

19 “(D) The National Imagery and Mapping
 20 Agency.

21 “(E) The National Reconnaissance Office.

22 “(F) Any other office of the Department of De-
 23 fense the civilian employees of which are subject to
 24 section 1590 of title 10, United States Code, as of

1 the effective date of the regulations prescribed under
2 this section.

3 “(3) The Director of Central Intelligence shall pre-
4 scribe the regulations required under this section in con-
5 sultation with the Department of Defense.

6 “(b) REQUIREMENTS.—The regulations prescribed
7 under this section shall, to the extent not inconsistent with
8 the authorities of the Director of Central Intelligence—

9 “(1) meet the requirements set forth in section
10 3131 of title 5, United States Code, for the Senior
11 Executive Service;

12 “(2) provide rates of pay for the Intelligence
13 Community Senior Executive Service that are not in
14 excess of the maximum rate or less than the mini-
15 mum rate of basic pay established for the Senior Ex-
16 ecutive Service under section 5382 of title 5, United
17 States Code, and that are adjusted at the same time
18 and to the same extent as rates of basic pay for the
19 Senior Executive Service are adjusted;

20 “(3) provide a performance appraisal system for
21 the Intelligence Community Senior Executive Service
22 that conforms to the provisions of subchapter II of
23 chapter 43 of title 5, United States Code;

24 “(4) provide for—

1 “(A) removal or suspension from the Intel-
2 ligence Community Senior Executive Service;

3 “(B) reduction-in-force procedures;

4 “(C) procedures in accordance with which
5 any furlough affecting the Intelligence Commu-
6 nity Senior Executive Service shall be carried
7 out;

8 “(D) procedures setting forth due process
9 rights to which members of the Intelligence
10 Community Senior Executive Service are enti-
11 tled in cases of removal or suspension; and

12 “(E) procedures for periodic recertifi-
13 cation;

14 “(5) permit the payment of performance awards
15 to members of the Intelligence Community Senior
16 Executive Service; and

17 “(6) provide that members of the Intelligence
18 Community Senior Executive Service may be grant-
19 ed sabbatical leaves.

20 “(c) LIMITATIONS.—(1) Except as provided in sub-
21 section (b), the Director of Central Intelligence—

22 “(A) may make applicable to the Intelligence
23 Community Senior Executive Service any of the pro-
24 visions of title 5, United States Code, applicable to

1 applicants for or members of the Senior Executive
2 Service; and

3 “(B) shall delegate to the heads of the agencies
4 referred to in subparagraphs (B) through (E) of
5 subsection (a)(2) the authority to appoint, promote,
6 and assign individuals to Intelligence Community
7 Senior Executive Service positions within their re-
8 spective agencies without regard to the provisions of
9 title 5, United States Code, governing appointments
10 and other personnel actions in the competitive serv-
11 ice, provided that such actions shall be subject to the
12 approval of the Director of Central Intelligence in
13 accordance with the regulations prescribed under
14 this section.

15 “(2) Members of the Intelligence Community Senior
16 Executive Service shall be subject to the limitations of sec-
17 tion 5307 of title 5, United States Code.

18 “(3) Notwithstanding any other provision of title 5,
19 United States Code, any individual who is a member of
20 the Senior Executive Service or an equivalent personnel
21 system at the Central Intelligence Agency or at an agency
22 referred to in subparagraphs (B) through (E) of sub-
23 section (a)(2) at the time of the effective date of the regu-
24 lations prescribed under this section shall be a member
25 of the Intelligence Community Senior Executive Service.

1 “(4) Upon the establishment of the Intelligence Com-
2 munity Senior Executive Service under this section, no in-
3 dividual may be selected for membership in the service un-
4 less such individual has served at least one assignment
5 outside his or her employing agency. An assignment to the
6 Office of the Director of Central Intelligence shall be
7 treated as an assignment outside an individual’s employ-
8 ing agency (including an individual employed by the
9 Central Intelligence Agency) for purposes of this subpara-
10 graph.

11 “(d) AWARD OF RANKS TO MEMBERS OF SERVICE.—
12 The President, based upon the recommendations of the
13 Director of Central Intelligence, may award ranks to mem-
14 bers of the Intelligence Community Senior Executive Serv-
15 ice in a manner consistent with section 4507 of title 5,
16 United States Code.

17 “(e) DETAIL AND ASSIGNMENT OF MEMBERS.—(1)
18 Notwithstanding any other provision of law, the Director
19 of Central Intelligence—

20 “(A) may, after consultation with the head of
21 the agency affected, detail or assign any member of
22 the Intelligence Community Senior Executive Service
23 to serve in any position in the intelligence commu-
24 nity; or

1 “(B) may, with the concurrence of the head of
2 the agency affected, detail or assign any member of
3 the service to serve in any position in another Gov-
4 ernment agency or outside the Federal Government.

5 “(2) A member of the Intelligence Community Senior
6 Executive Service may be detailed or assigned under para-
7 graph (1) only if such detail or assignment is for the bene-
8 fit of the intelligence community.

9 “(3) A member shall not by reason of such detail or
10 assignment lose any entitlement or status associated with
11 membership in the Intelligence Community Senior Execu-
12 tive Service.

13 “(f) ANNUAL REPORT.—The Director of Central In-
14 telligence shall submit to Congress each year, at the time
15 the budget is submitted by the President for the next fiscal
16 year, a report on the Intelligence Community Senior Exec-
17 utive Service. The report shall include, in the aggregate
18 and by agency—

19 “(1) the number of Intelligence Community
20 Senior Executive Service positions established as of
21 the end of the preceding fiscal year;

22 “(2) the number of individuals being paid at
23 each rate of basic pay for the Intelligence Commu-
24 nity Senior Executive Service as of the end of the
25 preceding fiscal year;

1 “(3) the number, distribution, and amount of
2 awards paid to members of the Intelligence Commu-
3 nity Senior Executive Service during the preceding
4 fiscal year; and

5 “(4) the number of individuals removed from
6 the Intelligence Community Senior Executive Service
7 during the preceding fiscal year—

8 “(A) for less than fully successful perform-
9 ance;

10 “(B) due to a reduction in force; or

11 “(C) for any other reason.”.

12 (2) The table of contents in the first section of that
13 Act is amended by inserting after the item relating to sec-
14 tion 109 the following new item:

 “Sec. 110. Intelligence Community Senior Executive Service.”.

15 (b) EFFECTIVE DATE OF REGULATIONS.—The regu-
16 lations prescribed under section 110(a) of the National Se-
17 curity Act of 1947, as added by subsection (a)(1), shall
18 take effect one year after the date of the enactment of
19 this Act.

20 (c) CONFORMING AMENDMENTS.—(1) Section 12 of
21 the National Security Agency Act of 1959 (50 U.S.C. 402
22 note) is amended—

23 (A) by striking out subsections (a) and (c); and

24 (B) by striking out “(b)”.

1 (2)(A) Sections 1601 and 1603 of title 10, United
2 States Code, are repealed.

3 (B) The table of sections at the beginning of chapter
4 83 of such title is amended by striking out the items relat-
5 ing to sections 1601 and 1603.

6 (3) Section 1590 of title 10, United States Code, is
7 amended—

8 (A) in subsection (a)(1)—

9 (i) by striking out “, including positions in
10 the Senior Executive Service,”; and

11 (ii) by striking out “, except that” and all
12 that follows through the semicolon and insert-
13 ing in lieu thereof a semicolon;

14 (B) in subsection (b)—

15 (i) in the third sentence, by striking out
16 “Except in the case” and all that follows
17 through “no civilian” and inserting in lieu
18 thereof “No civilian”; and

19 (ii) by striking out the second sentence;
20 and

21 (C) by striking out subsections (f) and (g).

22 (4) Section 1604(b) of title 10, United States Code,
23 is amended in the second sentence by striking out “Except
24 in the case” and all that follows through “no officer” and
25 inserting in lieu thereof “No officer”.

1 (5)(A) Section 2108 of title 5, United States Code,
2 is amended in the flush matter following paragraph (3)
3 by striking “the Defense Intelligence Senior Executive
4 Service, the Senior Cryptologic Executive Service” and in-
5 serting “the Intelligence Community Senior Executive
6 Service”.

7 (B) Section 6304(f)(1) of such title is amended—

8 (i) by striking subparagraphs (C) and (D) and
9 inserting the following new subparagraph (C):

10 “(C) the Intelligence Community Senior Execu-
11 tive Service; or”; and

12 (ii) by redesignating subparagraph (E) as sub-
13 paragraph (D).

14 (C) Title 5, United States Code, is further amended
15 by striking “the Defense Intelligence Senior Executive
16 Service or the Senior Cryptologic Executive Service” and
17 inserting “the Intelligence Community Senior Executive
18 Service” in each of the following provisions:

19 (i) Section 8336(h)(2).

20 (ii) Section 8414(a)(2).

21 (6) The amendments made by this subsection shall
22 take effect one year after the date of the enactment of
23 this Act.

1 **SEC. 718. REQUIREMENTS FOR SUBMITTAL OF BUDGET IN-**
2 **FORMATION ON INTELLIGENCE ACTIVITIES.**

3 (a) SUBMITTAL WITH ANNUAL BUDGET.—Notwith-
4 standing any other provision of law, the President shall
5 include in each budget for a fiscal year submitted under
6 section 1105 of title 31, United States Code, the following
7 information:

8 (1) The aggregate amount appropriated during
9 the current fiscal year on all intelligence and intel-
10 ligence-related activities of the United States Gov-
11 ernment.

12 (2) The aggregate amount requested in such
13 budget for the fiscal year covered by the budget for
14 all intelligence and intelligence-related activities of
15 the United States Government.

16 (b) FORM OF SUBMITTAL.—The President shall sub-
17 mit the information required under subsection (a) in un-
18 classified form.

19 **SEC. 719. TERMS OF SERVICE FOR MEMBERS OF SELECT**
20 **COMMITTEE ON INTELLIGENCE OF THE SEN-**
21 **ATE.**

22 (a) INDEFINITE TERMS OF SERVICE.—Section 2(b)
23 of Senate Resolution 400 of the Ninety-fourth Congress
24 (adopted May 19, 1976) is amended by striking the first
25 sentence.

1 (b) LIMIT ON TERM OF CHAIRMAN AND VICE CHAIR-
2 MAN.—Section 2(c) of that resolution is amended by add-
3 ing at the end the following new sentence: “No Member
4 shall serve as chairman or vice chairman of the select com-
5 mittee for more than six years of continuous service.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 subsections (a) and (b) shall take effect with the com-
8 mencement of the One Hundred Fifth Congress.

9 (d) RULES OF THE SENATE.—The amendments
10 made by subsections (a) and (b) are enacted as an exercise
11 of the rulemaking power of the Senate with full recogni-
12 tion of the constitutional right of the Senate to change
13 rules at any time, in the same manner, and to the same
14 extent, as in the case of any other rule of the Senate.

15 **SEC. 720. REPORT ON INTELLIGENCE COMMUNITY POLICY**
16 **ON PROTECTING THE NATIONAL INFORMA-**
17 **TION INFRASTRUCTURE AGAINST STRATEGIC**
18 **ATTACKS.**

19 (a) IN GENERAL.—(1) Not later than 120 days after
20 the date of the enactment of this Act, the Director of
21 Central Intelligence shall submit to Congress a report set-
22 ting forth—

23 (A) the results of a review of the threats to the
24 United States on protecting the national information

1 infrastructure against information warfare and other
2 non-traditional attacks; and

3 (B) the counterintelligence response of the Di-
4 rector.

5 (2) The report shall include a description of the plans
6 of the intelligence community to provide intelligence sup-
7 port for the indications, warning, and assessment func-
8 tions of the intelligence community with respect to infor-
9 mation warfare and other non-traditional attacks by for-
10 eign nations, groups, or individuals against the national
11 information infrastructure.

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

13 (1) The term “national information infrastruc-
14 ture” includes the information infrastructure of the
15 public or private sector.

16 (2) The term “intelligence community” has the
17 meaning given that term in section 3(4) of the Na-
18 tional Security Act of 1947 (50 U.S.C. 401a(4)).

19 **TITLE VIII—NATIONAL IMAGERY** 20 **AND MAPPING AGENCY**

21 **SEC. 801. ESTABLISHMENT.**

22 (a) ESTABLISHMENT.—(1) Title I of the National Se-
23 curity Act of 1947 (50 U.S.C. 402 et seq.), as amended
24 by section 717 of this Act, is further amended by adding
25 at the end the following:

1 “NATIONAL IMAGERY AND MAPPING AGENCY

2 “SEC. 120. (a) ESTABLISHMENT AND DUTIES.—

3 “(1) ESTABLISHMENT AND MISSION.—There is
4 hereby established a National Imagery and Mapping
5 Agency which shall provide timely, relevant, and ac-
6 curate imagery, imagery intelligence, and imagery-
7 related products and geospatial information in sup-
8 port of the national security objectives of the United
9 States. It shall also have a navigational mission as
10 specified in section 2791 of title 10, United States
11 Code.

12 “(2) MISSION OF THE NATIONAL IMAGERY AND
13 MAPPING AGENCY.—The National Imagery and
14 Mapping Agency shall have a national mission to
15 support the imagery requirements of the Depart-
16 ment of State and other non-Department of Defense
17 agencies, as well as a mission to support the combat
18 and other operational requirements of the Depart-
19 ment of Defense. The Director of Central Intel-
20 ligence shall establish requirements and priorities to
21 govern the collection of national intelligence of na-
22 tional importance by the National Imagery and Map-
23 ping Agency.

24 “(3) DIRECTOR.—The President shall appoint
25 the Director of the National Imagery and Mapping

1 Agency. The Secretary of Defense shall, with the
2 concurrence of the Director of Central Intelligence,
3 recommend an individual to the President for such
4 appointment. If the Secretary identifies a commis-
5 sioned officer of the Armed Forces to serve as Direc-
6 tor, he shall recommend that individual to the Presi-
7 dent for appointment to hold the grade of lieutenant
8 general or, in the case of an officer of the Navy, vice
9 admiral, while serving in such position. A commis-
10 sioned officer appointed by the President under this
11 paragraph shall not be counted against the numbers
12 and percentages of commissioned officers of the rank
13 and grade of such officer for the Armed Force of
14 which such officer is a member.

15 “(4) DEPUTY DIRECTOR.—There shall be a
16 Deputy Director to assist the Director. The Deputy
17 may be appointed from among the commissioned of-
18 ficers of the Armed Forces, or from civilian life, but
19 at no time shall both the Director and the Deputy
20 Director positions be simultaneously occupied by
21 commissioned officers of the Armed Forces, whether
22 in active or retired status.

23 “(b) CENTRAL INTELLIGENCE AGENCY SUPPORT
24 FOR NATIONAL IMAGERY AND MAPPING AGENCY.—

1 “(1) ADMINISTRATIVE AND CONTRACTING
2 SERVICES.—Notwithstanding any other provision of
3 law, the Central Intelligence Agency may, under
4 terms and conditions agreed to by the Secretary of
5 Defense and the Director of Central Intelligence,
6 provide administrative and contracting services (in-
7 cluding the services of security police notwithstand-
8 ing any limitations on the jurisdiction of such per-
9 sonnel contained in section 15 of the Central Intel-
10 ligence Agency Act of 1949), and detail personnel
11 indefinitely to the National Imagery and Mapping
12 Agency, in furtherance of the national intelligence
13 effort.

14 “(2) TRANSFER AND ACCEPTANCE.—The Na-
15 tional Imagery and Mapping Agency will transfer
16 funds to the Central Intelligence Agency for the pur-
17 poses of producing imagery and imagery-related
18 products of national importance, and the Central In-
19 telligence Agency may accept a transfer of funds
20 from the National Imagery and Mapping Agency,
21 and the Central Intelligence Agency may expend
22 such funds pursuant to the Central Intelligence
23 Agency Act of 1949 to carry out the purposes of
24 paragraph (1).

1 “(c) FUNDS FOR FOREIGN IMAGERY INTELLIGENCE
2 AND GEOSPATIAL INFORMATION SUPPORT.—The Director
3 of the National Imagery and Mapping Agency may use
4 appropriated funds available to the National Imagery and
5 Mapping Agency to provide foreign countries imagery in-
6 telligence and geospatial information support, except that
7 such arrangements shall be coordinated with the Director
8 of the Central Intelligence when they involve imagery in-
9 telligence or intelligence products, or any support to an
10 intelligence or security service of a foreign country.

11 “(d) FUNDS FOR CIVIL APPLICATIONS.—The Direc-
12 tor of the National Imagery and Mapping Agency may use
13 appropriated funds available to the National Imagery and
14 Mapping Agency to support and encourage civilian use of
15 imagery intelligence and geospatial information support
16 provided by the National Imagery and Mapping Agency.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘geospatial information’ means
19 information that identifies the geographic location
20 and characteristics of natural or constructed fea-
21 tures and boundaries on the earth, including statis-
22 tical data, information derived from, among other
23 things, remote sensing, mapping, and surveying
24 technologies, and, for purposes of this section, the
25 term includes mapping, charting and geodetic data,

1 including geodetic products as that term is used in
2 chapter 167 of title 10, United States Code.

3 “(2) The term ‘imagery’ means a likeness or
4 presentation of any natural or man-made feature or
5 related object or activities and the positional data
6 acquired at the same time the likeness or represen-
7 tation was acquired (including products produced by
8 space-based national intelligence reconnaissance sys-
9 tems), in accordance with Executive Order No.
10 12591, as well as likenesses or presentations pro-
11 duced by satellites, airborne platforms, unmanned
12 aerial vehicles, or other similar means (except that
13 handheld or clandestine photography taken by or on
14 behalf of human intelligence collection organizations
15 is excluded)).

16 “(3) The term ‘imagery intelligence’ means the
17 technical, geographic, and intelligence information
18 derived through the interpretation or analysis of im-
19 agery and collateral materials.”.

20 (2) The table of contents in the first section of the
21 National Security Act of 1947, as so amended, is further
22 amended by inserting after the item relating to section
23 110 the following new item:

“Sec. 120. National Imagery and Mapping Agency.”.

1 **SEC. 802. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 on the later of—

4 (1) the date of the enactment of an Act appro-
5 priating funds for the National Imagery and Map-
6 ping Agency for fiscal year 1997; or

7 (2) October 1, 1996.

○