

Union Calendar No. 339

106TH CONGRESS
2^D SESSION

H. R. 4392

[Report No. 106-620]

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2000

Mr. GOSS introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

MAY 16, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 8, 2000]

A BILL

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 “In-*
 5 *telligence Authorization Act for Fiscal Year 2001”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 7 *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 intelligence
 collection personnel.*

*Sec. 305. Reports on acquisition of technology relating to weapons of mass de-
 struction and advanced conventional munitions.*

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency’s central services program.

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.

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 2001 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.*

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 as*

1 of September 30, 2001, for the conduct of the intelligence
2 and intelligence-related activities of the elements listed in
3 such section, are those specified in the classified Schedule
4 of Authorizations prepared to accompany the bill H.R. 4392
5 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 the*
9 *Senate and House of Representatives and to the President.*
10 *The President shall provide for suitable distribution of the*
11 *Schedule, or of appropriate portions of the Schedule, within*
12 *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 the*
19 *Director of Central Intelligence determines that such action*
20 *is necessary to the performance of important intelligence*
21 *functions, except that the number of personnel employed in*
22 *excess of the number authorized under such section may not,*
23 *for any element of the intelligence community, exceed two*
24 *percent of the number of civilian personnel authorized*
25 *under such section for such element.*

1 (b) *NOTICE TO INTELLIGENCE COMMITTEES.*—*The Di-*
 2 *rector of Central Intelligence shall promptly notify the Per-*
 3 *manent Select Committee on Intelligence of the House of*
 4 *Representatives and the Select Committee on Intelligence of*
 5 *the Senate whenever the Director exercises the authority*
 6 *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. Within*
 13 *such amount, funds identified in the classified Schedule of*
 14 *Authorizations referred to in section 102(a) for the Ad-*
 15 *vanced Research and Development Committee shall remain*
 16 *available until September 30, 2002.*

17 (b) *AUTHORIZED PERSONNEL LEVELS.*—*The elements*
 18 *within the Intelligence Community Management Account of*
 19 *the Director of Central Intelligence are authorized 356 full-*
 20 *time personnel as of September 30, 2001. Personnel serving*
 21 *in such elements may be permanent employees of the Intel-*
 22 *ligence Community Management Account or personnel de-*
 23 *tailed from other elements of the United States Government.*

24 (c) *CLASSIFIED AUTHORIZATIONS.*—

1 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*In*
2 *addition to amounts authorized to be appropriated*
3 *for the Intelligence Community Management Account*
4 *by subsection (a), there are also authorized to be ap-*
5 *propriated for the Intelligence Community Manage-*
6 *ment Account for fiscal year 2001 such additional*
7 *amounts as are specified in the classified Schedule of*
8 *Authorizations referred to in section 102(a). Such ad-*
9 *ditional amounts shall remain available until Sep-*
10 *tember 30, 2002.*

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

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

1 *tailed on a nonreimbursable basis for a period of less than*
2 *one year for the performance of temporary functions as re-*
3 *quired 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 research,*
9 *development, test, and evaluation purposes shall re-*
10 *main available until September 30, 2002, and funds*
11 *provided for procurement purposes shall remain*
12 *available until September 30, 2003.*

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

19 *(3) LIMITATION.—Amounts available for the Na-*
20 *tional Drug Intelligence Center may not be used in*
21 *contravention of the provisions of section 103(d)(1) of*
22 *the National Security Act of 1947 (50 U.S.C. 403-*
23 *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 sub-*
15 *paragraph (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 authority*
19 *to object to a transfer under subparagraph (A)(v) may not*
20 *be delegated by the Secretary or head of the department in-*
21 *volved.*

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

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

4 (b) *LIMITATION ON DELEGATION OF DUTIES OF DI-*
5 *RECTOR OF CENTRAL INTELLIGENCE.*—Section 104(d)(1) of
6 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 Dep-
12 uty Director of Central Intelligence for Community Man-
13 agement.”.

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 Central
20 Intelligence Agency Retirement and Disability Fund for fis-
21 cal 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 or*
9 *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 any*
14 *intelligence activity which is not otherwise authorized by*
15 *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 Cen-*
19 *tral Intelligence should continue to direct that elements of*
20 *the intelligence community, whenever compatible with the*
21 *national security interests of the United States and con-*
22 *sistent with operational and security concerns related to the*
23 *conduct of intelligence activities, and where fiscally sound,*
24 *should competitively award contracts in a manner that*

1 *maximizes the procurement of products properly designated*
2 *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 Act*
7 *of 1947 (50 U.S.C. 402 et seq.) is amended by adding at*
8 *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 en-*
15 *hance the protection of sources or methods of intelligence*
16 *collection or maintain or enhance the security of personnel*
17 *of the intelligence community carrying out intelligence col-*
18 *lection 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 the*
23 *Director may delegate such authority to the Deputy Direc-*
24 *tor for Operations.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
 2 *the National Security Act of 1947 is amended by inserting*
 3 *after the item relating to section 115 the following new item:*

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

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

7 *Section 721(a) of the Intelligence Authorization Act for*
 8 *Fiscal Year 1997 (50 U.S.C. 2366) (Public Law 104–293,*
 9 *110 Stat. 3474) is amended—*

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

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

16 **TITLE IV—CENTRAL**
 17 **INTELLIGENCE AGENCY**

18 **SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE**
 19 **AGENCY’S CENTRAL SERVICES PROGRAM.**

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

22 (1) *by redesignating subparagraph (F) as sub-*
 23 *paragraph (G); and*

1 (2) *by inserting after subparagraph (E) the fol-*
2 *lowing new subparagraph:*

3 “(F) *Receipts from miscellaneous reimburse-*
4 *ments from individuals and receipts from the rental*
5 *of property and equipment to employees and*
6 *detailees.”.*

7 **SEC. 402. TECHNICAL CORRECTIONS.**

8 (a) *REPORTING REQUIREMENT.*—*Section 17(d)(1) of*
9 *the Central Intelligence Agency Act of 1949 (50 U.S.C.*
10 *403q(d)(1)) is amended—*

11 (1) *by adding “and” at the end of subparagraph*
12 *(D);*

13 (2) *by striking subparagraph (E); and*

14 (3) *by redesignating subparagraph (F) as sub-*
15 *paragraph (E).*

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

1 **TITLE V—DEPARTMENT OF DE-**
2 **FENSE INTELLIGENCE ACTIVI-**
3 **TIES**

4 **SEC. 501. THREE-YEAR EXTENSION OF AUTHORITY TO EN-**
5 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**
6 **RITY FOR INTELLIGENCE COLLECTION AC-**
7 **TIVITIES.**

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

11 **SEC. 502. CONTRACTING AUTHORITY FOR THE NATIONAL**
12 **RECONNAISSANCE OFFICE.**

13 *(a) IN GENERAL.—The National Reconnaissance Of-*
14 *fice (“NRO”) shall negotiate, write, and manage vehicle ac-*
15 *quisition or launch contracts that affect or bind the NRO*
16 *and to which the United States is a party.*

17 *(b) EFFECTIVE DATE.—This section shall apply to*
18 *any contract for NRO vehicle acquisition or launch, as de-*
19 *scribed in subsection (a), that is negotiated, written, or exe-*
20 *cuted after the date of the enactment of this Act.*

21 *(c) RETROACTIVITY.—This section shall not apply to*
22 *any contracts, as described in subsection (a), in effect as*
23 *of the date of the enactment of this Act.*

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106TH CONGRESS
12TH Session

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A BILL

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