

Calendar No. 570

106TH CONGRESS
2^D SESSION

H. R. 4392

IN THE SENATE OF THE UNITED STATES

MAY 24, 2000

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence community management account.
- Sec. 105. Transfer authority of the Director of Central Intelligence.

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. Sense of the Congress on intelligence community contracting.
- Sec. 304. Authorization for travel on any common carrier for certain intel-
 ligence collection personnel.
- Sec. 305. Reports on acquisition of technology relating to weapons of mass de-
 struction and advanced conventional munitions.
- Sec. 306. Update of report on effects of foreign espionage on United States
 trade secrets.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Modifications to Central Intelligence Agency’s central services pro-
 gram.
- Sec. 402. Technical corrections.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

- Sec. 501. Three-year extension of authority to engage in commercial activities
 as security for intelligence collection activities.
- Sec. 502. Contracting authority for the National Reconnaissance Office.
- Sec. 503. Report to the House Permanent Select Committee on Intelligence.

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

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2001 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the 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.

20 (11) The National Imagery and Mapping Agen-
21 cy.

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

23 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
24 CEILINGS.—The amounts authorized to be appropriated
25 under section 101, and the authorized personnel ceilings

1 as of September 30, 2001, for the conduct of the intel-
2 ligence and intelligence-related activities of the elements
3 listed in such section, are those specified in the classified
4 Schedule of Authorizations prepared to accompany the bill
5 H.R. 4392 of the One Hundred Sixth Congress.

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

13 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

14 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
15 proval of the Director of the Office of Management and
16 Budget, the Director of Central Intelligence may authorize
17 employment of civilian personnel in excess of the number
18 authorized for fiscal year 2001 under section 102 when
19 the Director of Central Intelligence determines that such
20 action is necessary to the performance of important intel-
21 ligence functions, except that the number of personnel em-
22 ployed in excess of the number authorized under such sec-
23 tion may not, for any element of the intelligence commu-
24 nity, exceed 2 percent of the number of civilian personnel
25 authorized under such section for such element.

1 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
2 Director of Central Intelligence shall promptly notify the
3 Permanent Select Committee on Intelligence of the House
4 of Representatives and the Select Committee on Intel-
5 ligence of the Senate whenever the Director exercises the
6 authority granted by this section.

7 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
8 **COUNT.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for the Intelligence Commu-
11 nity Management Account of the Director of Central Intel-
12 ligence for fiscal year 2001 the sum of \$144,231,000.
13 Within such amount, funds identified in the classified
14 Schedule of Authorizations referred to in section 102(a)
15 for the Advanced Research and Development Committee
16 shall remain available until September 30, 2002.

17 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
18 ments within the Intelligence Community Management
19 Account of the Director of Central Intelligence are author-
20 ized 356 full-time personnel as of September 30, 2001.
21 Personnel serving in such elements may be permanent em-
22 ployees of the Intelligence Community Management Ac-
23 count or personnel detailed from other elements of the
24 United States Government.

25 (c) CLASSIFIED AUTHORIZATIONS.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to amounts authorized to be appropriated
3 for the Intelligence Community Management Ac-
4 count by subsection (a), there are also authorized to
5 be appropriated for the Intelligence Community
6 Management Account for fiscal year 2001 such addi-
7 tional amounts as are specified in the classified
8 Schedule of Authorizations referred to in section
9 102(a). Such additional amounts shall remain avail-
10 able until September 30, 2002.

11 (2) AUTHORIZATION OF PERSONNEL.—In addi-
12 tion to the personnel authorized by subsection (b)
13 for elements of the Intelligence Community Manage-
14 ment Account as of September 30, 2001, there are
15 hereby authorized such additional personnel for such
16 elements as of that date as are specified in the clas-
17 sified Schedule of Authorizations.

18 (d) REIMBURSEMENT.—Except as provided in section
19 113 of the National Security Act of 1947 (50 U.S.C.
20 404h), during fiscal year 2001, any officer or employee
21 of the United States or a member of the Armed Forces
22 who is detailed to the staff of the Intelligence Community
23 Management Account from another element of the United
24 States Government shall be detailed on a reimbursable
25 basis, except that any such officer, employee, or member

1 may be detailed on a nonreimbursable basis for a period
2 of less than 1 year for the performance of temporary func-
3 tions as required by the Director of Central Intelligence.

4 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

5 (1) IN GENERAL.—Of the amount authorized to
6 be appropriated in subsection (a), \$28,000,000 shall
7 be available for the National Drug Intelligence Cen-
8 ter. Within such amount, funds provided for re-
9 search, development, test, and evaluation purposes
10 shall remain available until September 30, 2002, and
11 funds provided for procurement purposes shall re-
12 main available until September 30, 2003.

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

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

24 (4) AUTHORITY.—Notwithstanding any other
25 provision of law, the Attorney General shall retain

1 full authority over the operations of the National
2 Drug Intelligence Center.

3 **SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF**
4 **CENTRAL INTELLIGENCE.**

5 (a) LIMITATION ON DELEGATION OF AUTHORITY OF
6 DEPARTMENTS TO OBJECT TO TRANSFERS.—Section
7 104(d)(2) of the National Security Act of 1947 (50 U.S.C.
8 403–4(d)(2)) is amended—

9 (1) by inserting “(A)” after “(2)”;

10 (2) by redesignating subparagraphs (A), (B),
11 (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and
12 (v), respectively;

13 (3) in clause (v), as so redesignated, by striking
14 “the Secretary or head” and inserting “subject to
15 subparagraph (B), the Secretary or head”; and

16 (4) by adding at the end the following new sub-
17 paragraph:

18 “(B)(i) Except as provided in clause (ii), the author-
19 ity to object to a transfer under subparagraph (A)(v) may
20 not be delegated by the Secretary or head of the depart-
21 ment involved.

22 “(ii) With respect to the Department of Defense, the
23 authority to object to such a transfer may be delegated
24 by the Secretary of Defense, but only to the Deputy Sec-
25 retary of Defense.

1 “(iii) An objection to a transfer under subparagraph
2 (A)(v) shall have no effect unless submitted to the Direc-
3 tor of Central Intelligence in writing.”.

4 (b) LIMITATION ON DELEGATION OF DUTIES OF DI-
5 RECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1)
6 of such Act (50 U.S.C. 403–4(d)(1)) is amended—

7 (1) by inserting “(A)” after “(1)”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) The Director may only delegate any duty or au-
11 thority given the Director under this subsection to the
12 Deputy Director of Central Intelligence for Community
13 Management.”.

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

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated for the Cen-
20 tral Intelligence Agency Retirement and Disability Fund
21 for fiscal year 2001 the sum of \$216,000,000.

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
4 **BENEFITS AUTHORIZED BY LAW.**

5 Appropriations authorized by this Act for salary, pay,
6 retirement, and other benefits for Federal employees may
7 be increased by such additional or supplemental amounts
8 as may be necessary for increases in such compensation
9 or benefits authorized by law.

10 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
11 **ACTIVITIES.**

12 The authorization of appropriations by this Act shall
13 not be deemed to constitute authority for the conduct of
14 any intelligence activity which is not otherwise authorized
15 by the Constitution or the laws of the United States.

16 **SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE**
17 **COMMUNITY CONTRACTING.**

18 It is the sense of the Congress that the Director of
19 Central Intelligence should continue to direct that ele-
20 ments of the intelligence community, whenever compatible
21 with the national security interests of the United States
22 and consistent with operational and security concerns re-
23 lated to the conduct of intelligence activities, and where
24 fiscally sound, should competitively award contracts in a

1 manner that maximizes the procurement of products prop-
2 erly designated as having been made in the United States.

3 **SEC. 304. AUTHORIZATION FOR TRAVEL ON ANY COMMON**
4 **CARRIER FOR CERTAIN INTELLIGENCE COL-**
5 **LECTION PERSONNEL.**

6 (a) IN GENERAL.—Title I of the National Security
7 Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding
8 at the end the following new section:

9 “TRAVEL ON ANY COMMON CARRIER FOR CERTAIN
10 INTELLIGENCE COLLECTION PERSONNEL

11 “SEC. 116. (a) IN GENERAL.—Notwithstanding any
12 other provision of law, the Director of Central Intelligence
13 may authorize travel on any common carrier that, in the
14 discretion of the Director, would by its use maintain or
15 enhance the protection of sources or methods of intel-
16 ligence collection or maintain or enhance the security of
17 personnel of the intelligence community carrying out intel-
18 ligence collection activities.

19 “(b) AUTHORIZED DELEGATION OF DUTY.—The Di-
20 rector may only delegate the authority granted by this sec-
21 tion to the Deputy Director of Central Intelligence, or with
22 respect to employees of the Central Intelligence Agency
23 the Director may delegate such authority to the Deputy
24 Director for Operations.”.

25 (b) CLERICAL AMENDMENT.—The table of contents
26 for the National Security Act of 1947 is amended by in-

1 serting after the item relating to section 115 the following
2 new item:

“Sec. 116. Travel on any common carrier for certain intelligence collection personnel.”.

3 **SEC. 305. REPORTS ON ACQUISITION OF TECHNOLOGY RE-**
4 **LATING TO WEAPONS OF MASS DESTRUCTION**
5 **AND ADVANCED CONVENTIONAL MUNITIONS.**

6 Section 721(a) of the Intelligence Authorization Act
7 for Fiscal Year 1997 (50 U.S.C. 2366) (Public Law 104–
8 293, 110 Stat. 3474) is amended—

9 (1) by striking “Not later than 6 months after
10 the date of the enactment of this Act, and every 6
11 months thereafter,” and inserting “Not later than
12 March 1, 2001, and every March 1 thereafter,”; and

13 (2) in paragraph (1), by striking “6 months”
14 and inserting “year”.

15 **SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN**
16 **ESPIONAGE ON UNITED STATES TRADE SE-**
17 **CRETS.**

18 By not later than 270 days after the date of the en-
19 actment of this Act, the Director of Central Intelligence
20 shall submit to Congress a report that updates, and re-
21 vises as necessary, the report prepared by the Director
22 pursuant to section 310 of the Intelligence Authorization
23 Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat.
24 1613) (relating to a description of the effects of espionage

1 against the United States, conducted by or on behalf of
2 other nations, on United States trade secrets, patents, and
3 technology development).

4 **TITLE IV—CENTRAL** 5 **INTELLIGENCE AGENCY**

6 **SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE** 7 **AGENCY'S CENTRAL SERVICES PROGRAM.**

8 Section 21(c)(2) of the Central Intelligence Agency
9 Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

10 (1) by redesignating subparagraph (F) as sub-
11 paragraph (G); and

12 (2) by inserting after subparagraph (E) the fol-
13 lowing new subparagraph:

14 “(F) Receipts from miscellaneous reimburse-
15 ments from individuals and receipts from the rental
16 of property and equipment to employees and
17 detailees.”.

18 **SEC. 402. TECHNICAL CORRECTIONS.**

19 (a) **REPORTING REQUIREMENT.**—Section 17(d)(1) of
20 the Central Intelligence Agency Act of 1949 (50 U.S.C.
21 403q(d)(1)) is amended—

22 (1) by adding “and” at the end of subpara-
23 graph (D);

24 (2) by striking subparagraph (E); and

1 (3) by redesignating subparagraph (F) as sub-
2 paragraph (E).

3 (b) TERMINOLOGY WITH RESPECT TO GOVERNMENT
4 AGENCIES.—Section 17(e)(8) of the Central Intelligence
5 Agency Act of 1949 (50 U.S.C. 403q(e)(8)) is amended
6 by striking “Federal” each place it appears and inserting
7 “Government”.

8 **TITLE V—DEPARTMENT OF DE-**
9 **FENSE INTELLIGENCE AC-**
10 **TIVITIES**

11 **SEC. 501. THREE-YEAR EXTENSION OF AUTHORITY TO EN-**
12 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**
13 **RITY FOR INTELLIGENCE COLLECTION AC-**
14 **TIVITIES.**

15 Section 431(a) of title 10, United States Code, is
16 amended by striking “December 31, 2000” and inserting
17 “December 31, 2003”.

18 **SEC. 502. CONTRACTING AUTHORITY FOR THE NATIONAL**
19 **RECONNAISSANCE OFFICE.**

20 (a) IN GENERAL.—The National Reconnaissance Of-
21 fice (“NRO”) shall negotiate, write, and manage vehicle
22 acquisition or launch contracts that affect or bind the
23 NRO and to which the United States is a party.

24 (b) EFFECTIVE DATE.—This section shall apply to
25 any contract for NRO vehicle acquisition or launch, as de-

1 scribed in subsection (a), that is negotiated, written, or
2 executed after the date of the enactment of this Act.

3 (c) RETROACTIVITY.—This section shall not apply to
4 any contracts, as described in subsection (a), in effect as
5 of the date of the enactment of this Act.

6 **SEC. 503. REPORT TO THE HOUSE PERMANENT SELECT**
7 **COMMITTEE ON INTELLIGENCE.**

8 The Director shall report to the House Permanent
9 Select Committee on Intelligence within 60 days on wheth-
10 er the policies and goals of the People’s Republic of China
11 constitutes a threat to our national security.

Passed the House of Representatives May 23, 2000.

Attest: JEFF TRANDAHL,
Clerk.

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