

In the Senate of the United States,

July 21, 1999.

Resolved, That the bill from the House of Representatives (H.R. 1555) entitled “An Act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
3 *telligence Authorization Act for Fiscal Year 2000”.*

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. Intelligence Community Management Account.

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

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.*
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Extension of application of sanctions laws to intelligence activities.
*Sec. 304. Access to computers and computer data of executive branch employees
with access to classified information.*
*Sec. 305. Naturalization of certain persons affiliated with a Communist or simi-
lar party.*
*Sec. 306. Funding for infrastructure and quality of life improvements at
Menwith Hill and Bad Aibling stations.*
Sec. 307. Technical amendment.
Sec. 308. Sense of the Congress on classification and declassification.
*Sec. 309. Declassification of intelligence estimate on Vietnam-era prisoners of war
and missing in action personnel and critical assessment of esti-
mate.*
*Sec. 310. Submittal to Congress of lists on classified information regarding unre-
covered United States prisoners of war and other personnel.*
Sec. 311. Study of background checks for employees of the Department of Energy.
Sec. 312. Report on legal standards applied for electronic surveillance.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Improvement and extension of central services program.*
Sec. 402. Extension of CIA Voluntary Separation Pay Act.

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

- Sec. 501. Short title.*
Sec. 502. Moratorium on foreign visitors program.
Sec. 503. Background checks on all foreign visitors to national laboratories.
Sec. 504. Report to Congress.
Sec. 505. Definitions.

*TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL
TERRORISM INVESTIGATIONS*

- Sec. 601. Expansion of definition of “agent of a foreign power” for purposes of
the Foreign Intelligence Surveillance Act of 1978.*
*Sec. 602. Federal Bureau of Investigation reports to other executive agencies on
results of counterintelligence activities.*

TITLE VII—BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

- Sec. 701. Finding and policy.*
Sec. 702. Purpose.
Sec. 703. Designation of certain foreign international narcotics traffickers.
Sec. 704. Blocking assets.
*Sec. 705. Denial of visas to and inadmissibility of specially designated narcotics
traffickers.*

*TITLE VIII—COMMISSION TO ASSESS THE BALLISTIC MISSILE
THREAT TO THE RUSSIAN FEDERATION*

Sec. 801. Establishment of commission.

Sec. 802. Duties of commission.

Sec. 803. Report.

Sec. 804. Powers.

Sec. 805. Commission procedures.

Sec. 806. Personnel matters.

TITLE IX—AGENCY FOR NUCLEAR STEWARDSHIP

Sec. 901. Department of Energy Nuclear Security.

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

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

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2000 for the conduct of the intelligence and intel-*
6 *ligence-related activities of the following elements of the*
7 *United States Government:*

8 (1) *The Central Intelligence Agency.*

9 (2) *The Department of Defense.*

10 (3) *The Defense Intelligence Agency.*

11 (4) *The National Security Agency.*

12 (5) *The Department of the Army, the Depart-*
13 *ment of the Navy, and the Department of the Air*
14 *Force.*

15 (6) *The Department of State.*

16 (7) *The Department of the Treasury.*

17 (8) *The Department of Energy.*

18 (9) *The Federal Bureau of Investigation.*

19 (10) *The National Reconnaissance Office.*

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

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

4 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
5 *CEILINGS.*—*The amounts authorized to be appropriated*
6 *under section 101, and the authorized personnel ceilings as*
7 *of September 30, 2000, for the conduct of the intelligence*
8 *and intelligence-related activities of the elements listed in*
9 *such section, are those specified in the classified Schedule*
10 *of Authorizations prepared to accompany the conference re-*
11 *port on the bill _____ of the One Hundred Sixth Con-*
12 *gress.*

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

20 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

21 (a) *AUTHORITY FOR ADJUSTMENTS.*—*With the ap-*
22 *proval of the Director of the Office of Management and*
23 *Budget, the Director of Central Intelligence may authorize*
24 *employment of civilian personnel in excess of the number*
25 *authorized for fiscal year 2000 under section 102 when the*

1 *Director of Central Intelligence determines that such action*
2 *is necessary to the performance of important intelligence*
3 *functions, except that the number of personnel employed in*
4 *excess of the number authorized under such section may not,*
5 *for any element of the intelligence community, exceed two*
6 *percent of the number of civilian personnel authorized*
7 *under such section for such element.*

8 **(b) NOTICE TO INTELLIGENCE COMMITTEES.**—*The Di-*
9 *rector of Central Intelligence shall promptly notify the Per-*
10 *manent Select Committee on Intelligence of the House of*
11 *Representatives and the Select Committee on Intelligence of*
12 *the Senate whenever the Director exercises the authority*
13 *granted by this section.*

14 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
15 **COUNT.**

16 **(a) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
17 *authorized to be appropriated for the Intelligence Commu-*
18 *nity Management Account of the Director of Central Intel-*
19 *ligence for fiscal year 2000 the sum of \$193,572,000. The*
20 *Information Security Oversight Office, charged with ad-*
21 *ministering this Nation's intelligence classification and de-*
22 *classification programs shall receive \$1,500,000 of these*
23 *funds to allow it to hire more staff so that it can more*
24 *efficiently manage these programs.*

1 **(b) AUTHORIZED PERSONNEL LEVELS.**—*The elements*
2 *within the Community Management Account of the Direc-*
3 *tor of Central Intelligence are authorized a total of 353 full-*
4 *time personnel as of September 30, 2000. Personnel serving*
5 *in such elements may be permanent employees of the Com-*
6 *munity Management Account element or personnel detailed*
7 *from other elements of the United States Government.*

8 **(c) CLASSIFIED AUTHORIZATIONS.**—

9 **(1) AUTHORIZATION OF APPROPRIATIONS.**—*In*
10 *addition to amounts authorized to be appropriated*
11 *for the Community Management Account by sub-*
12 *section (a), there is also authorized to be appropriated*
13 *for the Community Management Account for fiscal*
14 *year 2000 such additional amounts as are specified*
15 *in the classified Schedule of Authorizations referred to*
16 *in section 102(a). Such additional amounts shall re-*
17 *main available until September 30, 2001.*

18 **(2) AUTHORIZATION OF PERSONNEL.**—*In addi-*
19 *tion to the personnel authorized by subsection (b) for*
20 *elements of the Community Management Account as*
21 *of September 30, 2000, there is hereby authorized such*
22 *additional personnel for such elements as of that date*
23 *as is specified in the classified Schedule of Authoriza-*
24 *tions.*

1 (d) *REIMBURSEMENT.*—*Except as provided in section*
2 *113 of the National Security Act of 1947 (50 U.S.C. 404h),*
3 *during fiscal year 2000, any officer or employee of the*
4 *United States or member of the Armed Forces who is de-*
5 *tailed to the staff of an element within the Community*
6 *Management Account from another element of the United*
7 *States Government shall be detailed on a reimbursable*
8 *basis, except that any such officer, employee, or member*
9 *may be detailed on a nonreimbursable basis for a period*
10 *of less than one year for the performance of temporary func-*
11 *tions as required by the Director of Central Intelligence.*

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

13 (1) *IN GENERAL.*—*Of the amount authorized to*
14 *be appropriated in subsection (a), \$27,000,000 shall*
15 *be available for the National Drug Intelligence Cen-*
16 *ter. Within such amount, funds provided for research,*
17 *development, test, and evaluation purposes shall re-*
18 *main available until September 30, 2001, and funds*
19 *provided for procurement purposes shall remain*
20 *available until September 30, 2002.*

21 (2) *TRANSFER OF FUNDS.*—*The Director of Cen-*
22 *tral Intelligence shall transfer to the Attorney General*
23 *of the United States funds available for the National*
24 *Drug Intelligence Center under paragraph (1). The*

1 *Attorney General shall utilize funds so transferred for*
2 *activities of the Center.*

3 (3) *LIMITATION.*—*Amounts available for the Na-*
4 *tional Drug Intelligence Center may not be used in*
5 *contravention of the provisions of section 103(d)(1) of*
6 *the National Security Act of 1947 (50 U.S.C. 403-*
7 *3(d)(1)).*

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

12 **TITLE II—CENTRAL INTEL-**
13 **LIGENCE AGENCY RETIRE-**
14 **MENT AND DISABILITY SYS-**
15 **TEM**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 *There is authorized to be appropriated for the Central*
18 *Intelligence Agency Retirement and Disability Fund for fis-*
19 *cal year 2000 the sum of \$209,100,000.*

20 **TITLE III—GENERAL**
21 **PROVISIONS**

22 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
23 **BENEFITS AUTHORIZED BY LAW.**

24 *Appropriations authorized by this Act for salary, pay,*
25 *retirement, and other benefits for Federal employees may*

1 *be increased by such additional or supplemental amounts*
2 *as may be necessary for increases in such compensation or*
3 *benefits authorized by law.*

4 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
5 **ACTIVITIES.**

6 *The authorization of appropriations by this Act shall*
7 *not be deemed to constitute authority for the conduct of any*
8 *intelligence activity which is not otherwise authorized by*
9 *the Constitution or the laws of the United States.*

10 **SEC. 303. EXTENSION OF APPLICATION OF SANCTIONS**
11 **LAWS TO INTELLIGENCE ACTIVITIES.**

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

15 **SEC. 304. ACCESS TO COMPUTERS AND COMPUTER DATA OF**
16 **EXECUTIVE BRANCH EMPLOYEES WITH AC-**
17 **CESS TO CLASSIFIED INFORMATION.**

18 *(a) ACCESS.—Section 801(a)(3) of the National Secu-*
19 *rity Act of 1947 (50 U.S.C. 435(a)(3)) is amended by strik-*
20 *ing “and travel records” and inserting “travel records, and*
21 *computers used in the performance of government duties”.*

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

24 *(1) by striking “and” at the end of paragraph*
25 *(6);*

1 (2) *by striking the period at the end of para-*
2 *graph (7) and inserting “; and”; and*

3 (3) *by adding at the end the following:*

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

12 (c) *APPLICABILITY.—The President shall modify the*
13 *procedures required by section 801(a)(3) of the National Se-*
14 *curity Act of 1947 to take into account the amendment to*
15 *that section made by subsection (a) of this section not later*
16 *than 90 days after the date of the enactment of this Act.*

17 **SEC. 305. NATURALIZATION OF CERTAIN PERSONS AFFILI-**
18 **ATED WITH A COMMUNIST OR SIMILAR**
19 **PARTY.**

20 *Section 313 of the Immigration and Nationality Act*
21 *(8 U.S.C. 1424) is amended by adding at the end the fol-*
22 *lowing:*

23 “(e) *A person may be naturalized under this title with-*
24 *out regard to the prohibitions in subsections (a)(2) and (c)*
25 *of this section, if the person—*

1 “(1) is otherwise eligible for naturalization;

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

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

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

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

17 Section 506(b) of the Intelligence Authorization Act for
18 Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), as
19 amended by section 502 of the Intelligence Authorization
20 Act for Fiscal Year 1998 (Public Law 105–107; 111 Stat.
21 2262), is further amended by striking “for fiscal years 1998
22 and 1999” and inserting “for fiscal years 2000 and 2001”.

23 **SEC. 307. TECHNICAL AMENDMENT.**

24 Section 305(b)(2) of the Intelligence Authorization Act
25 for Fiscal Year 1997 (Public Law 104–293, 110 Stat. 3465;

1 8 U.S.C. 1427 note) is amended by striking “subparagraph
2 (A), (B), (C), or (D) of section 243(h)(2) of such Act” and
3 inserting “clauses (i) through (iv) of section 241(b)(3)(B)
4 of such Act”.

5 **SEC. 308. SENSE OF THE CONGRESS ON CLASSIFICATION**
6 **AND DECLASSIFICATION.**

7 *It is the sense of Congress that the systematic declas-*
8 *sification of records of permanent historic value is in the*
9 *public interest and that the management of classification*
10 *and declassification by Executive Branch agencies requires*
11 *comprehensive reform and additional resources.*

12 **SEC. 309. DECLASSIFICATION OF INTELLIGENCE ESTIMATE**
13 **ON VIETNAM-ERA PRISONERS OF WAR AND**
14 **MISSING IN ACTION PERSONNEL AND CRIT-**
15 **ICAL ASSESSMENT OF ESTIMATE.**

16 (a) *DECLASSIFICATION.*—Subject to subsection (b), the
17 Director of Central Intelligence shall declassify the fol-
18 lowing:

19 (1) *National Intelligence Estimate 98–03 dated*
20 *April 1998 and entitled “Vietnamese Intentions, Ca-*
21 *pabilities, and Performance Concerning the POW/*
22 *MIA Issue”.*

23 (2) *The assessment dated November 1998 and en-*
24 *titled “A Critical Assessment of National Intelligence*
25 *Estimate 98–03 prepared by the United States Chair-*

1 *man of the Vietnam War Working Group of the*
2 *United States-Russia Joint Commission on POWs*
3 *and MIAs”.*

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

7 (1) *reveal intelligence sources and methods; or*

8 (2) *disclose by name the identity of a living for-*
9 *ign individual who has cooperated with United*
10 *States efforts to account for missing personnel from*
11 *the Vietnam era.*

12 (c) *DEADLINE.*—*The Director shall declassify the esti-*
13 *mate and assessment referred to in subsection (a) not later*
14 *than 30 days after the date of the enactment of this Act.*

15 **SEC. 310. SUBMITTAL TO CONGRESS OF LISTS ON CLASSI-**
16 **FIED INFORMATION REGARDING UNRE-**
17 **COVERED UNITED STATES PRISONERS OF**
18 **WAR AND OTHER PERSONNEL.**

19 (a) *REQUIREMENT.*—(1) *The head of each element of*
20 *the United States Government listed in section 101 shall*
21 *submit to the designated congressional committees a list of*
22 *all classified documents, files, and other materials under the*
23 *control of such element that pertain to the subject of United*
24 *States prisoners of war, missing in action personnel, or*

1 *killed in action personnel whose remains have not been re-*
2 *covered and identified.*

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

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

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

8 (ii) *specify the date or dates of any infor-*
9 *mation contained in the document, file, or mate-*
10 *rial; and*

11 (iii) *identify the subject matter of the docu-*
12 *ment, file, or material; and*

13 (B) *be organized in chronological order accord-*
14 *ing to the date of the preparation or dissemination of*
15 *the documents, files, or materials concerned.*

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

19 (c) *ACCESS BY COMMITTEES AND MEMBERS OF CON-*
20 *GRESS.—A designated congressional committee shall, upon*
21 *request and in accordance with regulations of the committee*
22 *regarding protection of classified information, make avail-*
23 *able any list submitted to the committee under subsection*
24 *(a) to any Member of Congress or committee of Congress,*
25 *and to any staff member of a Member of Congress or com-*

1 *mittee of Congress who possesses a security clearance appro-*
2 *priate for access to the list.*

3 (d) *DESIGNATED CONGRESSIONAL COMMITTEE DE-*
4 *FINED.*—*In this section, the term “designated congressional*
5 *committee” means the following:*

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

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

11 **SEC. 311. STUDY OF BACKGROUND CHECKS FOR EMPLOY-**
12 **EES OF THE DEPARTMENT OF ENERGY.**

13 (a) *STUDY OF BACKGROUND CHECK PRACTICES.*—*The*
14 *Secretary of Energy shall conduct a study comparing the*
15 *procedures used by the Department for conducting back-*
16 *ground checks of employees seeking access to classified infor-*
17 *mation with the procedures used by the Central Intelligence*
18 *Agency, the National Security Agency, the Federal Bureau*
19 *of Investigation, and other similar departments and agen-*
20 *cies of the Federal Government for conducting background*
21 *checks of such employees.*

22 (b) *REPORT.*—*Not later than 180 days after the date*
23 *of the enactment of this Act, the Secretary of Energy shall*
24 *submit to Congress a report on the study conducted under*
25 *subsection (a). The report shall include—*

1 (1) *a discussion of the adequacy of the proce-*
2 *dures used by the Department for conducting back-*
3 *ground checks of employees seeking access to classified*
4 *information in light of the comparison required under*
5 *the study; and*

6 (2) *any other recommendations, including rec-*
7 *ommendations for legislative action, that the Sec-*
8 *retary considers appropriate.*

9 **SEC. 312. REPORT ON LEGAL STANDARDS APPLIED FOR**
10 **ELECTRONIC SURVEILLANCE.**

11 (a) *REPORT.*—*Not later than 60 days after the date*
12 *of the enactment of this Act, the Director of Central Intel-*
13 *ligence, the Director of the National Security Agency, and*
14 *the Attorney General shall jointly prepare, and the Director*
15 *of the National Security Agency shall submit to the appro-*
16 *priate congressional committees a report in classified and*
17 *unclassified form describing the legal standards employed*
18 *by elements of the intelligence community in conducting*
19 *signals intelligence activities, including electronic surveil-*
20 *lance.*

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

24 (1) *The legal standards for interception of com-*
25 *munications when such interception may result in the*

1 *acquisition of information from a communication to*
2 *or from United States persons.*

3 (2) *The legal standards for intentional targeting*
4 *of the communications to or from United States per-*
5 *sons.*

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

9 (4) *The legal standards for dissemination of in-*
10 *formation acquired through the interception of the*
11 *communications to or from United States persons.*

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

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

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

20 (3) *The term “appropriate congressional com-*
21 *mittees” means the Permanent Select Committee on*
22 *Intelligence and the Committee on the Judiciary of*
23 *the House of Representatives, and the Select Com-*
24 *mittee on Intelligence and the Committee on the Judi-*
25 *ciary of the Senate.*

1 **TITLE IV—CENTRAL**
2 **INTELLIGENCE AGENCY**

3 **SEC. 401. IMPROVEMENT AND EXTENSION OF CENTRAL**
4 **SERVICES PROGRAM.**

5 (a) *SCOPE OF PROVISION OF ITEMS AND SERVICES.*—

6 Subsection (a) of section 21 of the Central Intelligence
7 Agency Act of 1949 (50 U.S.C. 403u) is amended by strik-
8 ing “and to other” and inserting “, nonappropriated fund
9 entities or instrumentalities associated or affiliated with the
10 Agency, and other”.

11 (b) *DEPOSITS IN CENTRAL SERVICES WORKING CAP-*

12 *ITAL FUND.*—Subsection (c)(2) of that section is amended—

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

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

18 (2) by redesignating subparagraph (E) as sub-
19 paragraph (F); and

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

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

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

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

7 **SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY**
8 **ACT.**

9 (a) *EXTENSION OF AUTHORITY*.—Section 2(f) of the
10 *Central Intelligence Agency Voluntary Separation Pay Act*
11 *(50 U.S.C. 403–4 note)* is amended by striking “September
12 30, 1999” and inserting “September 30, 2000”.

13 (b) *REMITTANCE OF FUNDS*.—Section 2(i) of that Act
14 is amended by striking “or fiscal year 1999” and inserting
15 “, 1999, or 2000”.

16 **TITLE V—DEPARTMENT OF EN-**
17 **ERGY INTELLIGENCE ACTIVI-**
18 **TIES**

19 **SEC. 501. SHORT TITLE.**

20 This title may be cited as the “Department of Energy
21 Sensitive Country Foreign Visitors Moratorium Act of
22 1999”.

23 **SEC. 502. MORATORIUM ON FOREIGN VISITORS PROGRAM.**

24 (a) *MORATORIUM*.—The Secretary of Energy may not
25 admit to any classified facility of a national laboratory any

1 *individual who is a citizen of a nation that is named on*
2 *the current Department of Energy sensitive countries list.*

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

9 (2) *Not later than 30 days after granting a waiver*
10 *under paragraph (1), the Secretary shall submit to commit-*
11 *tees referred to in paragraph (4) a report in writing regard-*
12 *ing the waiver. The report shall identify each individual*
13 *for whom such a waiver was granted and, with respect to*
14 *each such individual, provide a detailed justification for the*
15 *waiver and the Secretary’s certification that the admission*
16 *of that individual to a national laboratory is necessary for*
17 *the national security of the United States.*

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

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

22 (A) *The Committees on Armed Services, Appro-*
23 *propriations, Commerce, and Energy and Natural Re-*
24 *sources and the Select Committee on Intelligence of*
25 *the Senate.*

1 *(B) The Committees on Armed Services, Appro-*
2 *ropriations, Commerce, and Resources and the Perma-*
3 *nent Select Committee on Intelligence of the House of*
4 *Representatives.*

5 **SEC. 503. BACKGROUND CHECKS ON ALL FOREIGN VISI-**
6 **TORS TO NATIONAL LABORATORIES.**

7 *Before an individual who is a citizen of a foreign na-*
8 *tion is allowed to enter a national laboratory, the Secretary*
9 *of Energy shall require that a security clearance investiga-*
10 *tion (known as a “background check”) be carried out on*
11 *that individual.*

12 **SEC. 504. REPORT TO CONGRESS.**

13 *(a) REPORT.—(1) The Director of Central Intelligence*
14 *and the Director of the Federal Bureau of Investigation*
15 *jointly shall submit to the committees referred to in sub-*
16 *section (c) a report on counterintelligence activities at the*
17 *national laboratories, including facilities and areas at the*
18 *national laboratories at which unclassified work is carried*
19 *out.*

20 *(2) The report shall include—*

21 *(A) a description of the status of counterintel-*
22 *ligence activities at each of the national laboratories;*

23 *(B) the net assessment produced under para-*
24 *graph (3); and*

1 (C) a recommendation as to whether or not sec-
2 tion 502 should be repealed.

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

7 (B) The assessment shall be produced by a panel of
8 individuals with expertise in intelligence, counterintel-
9 ligence, and nuclear weapons design matters.

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

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

15 (1) *The Committees on Armed Services and Ap-*
16 *propriations and the Select Committee on Intelligence*
17 *of the Senate.*

18 (2) *The Committees on Armed Services and Ap-*
19 *propriations and the Permanent Select Committee on*
20 *Intelligence of the House of Representatives.*

21 **SEC. 505. DEFINITIONS.**

22 *In this title:*

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

1 (A) *The Lawrence Livermore National Lab-*
2 *oratory, Livermore, California.*

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

5 (C) *The Sandia National Laboratories, Al-*
6 *buquerque, New Mexico.*

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

10 **TITLE VI—FOREIGN COUNTER-**
11 **INTELLIGENCE AND INTER-**
12 **NATIONAL TERRORISM INVES-**
13 **TIGATIONS**

14 **SEC. 601. EXPANSION OF DEFINITION OF “AGENT OF A FOR-**
15 **EIGN POWER” FOR PURPOSES OF THE FOR-**
16 **EIGN INTELLIGENCE SURVEILLANCE ACT OF**
17 **1978.**

18 *Section 101(b)(2) of the Foreign Intelligence Surveil-*
19 *lance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended—*

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

22 (2) *by redesignating subparagraph (D) as sub-*
23 *paragraph (E); and*

24 (3) *by inserting after subparagraph (C) the fol-*
25 *lowing new subparagraph (D):*

1 “(D) knowingly enters the United States
2 under a false or fraudulent identity for or on be-
3 half of a foreign power or, while in the United
4 States, knowingly assumes a false or fraudulent
5 identity for or on behalf of a foreign power; or”.

6 **SEC. 602. FEDERAL BUREAU OF INVESTIGATION REPORTS**
7 **TO OTHER EXECUTIVE AGENCIES ON RE-**
8 **SULTS OF COUNTERINTELLIGENCE ACTIVI-**
9 **TIES.**

10 Section 811(c)(2) of the Counterintelligence and Secu-
11 rity Enhancements Act of 1994 (title VIII of Public Law
12 103–359; 108 Stat. 3455; 50 U.S.C. 402a(c)(2)) is amended
13 by striking “after a report has been provided pursuant to
14 paragraph (1)(A)”.

15 **TITLE VII—BLOCKING ASSETS**
16 **OF MAJOR NARCOTICS TRAF-**
17 **FICKERS**

18 **SEC. 701. FINDING AND POLICY.**

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

20 (1) *Presidential Decision Directive 42, issued on*
21 *October 21, 1995, ordered agencies of the executive*
22 *branch of the United States Government to, inter*
23 *alia, increase the priority and resources devoted to the*
24 *direct and immediate threat international crime pre-*
25 *sents to national security, work more closely with*

1 *other governments to develop a global response to this*
2 *threat, and use aggressively and creatively all legal*
3 *means available to combat international crime.*

4 (2) *Executive Order No. 12978 of October 21,*
5 *1995, provides for the use of the authorities in the*
6 *International Emergency Economic Powers Act*
7 *(IEEPA) to target and sanction four specially des-*
8 *ignated narcotics traffickers and their organizations*
9 *which operate from Colombia.*

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

14 **SEC. 702. PURPOSE.**

15 *The purpose of this title is to provide for the use of*
16 *the authorities in the International Emergency Economic*
17 *Powers Act to sanction additional specially designated nar-*
18 *cotics traffickers operating worldwide.*

19 **SEC. 703. DESIGNATION OF CERTAIN FOREIGN INTER-**
20 **NATIONAL NARCOTICS TRAFFICKERS.**

21 (a) *PREPARATION OF LIST OF NAMES.—Not later than*
22 *January 1, 2000 and not later than January 1 of each year*
23 *thereafter, the Secretary of the Treasury, in consultation*
24 *with the Attorney General, Director of Central Intelligence,*
25 *Secretary of Defense, and Secretary of State, shall transmit*

1 *to the President and to the Director of the Office of National*
2 *Drug Control Policy a list of those individuals who play*
3 *a significant role in international narcotics trafficking as*
4 *of that date.*

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

6 (1) *IN GENERAL.—Notwithstanding any other*
7 *provision of this section, the list described in sub-*
8 *section (a) shall not include the name of any indi-*
9 *vidual if the Director of Central Intelligence deter-*
10 *mines that the disclosure of that person’s role in*
11 *international narcotics trafficking could compromise*
12 *United States intelligence sources or methods. The Di-*
13 *rector of Central Intelligence shall advise the Presi-*
14 *dent when a determination is made to withhold an*
15 *individual’s identity under this subsection.*

16 (2) *REPORTS.—In each case in which the Direc-*
17 *tor of Central Intelligence has made a determination*
18 *under paragraph (1), the President shall submit a re-*
19 *port in classified form to the Select Committee on In-*
20 *telligence of the Senate and the Permanent Select*
21 *Committee on Intelligence of the House of Represent*
22 *setting forth the reasons for the determination.*

23 (d) *DESIGNATION OF INDIVIDUALS AS THREATS TO*
24 *THE UNITED STATES.—The President shall determine not*
25 *later than March 1 of each year whether or not to designate*

1 *persons on the list transmitted to the President that year*
2 *as persons constituting an unusual and extraordinary*
3 *threat to the national security, foreign policy, and economy*
4 *of the United States. The President shall notify the Sec-*
5 *retary of the Treasury of any person designated under this*
6 *subsection. If the President determines not to designate any*
7 *person on such list as such a threat, the President shall*
8 *submit a report to Congress setting forth the reasons there-*
9 *fore.*

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

11 *(1) ADDITIONAL INDIVIDUALS DESIGNATED.—If*
12 *at any time after March 1 of a year, but prior to*
13 *January 1 of the following year, the President deter-*
14 *mines that a person is playing a significant role in*
15 *international narcotics trafficking and has not been*
16 *designated under subsection (d) as a person consti-*
17 *tuting an unusual and extraordinary threat to the*
18 *national security, foreign policy, and economy of the*
19 *United States, the President may so designate the*
20 *person. The President shall notify the Secretary of the*
21 *Treasury of any person designated under this para-*
22 *graph.*

23 *(2) REMOVAL OF DESIGNATIONS OF INDIVID-*
24 *UALS.—Whenever the President determines that a*
25 *person designated under subsection (d) or paragraph*

1 (1) of this subsection no longer poses an unusual and
2 extraordinary threat to the national security, foreign
3 policy, and economy of the United States, the person
4 shall no longer be considered as designated under that
5 subsection.

6 (f) *REFERENCES.*—Any person designated under sub-
7 section (d) or (e) may be referred to in this Act as a “spe-
8 cially designated narcotics trafficker”.

9 **SEC. 704. BLOCKING ASSETS.**

10 (a) *FINDING.*—Congress finds that a national emer-
11 gency exists with respect to any individual who is a spe-
12 cially designated narcotics trafficker.

13 (b) *BLOCKING OF ASSETS.*—Except to the extent pro-
14 vided in section 203(b) of the International Emergency Eco-
15 nomic Powers Act (50 U.S.C. 1702(b)) and in regulations,
16 orders, directives, or licenses that may be issued pursuant
17 to this Act, and notwithstanding any contract entered into
18 or any license or permit granted prior to the date of des-
19 ignation of a person as a specially designated narcotics
20 trafficker, there are hereby blocked all property and inter-
21 ests in property that are, or after that date come, within
22 the United States, or that are, or after that date come, with-
23 in the possession or control of any United States person,
24 of—

25 (1) any specially designated narcotics trafficker;

1 (2) *any person who materially and knowingly*
2 *assists in, provides financial or technological support*
3 *for, or provides goods or services in support of, the*
4 *narcotics trafficking activities of a specially des-*
5 *ignated narcotics trafficker; and*

6 (3) *any person determined by the Secretary of*
7 *the Treasury, in consultation with the Attorney Gen-*
8 *eral, Director of Central Intelligence, Secretary of De-*
9 *fense, and Secretary of State, to be owned or con-*
10 *trolled by, or to act for or on behalf of, a specially*
11 *designated narcotics trafficker.*

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

19 (1) *Any transaction or dealing by a United*
20 *States person, or within the United States, in prop-*
21 *erty or interests in property of any specially des-*
22 *ignated narcotics trafficker.*

23 (2) *Any transaction or dealing by a United*
24 *States person, or within the United States, that*

1 *evades or avoids, has the purpose of evading or avoid-*
2 *ing, or attempts to violate, subsection (b).*

3 *(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-*
4 *TIES NOT AFFECTED.—Nothing in this section is intended*
5 *to prohibit or otherwise limit the authorized law enforce-*
6 *ment or intelligence activities of the United States, or the*
7 *law enforcement activities of any State or subdivision there-*
8 *of.*

9 *(e) IMPLEMENTATION.—The Secretary of the Treasury,*
10 *in consultation with the Attorney General, Director of Cen-*
11 *tral Intelligence, Secretary of Defense, and Secretary of*
12 *State, is authorized to take such actions, including the pro-*
13 *mulgation of rules and regulations, and to employ all pow-*
14 *ers granted to the President by the International Emer-*
15 *gency Economic Powers Act as may be necessary to carry*
16 *out this section. The Secretary of the Treasury may redele-*
17 *gate any of these functions to any other officer or agency*
18 *of the United States Government. Each agency of the*
19 *United States shall take all appropriate measures within*
20 *its authority to carry out this section.*

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

1 1705) for violations of licenses, orders, and regulations
2 under that Act.

3 (g) *DEFINITIONS.*—*In this section:*

4 (1) *ENTITY.*—*The term “entity” means a part-*
5 *nership, association, corporation, or other organiza-*
6 *tion, group or subgroup.*

7 (2) *NARCOTICS TRAFFICKING.*—*The term “nar-*
8 *cotics trafficking” means any activity undertaken il-*
9 *licitly to cultivate, produce, manufacture, distribute,*
10 *sell, finance, or transport, or otherwise assist, abet,*
11 *conspire, or collude with others in illicit activities re-*
12 *lating to, narcotic drugs, including, but not limited*
13 *to, heroin, methamphetamine and cocaine.*

14 (3) *PERSON.*—*The term “person” means an in-*
15 *dividual or entity.*

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

1 **SEC. 705. DENIAL OF VISAS TO AND INADMISSIBILITY OF**
2 **SPECIALLY DESIGNATED NARCOTICS TRAF-**
3 **FICKERS.**

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

7 (1) *any specially designated narcotics trafficker;*

8 *or*

9 (2) *any alien who the consular officer or the At-*
10 *torney General knows or has reason to believe—*

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

13 (B) *is a person described in paragraph (2)*
14 *or (3) of section 704(b).*

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

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

19 (2) *upon the request of the Attorney General, Di-*
20 *rector of Central Intelligence, Secretary of the Treas-*
21 *ury, or the Secretary of Defense; or*

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

1 **TITLE VIII—COMMISSION TO AS-**
2 **SESS THE BALLISTIC MISSILE**
3 **THREAT TO THE RUSSIAN**
4 **FEDERATION**

5 **SEC. 801. ESTABLISHMENT OF COMMISSION.**

6 (a) *ESTABLISHMENT.*—*There is hereby established a*
7 *commission to be known as the “Commission to Assess the*
8 *Ballistic Missile Threat to the Russian Federation” (herein-*
9 *after in this title referred to as the “Commission”).*

10 (b) *COMPOSITION.*—*The Commission shall be composed*
11 *of nine members appointed by the Director of Central Intel-*
12 *ligence. In selecting individuals for appointment to the*
13 *Commission, the Director should consult with—*

14 (1) *the Speaker of the House of Representatives*
15 *concerning the appointment of three of the members*
16 *of the Commission;*

17 (2) *the majority leader of the Senate concerning*
18 *the appointment of three of the members of the Com-*
19 *mission; and*

20 (3) *the minority leader of the House of Rep-*
21 *resentatives and the minority leader of the Senate*
22 *concerning the appointment of three of the members*
23 *of the Commission.*

24 (c) *QUALIFICATIONS.*—*Members of the Commission*
25 *shall be appointed from among private United States citi-*

1 *zens with knowledge and expertise in the political and mili-*
2 *tary aspects of proliferation of ballistic missiles and the bal-*
3 *listic missile threat to the Russian Federation.*

4 (d) *CHAIRMAN.*—*The Speaker of the House of Rep-*
5 *resentatives, after consultation with the majority leader of*
6 *the Senate and the minority leaders of the House of Rep-*
7 *resentatives and the Senate, shall designate one of the mem-*
8 *bers of the Commission to serve as chairman of the Commis-*
9 *sion.*

10 (e) *PERIOD OF APPOINTMENT; VACANCIES.*—*Members*
11 *shall be appointed for the life of the Commission. Any va-*
12 *cancy in the Commission shall be filled in the same manner*
13 *as the original appointment.*

14 (f) *SECURITY CLEARANCES.*—*All members of the Com-*
15 *mission shall hold appropriate security clearances.*

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

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

23 **SEC. 802. DUTIES OF COMMISSION.**

24 (a) *REVIEW OF BALLISTIC MISSILE THREAT.*—*The*
25 *Commission shall assess the nature and magnitude of the*

1 *existing and emerging ballistic missile threat to the Russian*
2 *Federation.*

3 (b) *COOPERATION FROM GOVERNMENT OFFICIALS.—*

4 *In carrying out its duties, the Commission should receive*
5 *the full and timely cooperation of the Secretary of Defense,*
6 *the Director of Central Intelligence, and any other United*
7 *States Government official responsible for providing the*
8 *Commission with analyses, briefings, and other information*
9 *necessary for the fulfillment of its responsibilities.*

10 **SEC. 803. REPORT.**

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

14 **SEC. 804. POWERS.**

15 (a) *HEARINGS.—The Commission or, at its direction,*
16 *any panel or member of the Commission, may, for the pur-*
17 *pose of carrying out the provisions of this title, hold hear-*
18 *ings, sit and act at times and places, take testimony, receive*
19 *evidence, and administer oaths to the extent that the Com-*
20 *mission or any panel or member considers advisable.*

21 (b) *INFORMATION.—The Commission may secure di-*
22 *rectly from the Department of Defense, the Central Intel-*
23 *ligence Agency, and any other Federal department or agen-*
24 *cy information that the Commission considers necessary to*

1 *enable the Commission to carry out its responsibilities*
2 *under this title.*

3 **SEC. 805. COMMISSION PROCEDURES.**

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

6 (b) *QUORUM.*—(1) *Five members of the Commission*
7 *shall constitute a quorum other than for the purpose of hold-*
8 *ing hearings.*

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

11 (c) *COMMISSION.*—*The Commission may establish*
12 *panels composed of less than full membership of the Com-*
13 *mission for the purpose of carrying out the Commission's*
14 *duties. The actions of each such panel shall be subject to*
15 *the review and control of the Commission. Any findings and*
16 *determinations made by such a panel shall not be consid-*
17 *ered the findings and determinations of the Commission un-*
18 *less approved by the Commission.*

19 (d) *AUTHORITY OF INDIVIDUALS TO ACT FOR COMMIS-*
20 *SION.*—*Any member or agent of the Commission may, if*
21 *authorized by the Commission, take any action which the*
22 *Commission is authorized to take under this title.*

1 **SEC. 806. PERSONNEL MATTERS.**

2 (a) *PAY OF MEMBERS.*—*Members of the Commission*
3 *shall serve without pay by reason of their work on the Com-*
4 *mission.*

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

12 (c) *STAFF.*—(1) *The chairman of the Commission*
13 *may, without regard to the provisions of title 5, United*
14 *States Code, governing appointments in the competitive*
15 *service, appoint a staff director and such additional per-*
16 *sonnel as may be necessary to enable the Commission to*
17 *perform its duties. The appointment of a staff director shall*
18 *be subject to the approval of the Commission.*

19 (2) *The chairman of the Commission may fix the pay*
20 *of the staff director and other personnel without regard to*
21 *the provisions of chapter 51 and subchapter III of chapter*
22 *53 of title 5, United States Code, relating to classification*
23 *of positions and General Schedule pay rates, except that*
24 *the rate of pay fixed under this paragraph for the staff di-*
25 *rector may not exceed the rate payable for level V of the*
26 *Executive Schedule under section 5316 of such title and the*

1 rate of pay for other personnel may not exceed the max-
2 imum rate payable for grade GS-15 of the General Sched-
3 ule.

4 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—Upon re-
5 quest of the chairman of the Commission, the head of any
6 Federal department or agency may detail, on a non-
7 reimbursable basis, any personnel of that department or
8 agency to the Commission to assist it in carrying out its
9 duties.

10 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
11 *TENT SERVICES.*—The chairman of the Commission may
12 procure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, at rates for individ-
14 uals which do not exceed the daily equivalent of the annual
15 rate of basic pay payable for level V of the Executive Sched-
16 ule under section 5316 of such title.

17 **TITLE IX—AGENCY FOR**
18 **NUCLEAR STEWARDSHIP**

19 **SEC. 901. DEPARTMENT OF ENERGY NUCLEAR SECURITY.**

20 (a) Section 202(a) of the Department of Energy Orga-
21 nization Act (referred to in this section as the “Act”) is
22 amended by striking the second sentence and inserting “The
23 Secretary shall delegate to the Deputy Secretary such duties
24 as the Secretary may prescribe unless such delegation is oth-
25 erwise prohibited by law, and the Deputy Secretary shall

1 *act for and exercise the functions of the Secretary during*
2 *the absence or disability of the Secretary or in the event*
3 *the office of the Secretary becomes vacant.”.*

4 *(b) Section 202(b) of the Act is amended by striking*
5 *the first two sentences and inserting “There shall be in the*
6 *Department two Under Secretaries and a General Counsel,*
7 *who shall be appointed by the President, by and with the*
8 *advice and consent of the Senate. One Under Secretary shall*
9 *be the Under Secretary for Nuclear Stewardship. The other*
10 *Under Secretary shall bear primary responsibility for*
11 *science, energy (including energy conservation), and envi-*
12 *ronmental functions.”.*

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

15 **“AGENCY FOR NUCLEAR STEWARDSHIP**

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

21 *“(b) The Under Secretary for Nuclear Stewardship*
22 *shall be a person who has an extensive background in na-*
23 *tional security, organizational management and appro-*
24 *priate technical fields, and is especially well qualified to*
25 *manage the nuclear weapons, nonproliferation and fissile*

1 *materials disposition programs of the Department in a*
2 *manner that advances and protects the national security*
3 *of the United States.*

4 “(c) *The Secretary shall be responsible for all policies*
5 *of the Agency. The Under Secretary for Nuclear Steward-*
6 *ship shall report solely and directly to the Secretary and*
7 *shall be subject to the supervision and direction of the Sec-*
8 *retary. The Secretary shall have a staff adequate to fulfill*
9 *the responsibility to set policies throughout the Department*
10 *including establishing policies governing the Agency for Nu-*
11 *clear Stewardship. The Secretary’s staff, including but not*
12 *limited to the General Counsel and the Chief Financial Of-*
13 *ficer, shall assist the Secretary in the supervision of the de-*
14 *velopment and implementation of policies set forth by the*
15 *Secretary and shall advise the Secretary on the adequacy*
16 *of such development and implementation. The Secretary*
17 *may not delegate to any Department official, other than*
18 *the Deputy Secretary, the duty to supervise or direct the*
19 *Under Secretary for Nuclear Stewardship.*

20 “(d) *The Secretary may direct other officials of the De-*
21 *partment who are not within the Agency for Nuclear Stew-*
22 *ardship to review the Agency’s programs and to make rec-*
23 *ommendations to the Secretary regarding the administra-*
24 *tion of such programs, including consistency with other*
25 *similar programs and activities in the Department.*

1 “(e) *The Secretary shall assign to the Under Secretary*
2 *for Nuclear Stewardship direct authority over and responsi-*
3 *bility for—*

4 “(1) *all programs and activities of the Depart-*
5 *ment related to its national security functions, in-*
6 *cluding nuclear weapons, nonproliferation and fissile*
7 *materials disposition; and*

8 “(2) *all activities at the Department’s national*
9 *security laboratories, and nuclear weapons production*
10 *facilities.*

11 “(f) *The Secretary shall assign to the Under Secretary*
12 *for Nuclear Stewardship direct authority over and responsi-*
13 *bility for all executive and administrative operations and*
14 *functions of the Agency for Nuclear Stewardship (except for*
15 *the authority and responsibility assigned to the Deputy Di-*
16 *rector for Naval Reactors), including but not limited to—*

17 “(1) *strategic management;*

18 “(2) *policy development and guidance;*

19 “(3) *budget formulation and guidance;*

20 “(4) *resource requirements determination and al-*
21 *location;*

22 “(5) *program direction;*

23 “(6) *safeguards and security;*

24 “(7) *emergency management;*

25 “(8) *integrated safety management;*

1 “(9) *environment, safety, and health operations*
2 *(except those environmental remediation and nuclear*
3 *waste management activities and facilities that the*
4 *Secretary determines are best managed by other offi-*
5 *cials of the Department);*

6 “(10) *administration of contracts, including*
7 *those for the management and operation of the nu-*
8 *clear weapons production facilities and the national*
9 *security laboratories;*

10 “(11) *intelligence;*

11 “(12) *counterintelligence;*

12 “(13) *personnel, including their selection, ap-*
13 *pointment, distribution, supervision, fixing of com-*
14 *ensation, and separation;*

15 “(14) *procurement of services of experts and con-*
16 *sultants in accordance with section 3109 of title 5,*
17 *United States Code; and*

18 “(15) *legal matters.*

19 “(g) *There shall be within the Agency three Deputy*
20 *Directors, each of whom shall be appointed by the President,*
21 *by and with the advice and consent of the Senate, who shall*
22 *be compensated at the rate provided for at level IV of the*
23 *Executive Schedule under section 5315 of title 5 (except the*
24 *Deputy Director for Naval Reactors when an active duty*

1 *naval officer). There shall be a Deputy Director for each*
2 *of the following functions—*

3 “(1) *defense programs;*

4 “(2) *nonproliferation and fissile materials dis-*
5 *position; and*

6 “(3) *naval reactors.*

7 “(h) *The Deputy Director for Naval Reactors shall re-*
8 *port to the Secretary of Energy through the Under Sec-*
9 *retary for Nuclear Stewardship and have direct access to*
10 *the Secretary and other senior officials of the Department,*
11 *and shall be assigned the responsibilities, authorities, and*
12 *accountability for all functions of the Office of Naval Reac-*
13 *tors as described by the reference in section 1634 of Public*
14 *Law 98–525. Except as specified in subsection (g) and this*
15 *subsection, all other provisions described by the reference*
16 *in section 1634 of Public Law 98–525 remain in full force*
17 *until changed by law.*

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

22 “(1) *Chief of Nuclear Stewardship Counterintel-*
23 *ligence, who shall report to the Under Secretary and*
24 *implement the counterintelligence policies directed by*
25 *the Secretary and Under Secretary. The Chief of Nu-*

1 *clear Stewardship Counterintelligence shall have di-*
2 *rect access to the Secretary and all other officials of*
3 *the Department and its contractors concerning coun-*
4 *terintelligence matters and shall be responsible for—*

5 *“(A) the development and implementation*
6 *of the Agency’s counterintelligence programs to*
7 *prevent the disclosure or loss of classified or*
8 *other sensitive information; and*

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

12 *“(2) Chief of Nuclear Stewardship Security, who*
13 *shall report to the Under Secretary and shall imple-*
14 *ment the security policies directed by the Secretary*
15 *and Under Secretary. The chief of Nuclear Steward-*
16 *ship Security shall have direct access to the Secretary*
17 *and all other officials of the Department and its con-*
18 *tractors concerning security matters and shall be re-*
19 *sponsible for the development and implementation of*
20 *security programs for the Agency including the pro-*
21 *tection, control and accounting of materials, and the*
22 *physical and cybersecurity for all facilities in the*
23 *Agency.*

24 *“(3) Chief of Nuclear Stewardship Intelligence,*
25 *who shall be a senior executive service employee of the*

1 *Agency or an agency of the intelligence community*
2 *who shall report to the Under Secretary and shall*
3 *have direct access to the Secretary and all other offi-*
4 *cial of the Department and its contractors con-*
5 *cerning intelligence matters and shall be responsible*
6 *for all programs and activities of the Agency relating*
7 *to the analysis and assessment of intelligence with re-*
8 *spect to foreign nuclear weapons, materials, and other*
9 *nuclear matters in foreign nations.*

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

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

18 *“(k) All personnel of the Agency for Nuclear Steward-*
19 *ship, in carrying out any function of the Agency, shall be*
20 *responsible to, and subject to the supervision and direction*
21 *of, the Secretary and the Under Secretary for Nuclear Stew-*
22 *ardship or his designee within the Agency, and shall not*
23 *be responsible to, or subject to the supervision or direction*
24 *of, any other officer, employee, or agent of any other part*
25 *of the Department. Such supervision and direction of any*

1 *Director or contract employee of a national security labora-*
2 *tory or of a nuclear weapons production facility shall not*
3 *interfere with communication to the Department, the Presi-*
4 *dent, or Congress, of technical findings or technical assess-*
5 *ments derived from, and in accord with, duly authorized*
6 *activities. The Under Secretary for Nuclear Stewardship*
7 *shall have responsibility and authority for, and may use,*
8 *an appropriate field structure for the programs and activi-*
9 *ties of the Agency.*

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

15 “(m) *The Directors of the national security labora-*
16 *tories and the heads of the nuclear weapons production fa-*
17 *cilities and the Nevada Test Site shall report, consistent*
18 *with their contractual obligations, directly to the Deputy*
19 *Director for Defense Programs.*

20 “(n) *The Under Secretary for Nuclear Stewardship*
21 *shall maintain within the Agency staff sufficient to imple-*
22 *ment the policies of the Secretary and Under Secretary for*
23 *Nuclear Stewardship for the Agency. At a minimum these*
24 *staff shall be responsible for—*

25 “(1) *personnel;*

1 “(2) *legal services; and*

2 “(3) *financial management.*

3 “(o)(1) *The Secretary shall ensure that other programs*
4 *of the Department, other Federal agencies, and other appro-*
5 *priate entities continue to use the capabilities of the na-*
6 *tional security laboratories.*

7 “(2) *The Under Secretary, under the direction, author-*
8 *ity, and control of the Secretary, shall, consistent with the*
9 *effective discharge of the Agency’s responsibilities, make the*
10 *capabilities of the national security laboratories available*
11 *to the entities in paragraph (1) in a manner that continues*
12 *to provide direct programmatic control by such entities.*

13 “(p)(1) *Not later than March 1 of each year the Under*
14 *Secretary for Nuclear Stewardship shall submit through the*
15 *Secretary to the Director of Central Intelligence, the Direc-*
16 *tor of the Federal Bureau of Investigation, the Senate and*
17 *the House of Representatives, a report on the status and*
18 *effectiveness of the security and counterintelligence pro-*
19 *grams of the Agency for Nuclear Stewardship during the*
20 *preceding year.*

21 “(2) *The report shall provide information on—*

22 “(A) *the status and effectiveness of security and*
23 *counterintelligence programs at each nuclear weapons*
24 *production facility, national security laboratory, or*

1 *any other facility or institution at which classified*
2 *nuclear weapons work is performed;*

3 *“(B) the adequacy of procedures and policies for*
4 *protecting national security information at each nu-*
5 *clear weapons production facility, national security*
6 *laboratory, or any other facility or institution at*
7 *which classified nuclear weapons work is performed;*

8 *“(C) whether each nuclear weapons production*
9 *facility, national security laboratory, or other facility*
10 *or institution at which classified nuclear weapons*
11 *work is performed is in full compliance with all secu-*
12 *rity and counterintelligence requirements, and if not*
13 *what measures are being taken or are in place to*
14 *bring such facility, laboratory, or institution into*
15 *compliance;*

16 *“(D) any significant violation of law, rule, regu-*
17 *lation, or other requirement relating to security or*
18 *counterintelligence at each nuclear weapons produc-*
19 *tion facility, national security laboratory, or any*
20 *other facility or institution at which classified nu-*
21 *clear weapons work is performed;*

22 *“(E) each foreign visitor or assignee, the na-*
23 *tional security laboratory, nuclear weapons produc-*
24 *tion facility, or other facility or institution at which*
25 *classified nuclear weapons work is performed, visited,*

1 *the purpose and justification for the visit, the dura-*
2 *tion of the visit, whether the visitor or assignee had*
3 *access to classified or sensitive information or facili-*
4 *ties, and whether a background check was performed*
5 *on such visitor prior to such visit; and*

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

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

11 *“(4) Thirty days prior to the submission of the report*
12 *required by subsection (p)(1), but in any event no later*
13 *than February 1 of each year, the director of each Depart-*
14 *ment of Energy national security laboratory and nuclear*
15 *weapons production facility shall certify in writing to the*
16 *Under Secretary for Nuclear Stewardship whether that lab-*
17 *oratory or facility is in full compliance with all national*
18 *security information protection requirements. If the labora-*
19 *tory or facility is not in full compliance, the director of*
20 *the laboratory or facility shall report on why it is not in*
21 *compliance, what measures are being taken to bring it into*
22 *compliance, and when it will be in compliance.*

23 *“(q) The Under Secretary for Nuclear Stewardship*
24 *shall keep the Secretary, the Committees on Armed Services*
25 *of the Senate and House of Representatives, the Committee*

1 *on Energy and Natural Resources of the Senate, the Com-*
2 *mittee on Governmental Affairs of the Senate, the Com-*
3 *mittee on Commerce of the House of Representatives, the*
4 *Select Committee on Intelligence of the Senate, and the Per-*
5 *manent Select Committee on Intelligence of the House of*
6 *Representatives fully and currently informed regarding any*
7 *actual or potential significant threat to, or loss of, national*
8 *security information, unless such information has already*
9 *been reported to the Senate Select Committee on Intelligence*
10 *and the House Permanent Select Committee on Intelligence*
11 *pursuant to the National Security Act of 1947, as amended.*

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

18 “(s)(1) *The Under Secretary for Nuclear Stewardship*
19 *shall not be required to obtain the approval of any officer*
20 *or employee of the Department of Energy, except the Sec-*
21 *retary, or any officer or employee of any other Federal*
22 *agency or department for the preparation or delivery of any*
23 *report required by this section.*

24 “(2) *No officer or employee of the Department of En-*
25 *ergy or any other Federal agency or department may delay,*

1 *deny, obstruct or otherwise interfere with the preparation*
2 *of any report required by this section.*

3 *“(t) For purposes of this section—*

4 *“(1) the term ‘personnel of the Agency for Nu-*
5 *clear Stewardship’ means each officer or employee*
6 *within the Department of Energy, and any officer or*
7 *employee of any contractor of the Department (pursu-*
8 *ant to the terms of the contract), whose—*

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

11 *or*

12 *“(B) employment is funded primarily*
13 *under the—*

14 *“(i) Weapons Activities; or*

15 *“(ii) Nonproliferation, Fissile Mate-*
16 *rials Disposition or Naval Reactors por-*
17 *tions of the Other Defense Activities budget*
18 *functions of the Department;*

19 *“(2) the term ‘nuclear weapons production facil-*
20 *ity’ means the following facilities—*

21 *“(A) the Kansas City Plant, Kansas City,*
22 *Missouri;*

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

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

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

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

4 “(F) any other facility the Secretary des-
5 ignates.

6 “(3) the term ‘national security laboratory’
7 means the following laboratories—

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

10 “(B) the Lawrence Livermore National Lab-
11 oratory, Livermore, California; and

12 “(C) the Sandia National Laboratories, Al-
13 buquerque, New Mexico, and Livermore, Cali-
14 fornia.

15 “(u) The Agency for Nuclear Stewardship shall comply
16 with all applicable environmental, safety, and health stat-
17 utes and substantive requirements. The Under Secretary for
18 Nuclear Stewardship shall develop procedures for meeting
19 such requirements. Nothing in this section shall diminish
20 the authority of the Secretary to ascertain and ensure that
21 such compliance occurs.

22 “(v) The Secretary shall be responsible for developing
23 and promulgating departmental security, counterintel-
24 ligence and intelligence policies, and may use his imme-
25 diate staff to assist him in developing and promulgating

1 *such policies. The Under Secretary for Nuclear Stewardship*
2 *is responsible for implementation of all security, counter-*
3 *intelligence and intelligence policies within the Agency for*
4 *Nuclear Stewardship. The Under Secretary for Nuclear*
5 *Stewardship may establish agency-specific policies unless*
6 *disapproved by the Secretary.*

7 “(w) *In addition to any personnel occupying senior-*
8 *level positions in the Department on the date of enactment*
9 *of this section, there shall be within the Agency not more*
10 *than 25 additional employees in senior-level positions, as*
11 *defined by title 5, United States Code, who shall be em-*
12 *ployed by the Agency for Nuclear Stewardship and who*
13 *shall perform such functions as the Under Secretary for Nu-*
14 *clear Stewardship shall prescribe from time to time.”.*

15 (d) *Within 180 days of the date of enactment of this*
16 *Act, the Secretary shall report to the Senate and the House*
17 *of Representatives on the adequacy of the Department’s pro-*
18 *cedures and policies for protecting national security infor-*
19 *mation, including national security information at the De-*
20 *partment’s laboratories, nuclear weapons facilities and*
21 *other facilities, making such recommendations to Congress*
22 *as may be appropriate.*

23 (e) *The following technical and conforming amend-*
24 *ments are made:*

1 (1) *Section 5314 of title 5, United States Code,*
2 *is amended by striking “Under Secretary, Depart-*
3 *ment of Energy” and inserting “Under Secretaries of*
4 *Energy (2), one of whom serves as the Director, Agen-*
5 *cy for Nuclear Stewardship”.*

6 (2) *Section 202(b) of the Act is amended in the*
7 *third sentence by striking “Under Secretary” and in-*
8 *serting “Under Secretaries”.*

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

12 (4) *Section 309 of the Act is amended by striking*
13 *“Assistant Secretary to whom the Secretary has as-*
14 *signed the functions listed in section 203(a)(2)(E)”*
15 *and inserting “Under Secretary for Nuclear Steward-*
16 *ship”.*

17 (5) *The table of contents of the Act is amended*
18 *by inserting after the item relating to section 212 the*
19 *following new item:*

“Sec. 213. Agency for Nuclear Stewardship.”.

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 1555

AMENDMENT

HR 1555 EAS—2

HR 1555 EAS—3

HR 1555 EAS—4

HR 1555 EAS—5