

107TH CONGRESS
2^D SESSION

S. 2506

[Report No. 107-149]

To authorize appropriations for fiscal year 2003 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 SENATE OF THE UNITED STATES

MAY 13 (legislative day, MAY 9), 2002

Mr. GRAHAM, from the Select Committee on Intelligence, reported the following original bill; which was read twice and referred to the Committee on Armed Services, pursuant to section 3(b) of Senate Resolution 400, Ninety-fourth Congress, for a period not to exceed 30 days of session

A BILL

To authorize appropriations for fiscal year 2003 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 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 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. Incorporation of reporting requirements.

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. Definition of congressional intelligence committees in National Security Act of 1947.
- Sec. 304. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.
- Sec. 305. Modification of authority to make funds for intelligence activities available for other intelligence activities.
- Sec. 306. Clarification of authority to furnish information on intelligence activities to Congress.
- Sec. 307. Standardized transliteration of names into the Roman alphabet.
- Sec. 308. Standards and qualifications for the performance of intelligence activities.
- Sec. 309. Modification of David L. Boren National Security Education Program.
- Sec. 310. Scholarships and work-study for pursuit of graduate degrees in science and technology.
- Sec. 311. National Virtual Translation Center.
- Sec. 312. Foreign Terrorist Asset Tracking Center.
- Sec. 313. Terrorist Identification Classification System.
- Sec. 314. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.
- Sec. 315. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 316. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

TITLE IV—REPORTING REQUIREMENTS

Subtitle A—Submittal of Reports to Intelligence Committees

Sec. 401. Dates for submittal of various annual and semi-annual reports to the congressional intelligence committees.

Subtitle B—Recurring Annual Reports

- Sec. 411. Annual assessment of satisfaction of intelligence community with collection, analysis, and production of intelligence.
- Sec. 412. Annual report on threat of attack on the United States using weapons of mass destruction.
- Sec. 413. Annual report on covert leases.
- Sec. 414. Annual report on improvement of financial statements of certain elements of the intelligence community for auditing purposes.
- Sec. 415. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.
- Sec. 416. Annual reports of inspectors general of the intelligence community on proposed resources and activities of their offices.
- Sec. 417. Annual report on counterdrug intelligence matters.

Subtitle C—Other Reports

- Sec. 431. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters.

Subtitle D—Repeal of Certain Report Requirements

- Sec. 441. Repeal of certain report requirements.

TITLE V—COUNTERINTELLIGENCE ACTIVITIES

- Sec. 501. Short title; purpose.
- Sec. 502. National Counterintelligence Executive.
- Sec. 503. National Counterintelligence Policy Board.
- Sec. 504. Office of the National Counterintelligence Executive.

TITLE VI—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

- Sec. 601. Findings.
- Sec. 602. National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 603. Powers of Commission.
- Sec. 604. Staff of Commission.
- Sec. 605. Compensation and travel expenses.
- Sec. 606. Treatment of information relating to national security.
- Sec. 607. Final report; termination.
- Sec. 608. Assessments of final report.
- Sec. 609. Inapplicability of certain administrative provisions.
- Sec. 610. Funding.
- Sec. 611. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

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

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

(12) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated

1 under section 101, and the authorized personnel ceilings
2 as of September 30, 2003, for the conduct of the intel-
3 ligence and intelligence-related activities of the elements
4 listed in such section, are those specified in the classified
5 Schedule of Authorizations prepared to accompany the
6 conference report on the bill _____ of the One Hundred
7 Seventh Congress.

8 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
9 THORIZATIONS.—The Schedule of Authorizations shall be
10 made available to the Committees on Armed Services and
11 Appropriations of the Senate and House of Representa-
12 tives, to Members of Congress who so request, and to the
13 President. The President shall provide for suitable dis-
14 tribution of the Schedule, or of appropriate portions of the
15 Schedule, within the executive branch.

16 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

17 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
18 proval of the Director of the Office of Management and
19 Budget, the Director of Central Intelligence may authorize
20 employment of civilian personnel in excess of the number
21 authorized for fiscal year 2003 under section 102 when
22 the Director of Central Intelligence determines that such
23 action is necessary to the performance of important intel-
24 ligence functions, except that the number of personnel em-
25 ployed in excess of the number authorized under such sec-

1 tion may not, for any element of the intelligence commu-
2 nity, exceed 2 percent of the number of civilian personnel
3 authorized under such section for such element.

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

10 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
11 **COUNT.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated for the Community Manage-
14 ment Account of the Director of Central Intelligence for
15 fiscal year 2003 the sum of \$157,979,000. Within such
16 amount, funds identified in the classified Schedule of Au-
17 thorizations referred to in section 102(a) for advanced re-
18 search and development shall remain available until Sep-
19 tember 30, 2004.

20 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
21 ments within the Intelligence Community Management
22 Account of the Director of Central Intelligence are author-
23 ized 309 full-time personnel as of September 30, 2003.
24 Personnel serving in such elements may be permanent em-
25 ployees of the Intelligence Community Management Ac-

1 count or personnel detailed from other elements of the
2 United States Government.

3 (c) CLASSIFIED AUTHORIZATIONS.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—In
5 addition to amounts authorized to be appropriated
6 for the Intelligence Community Management Ac-
7 count by subsection (a), there are also authorized to
8 be appropriated for the Intelligence Community
9 Management Account for fiscal year 2003 such addi-
10 tional amounts as are specified in the classified
11 Schedule of Authorizations referred to in section
12 102(a). Such additional amounts for research and
13 development shall remain available until September
14 30, 2004.

15 (2) AUTHORIZATION OF PERSONNEL.—In addi-
16 tion to the personnel authorized by subsection (b)
17 for elements of the Intelligence Community Manage-
18 ment Account as of September 30, 2003, there are
19 hereby authorized such additional personnel for such
20 elements as of that date as are specified in the clas-
21 sified Schedule of Authorizations.

22 (d) REIMBURSEMENT.—Except as provided in section
23 113 of the National Security Act of 1947 (50 U.S.C.
24 404h), during fiscal year 2003 any officer or employee of
25 the United States or a member of the Armed Forces who

1 is detailed to the staff of the Intelligence Community Man-
2 agement Account from another element of the United
3 States Government shall be detailed on a reimbursable
4 basis, except that any such officer, employee, or member
5 may be detailed on a nonreimbursable basis for a period
6 of less than one year for the performance of temporary
7 functions as required by the Director of Central Intel-
8 ligence.

9 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

10 (1) IN GENERAL.—Of the amount authorized to
11 be appropriated in subsection (a), \$32,100,000 shall
12 be available for the National Drug Intelligence Cen-
13 ter. Within such amount, funds provided for re-
14 search, development, testing, and evaluation pur-
15 poses shall remain available until September 30,
16 2004, and funds provided for procurement purposes
17 shall remain available until September 30, 2005.

18 (2) TRANSFER OF FUNDS.—The Director of
19 Central Intelligence shall transfer to the Attorney
20 General funds available for the National Drug Intel-
21 ligence Center under paragraph (1). The Attorney
22 General shall utilize funds so transferred for the ac-
23 tivities of the National Drug Intelligence Center.

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

1 in contravention of the provisions of section
2 103(d)(1) of the National Security Act of 1947 (50
3 U.S.C. 403-3(d)(1)).

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

8 **SEC. 105. INCORPORATION OF REPORTING REQUIRE-**
9 **MENTS.**

10 (a) **IN GENERAL.**—Each requirement to submit a re-
11 port to the congressional intelligence committees that is
12 included in the joint explanatory statement to accompany
13 the conference report on the bill _____ of the One Hun-
14 dred Seventh Congress, in the classified annex to this Act,
15 in the report of the Senate to accompany the bill S. ____
16 of the 107th Congress, or in the report of the House of
17 Representatives to accompany the bill H.R. ____ is hereby
18 incorporated into this Act, and is hereby made a require-
19 ment in law.

20 (b) **SUBMITTAL DATE.**—The date for the submittal
21 to the congressional intelligence committees of any report
22 referred to in subsection (a), whether an annual report,
23 semiannual report, or non-recurring report, shall be as
24 provided for a report of that type in section 507 of the

1 National Security Act of 1947, as added by section 401
2 of this Act.

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
4 DEFINED.—In this section, the term “congressional intel-
5 ligence committees” means—

6 (1) the Select Committee on Intelligence of the
7 Senate; and

8 (2) the Permanent Select Committee on Intel-
9 ligence of the House of Representatives.

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

14 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated for the Cen-
16 tral Intelligence Agency Retirement and Disability Fund
17 for fiscal year 2003 the sum of \$223,300,000.

18 **TITLE III—GENERAL**
19 **PROVISIONS**

20 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
21 **BENEFITS AUTHORIZED BY LAW.**

22 Appropriations authorized by this Act for salary, pay,
23 retirement, and other benefits for Federal employees may
24 be increased by such additional or supplemental amounts

1 as may be necessary for increases in such compensation
2 or benefits authorized by law.

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

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

9 **SEC. 303. DEFINITION OF CONGRESSIONAL INTELLIGENCE**
10 **COMMITTEES IN NATIONAL SECURITY ACT**
11 **OF 1947.**

12 (a) IN GENERAL.—Section 3 of the National Security
13 Act of 1947 (50 U.S.C. 401a) is amended by adding at
14 the end the following new paragraph:

15 “(7) The term ‘congressional intelligence com-
16 mittees’ means—

17 “(A) the Select Committee on Intelligence
18 of the Senate; and

19 “(B) the Permanent Select Committee on
20 Intelligence of the House of Representatives.”.

21 (b) CONFORMING AMENDMENTS.—(1) That Act is
22 further amended by striking “Select Committee on Intel-
23 ligence of the Senate and the Permanent Select Committee
24 on Intelligence of the House of Representatives” and in-

1 serting “congressional intelligence committees” in each of
2 the following provisions:

3 (A) Section 104(d)(4) (50 U.S.C. 403–4(d)(4)).

4 (B) Section 603(a) (50 U.S.C. 423(a)).

5 (2) That Act is further amended by striking “Perma-
6 nent Select Committee on Intelligence of the House of
7 Representatives and the Select Committee on Intelligence
8 of the Senate” and inserting “congressional intelligence
9 committees” in each of the following provisions:

10 (A) Section 113(c) (50 U.S.C. 404h(c)).

11 (B) Section 301(j) (50 U.S.C. 409a(j)).

12 (C) Section 801(b)(2) (50 U.S.C. 435(b)(2)).

13 (D) Section 903 (50 U.S.C. 441b).

14 (3) That Act is further amended by striking “intel-
15 ligence committees” and inserting “congressional intel-
16 ligence committees” in each of the following provisions:

17 (A) Section 501 (50 U.S.C. 413).

18 (B) Section 502 (50 U.S.C. 413a).

19 (C) Section 503 (50 U.S.C. 413b).

20 (D) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

21 (4) Section 104(d)(5) of that Act (50 U.S.C. 403–
22 4(d)(5)) is amended by striking “Select Committee on In-
23 telligence of the Senate and to the Permanent Select Com-
24 mittee on Intelligence of the House of Representatives”
25 and inserting “congressional intelligence committees”.

1 (5) Section 105C(a)(3)(C) of that Act (50 U.S.C.
2 403–5c(a)(3)(C)) is amended—

3 (A) by striking clauses (i) and (ii) and inserting
4 the following new clause (i):

5 “(i) The congressional intelligence commit-
6 tees.”; and

7 (B) by redesignating clauses (iii), (iv), (v), and
8 (vi) as clauses (ii), (iii), (iv), and (v), respectively.

9 (6) Section 114 of that Act (50 U.S.C. 404i) is
10 amended by striking subsection (c) and inserting the fol-
11 lowing new subsection (c):

12 “(c) CONGRESSIONAL LEADERSHIP DEFINED.—In
13 this section, the term ‘congressional leadership’ means the
14 Speaker and the minority leader of the House of Rep-
15 resentatives and the majority leader and the minority lead-
16 er of the Senate.”.

17 (7) Section 501(a) of that Act (50 U.S.C. 413(a)),
18 as amended by paragraph (3) of this subsection, is further
19 amended—

20 (A) by striking paragraph (2); and

21 (B) by redesignating paragraph (3) as para-
22 graph (2).

23 (8) Section 503(c)(4) of that Act (50 U.S.C.
24 413b(c)(4)) is amended by striking “intelligence com-

1 mittee” and inserting “congressional intelligence com-
2 mittee”.

3 (9) Section 602(c) of that Act (50 U.S.C. 422(c)) is
4 amended by striking “the Select Committee on Intel-
5 ligence of the Senate or to the Permanent Select Com-
6 mittee on Intelligence of the House of Representatives”
7 and inserting “either congressional intelligence com-
8 mittee”.

9 (10) Section 701(c)(3) of that Act (50 U.S.C.
10 431(c)(3)) is amended by striking “intelligence commit-
11 tees of Congress” and inserting “congressional intelligence
12 committees”.

13 **SEC. 304. SPECIFICITY OF NATIONAL FOREIGN INTEL-**
14 **LIGENCE PROGRAM BUDGET AMOUNTS FOR**
15 **COUNTERTERRORISM,**
16 **COUNTERPROLIFERATION, COUNTER-**
17 **NARCOTICS, AND COUNTERINTELLIGENCE.**

18 (a) IN GENERAL.—Title V of the National Security
19 Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding
20 at the end the following new section:

21 “SPECIFICITY OF NATIONAL FOREIGN INTELLIGENCE
22 PROGRAM BUDGET AMOUNTS FOR
23 COUNTERTERRORISM, COUNTERPROLIFERATION,
24 COUNTERNARCOTICS, AND COUNTERINTELLIGENCE

25 “SEC. 506. (a) IN GENERAL.—The budget justifica-
26 tion materials submitted to Congress in support of the

1 budget of the President for a fiscal year that is submitted
 2 to Congress under section 1105(a) of title 31, United
 3 States Code, shall set forth separately the aggregate
 4 amount requested for that fiscal year for the National
 5 Foreign Intelligence Program for each of the following:

6 “(1) Counterterrorism.

7 “(2) Counterproliferation.

8 “(3) Counternarcotics.

9 “(4) Counterintelligence.

10 “(b) ELECTION OF CLASSIFIED OR UNCLASSIFIED
 11 FORM.—Amounts set forth under subsection (a) may be
 12 set forth in unclassified form or classified form, at the
 13 election of the Director of Central Intelligence.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 for that Act is amended by inserting after the item relat-
 16 ing to section 505 the following new item:

“Sec. 506. Specificity of National Foreign Intelligence Program budget
 amounts for counterterrorism, counterproliferation, counter-
 narcotics, and counterintelligence.”.

17 **SEC. 305. MODIFICATION OF AUTHORITY TO MAKE FUNDS**
 18 **FOR INTELLIGENCE ACTIVITIES AVAILABLE**
 19 **FOR OTHER INTELLIGENCE ACTIVITIES.**

20 (a) NATURE OF UNFORSEEN REQUIREMENTS.—Sec-
 21 tion 504(a) of the National Security Act of 1947 (50
 22 U.S.C. 414(a)) is amended—

23 (1) by redesignating paragraphs (1), (2), and
 24 (3) as subparagraphs (A), (B), and (C), respectively;

1 (2) in subparagraph (C), as so redesignated—

2 (A) by redesignating subparagraphs (A),
3 (B), and (C) as clauses (i), (ii), and (iii), re-
4 spectively; and

5 (B) by striking the semicolon at the end
6 and inserting a period;

7 (3) by inserting “(1)” after “(a)”;

8 (4) by striking “(4) nothing” and inserting “(2)
9 Nothing”;

10 (5) by indenting paragraph (2), as designated
11 by paragraph (4) of this section, two ems from the
12 left margin; and

13 (6) by adding at the end the following new
14 paragraph:

15 “(3) For purposes of paragraph (1)(C)(ii), an
16 unforseen requirement may not include a requirement
17 arising under statute or the request of a committee or
18 Member of Congress.”.

19 (b) CERTIFICATION REQUIREMENT FOR RE-
20 PROGRAMMING.—Paragraph (1)(C)(iii) of that section, as
21 redesignated by subsection (a) of this section, is further
22 amended by striking “has notified” and all that follows
23 and inserting “submits to the appropriate congressional
24 committees, before obligation of funds for such activity,

1 a certification that the requirements of clauses (i) and (ii)
2 are met with respect to such activity.”.

3 **SEC. 306. CLARIFICATION OF AUTHORITY TO FURNISH IN-**
4 **FORMATION ON INTELLIGENCE ACTIVITIES**
5 **TO CONGRESS.**

6 (a) IN GENERAL.—Title V of the National Security
7 Act of 1947 (50 U.S.C. 413 et seq.) is amended by insert-
8 ing after section 503 the following new section:

9 “AUTHORITY TO FURNISH INFORMATION ON
10 INTELLIGENCE ACTIVITIES TO CONGRESS

11 “SEC. 503A. Notwithstanding any other provision of
12 law, and consistent with the obligations of the Director
13 of Central Intelligence to protect intelligence sources and
14 methods, it shall not be unlawful for the Director, or a
15 designee of the Director, to furnish to the congressional
16 intelligence committees information in the possession of
17 an element of the intelligence community on intelligence
18 activities in furtherance of the reporting responsibilities
19 of such element under sections 501, 502, and 503 or any
20 other provision of law requiring the reporting of informa-
21 tion on intelligence activities to Congress.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for the National Security Act of 1947 is amended by in-
24 serting after the item relating to section 503 the following
25 new item:

“Sec. 503A. Authority to furnish information on intelligence activities to Congress.”.

1 **SEC. 307. STANDARDIZED TRANSLITERATION OF NAMES**
2 **INTO THE ROMAN ALPHABET.**

3 (a) METHOD OF TRANSLITERATION REQUIRED.—
4 Not later than 90 days after the date of the enactment
5 of this Act, the Director of Central Intelligence shall es-
6 tablish a standardized method for transliterating into the
7 Roman alphabet personal and place names originally ren-
8 dered in any language that uses an alphabet other than
9 the Roman alphabet.

10 (b) USE BY INTELLIGENCE COMMUNITY.—The Di-
11 rector shall ensure the use of the method established
12 under subsection (a) in—

13 (1) all communications among the elements of
14 the intelligence community; and

15 (2) all intelligence products of the intelligence
16 community.

17 **SEC. 308. STANDARDS AND QUALIFICATIONS FOR THE PER-**
18 **FORMANCE OF INTELLIGENCE ACTIVITIES.**

19 Section 104 of the National Security Act of 1947 (50
20 U.S.C. 403–4) is amended—

21 (1) by redesignating subsection (g) as sub-
22 section (h); and

23 (2) by inserting after subsection (f) the fol-
24 lowing new subsection (g):

1 “(g) STANDARDS AND QUALIFICATIONS FOR PER-
2 FORMANCE OF INTELLIGENCE ACTIVITIES.—The Direc-
3 tor, acting as the head of the intelligence community, shall
4 prescribe standards and qualifications for persons engaged
5 in the performance of intelligence activities within the in-
6 telligence community.”.

7 **SEC. 309. MODIFICATION OF DAVID L. BOREN NATIONAL**
8 **SECURITY EDUCATION PROGRAM.**

9 (a) TERMINATION OF SCHOLARSHIP PROGRAM.—
10 Paragraph (1) of subsection (a) of section 802 of the
11 David L. Boren National Security Education Act of 1991
12 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is
13 amended—

14 (1) by striking subparagraph (A); and
15 (2) by redesignating subparagraph (B) as sub-
16 paragraph (A).

17 (b) SUBSTITUTION OF NATIONAL FLAGSHIP LAN-
18 GUAGE INITIATIVE FOR GRANT PROGRAM.—That sub-
19 section is further amended—

20 (1) in paragraph (1), by striking subparagraph
21 (C) and inserting the following new subparagraph
22 (B):

23 “(B) carrying out activities under para-
24 graph (2) relating to proficiency in foreign lan-
25 guages.”;

1 (2) by striking paragraph (2);

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

4 (4) by inserting after paragraph (1) the fol-
5 lowing new paragraph (2):

6 “(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

7 “(A) IN GENERAL.—As part of the pro-
8 gram under paragraph (1), the Secretary shall,
9 in accordance with regulations prescribed by the
10 Secretary, carry out activities at institutions of
11 higher education, which activities shall be
12 designed—

13 “(i) to produce in professionals an ad-
14 vanced level of proficiency in foreign lan-
15 guages that the Board identifies under sec-
16 tion 803(d)(4) as critical to the national
17 security of the United States; and

18 “(ii) to permit undergraduate and
19 graduate students, and employees of the
20 United States Government, to undertake
21 studies to enhance their foreign language
22 proficiency.

23 “(B) PARTICIPATION BY FELLOWSHIP RE-
24 CIPIENTS.—Recipients of fellowships under

1 paragraph (1)(A) may participate in the activi-
2 ties carried out under this paragraph.

3 “(C) DESIGNATION OF ACTIVITIES.—The
4 activities carried out under this paragraph shall
5 be known as the ‘National Flagship Language
6 Initiative’.”.

7 (c) FUNDING ALLOCATION.—That subsection is fur-
8 ther amended by inserting after paragraph (2), as amend-
9 ed by subsection (b) of this section, the following new
10 paragraph (3):

11 “(3) FUNDING ALLOCATIONS.—Of the amount
12 available for obligation out of the Fund for any fis-
13 cal year, the Secretary shall allocate such amount in
14 a manner considered appropriate by the Secretary
15 for purposes of fellowships under paragraph (1)(A)
16 and carrying out activities under paragraph
17 (1)(B).”.

18 (d) CONFORMING AMENDMENTS.—(1) Section 802 of
19 that Act is further amended—

20 (A) in subsection (a)(5), as redesignated by
21 subsection (b)(3) of this section, by striking “schol-
22 arships, fellowships, and grants” and inserting “fel-
23 lowships, and the carrying out of activities,”;

24 (B) in subsection (b)—

1 (i) in the matter preceding paragraph

2 (1)—

3 (I) by striking “scholarship or”; and

4 (II) by striking “or any scholarship”;

5 and

6 (ii) by striking paragraph (2) and inserting

7 the following new paragraph (2):

8 “(2) shall, upon completion of such recipient’s
9 education under the program, and in accordance
10 with such regulations—

11 “(A) work in a national security position
12 for a period specified by the Secretary, which
13 period shall be not less than the period for
14 which the fellowship assistance was provided; or

15 “(B) if the recipient demonstrates to the
16 Secretary (in accordance with such regulations)
17 that no national security position is available
18 upon the completion of the degree, work in the
19 field of higher education in a discipline relating
20 to the foreign country, foreign language, area
21 study, counterproliferation study, or inter-
22 national field of study for which the fellowship
23 was awarded for a period specified by the Sec-
24 retary, which period shall be established in ac-
25 cordance with subparagraph (A); and”;

1 (C) in subsection (c)—

2 (i) by striking “scholarship or” each place
3 it appears; and

4 (ii) by striking “scholarships and”;

5 (D) in subsection (d)—

6 (i) by striking “scholarships, fellowships,
7 or grants” and inserting “fellowships, or for the
8 carrying out of activities,”; and

9 (ii) by striking “scholarships, fellowships,
10 or grants (as the case may be)” and inserting
11 “such fellowships or activities, as the case may
12 be,”;

13 (E) in subsection (e), by striking “scholarships,
14 fellowships, and grants” and inserting “fellowships,
15 and carry out activities,”;

16 (F) in subsection (f), by striking “grant, schol-
17 arship, or”; and

18 (G) in subsection (g)(1), by striking “or schol-
19 arship”.

20 (2) Section 803(d) of that Act (50 U.S.C. 1903(d))
21 is amended—

22 (A) in paragraph (1), by striking “scholarships,
23 fellowships, and grants” and inserting “fellowships,
24 and carrying out activities,”;

25 (B) in paragraph (3)—

1 (i) by striking “desiring scholarships or fel-
2 lowships, and institutions of higher education
3 desiring grants under this chapter” and insert-
4 ing “desiring fellowships under section
5 802(a)(1), and institutions of higher education
6 desiring to carry out activities under section
7 802(a)(2)”; and

8 (ii) by striking “scholarship or” each place
9 it appears;

10 (C) in paragraph (4)—

11 (i) by striking subparagraphs (A) and (C);

12 (ii) by redesignating subparagraphs (B)
13 and (D) as subparagraphs (A) and (C), respec-
14 tively;

15 (iii) in subparagraph (A), as so redesign-
16 ated, by striking “section 802(a)(1)(B)” and
17 inserting “section 802(a)(1)(A)”;

18 (iv) by inserting after subparagraph (A)
19 the following new subparagraph (B):

20 “(B) which foreign languages are critical
21 to the national security interests of the United
22 States for purposes of section 802(a)(2); and”;
23 and

24 (v) in subparagraph (C), as so redesign-
25 ated, by striking “scholarships or”;

1 (D) in paragraph (6), by striking “scholarship
2 recipients and”; and

3 (E) in paragraph (7), by striking “scholarship
4 or”.

5 (3) Section 804(b)(1) of that Act (50 U.S.C.
6 1904(b)(1)) is amended by striking “scholarships, fellow-
7 ships, and grants” and inserting “fellowships and carrying
8 out activities”.

9 (4) The heading for title VIII of the Intelligence Au-
10 thorization Act, Fiscal Year 1992 (Public Law 102–183)
11 is amended to read as follows:

12 **“TITLE VIII—NATIONAL SECU-**
13 **RITY FELLOWSHIPS AND**
14 **OTHER EDUCATIONAL SUP-**
15 **PORT”.**

16 (5) The heading of section 802 of that Act is amend-
17 ed to read as follows:

18 **“SEC. 802. PROGRAM OF FELLOWSHIPS AND OTHER EDU-**
19 **CATIONAL SUPPORT.”.**

20 (e) CONSTRUCTION OF AMENDMENTS.—Nothing in
21 the amendments to the David L. Boren National Security
22 Education Act of 1991 made by this section shall affect
23 the validity of any scholarship, fellowship, or grant made
24 or awarded under that Act before the date of the enact-
25 ment of this Act.

1 (f) REPORT ON CONVERSION OF FUNDING FROM
2 TRUST FUND TO ANNUAL APPROPRIATIONS.—(1) Not
3 later than 90 days after the date of the enactment of this
4 Act, the Secretary of Defense shall, in conjunction with
5 the Director of Central Intelligence, submit to the congres-
6 sional intelligence committees a report containing a pro-
7 posal for the conversion of the funding of the program
8 of fellowships and other educational support under the
9 David L. Boren National Security Education Act of 1991,
10 as amended by this section, from funding through the Na-
11 tional Security Education Trust Fund under section 804
12 of that Act to funding through appropriations.

13 (2) The proposal under paragraph (1) shall include
14 a recommendation for such legislation as the Secretary
15 and the Director consider appropriate to implement the
16 proposal.

17 (g) REPORT ON MODIFICATION OF NATIONAL FLAG-
18 SHIP LANGUAGE INITIATIVE BEFORE IMPLEMENTA-
19 TION.—If the Secretary, in conjunction with the Director,
20 proposes any modification of the National Flagship Lan-
21 guage Initiative under paragraph (2) of section 802(a) of
22 the David L. Boren National Security Education Act of
23 1991, as amended by subsection (c) of this section, be-
24 tween the date of the enactment of this Act and the date
25 of the implementation of the initiative, the Secretary and

1 the Director shall jointly submit to the congressional intel-
 2 ligence committees a report on the proposed modification.

3 (h) CONGRESSIONAL INTELLIGENCE COMMITTEES
 4 DEFINED.—In this section, the term “congressional intel-
 5 ligence committees” means—

6 (1) the Select Committee on Intelligence of the
 7 Senate; and

8 (2) the Permanent Select Committee on Intel-
 9 ligence of the House of Representatives.

10 **SEC. 310. SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT**
 11 **OF GRADUATE DEGREES IN SCIENCE AND**
 12 **TECHNOLOGY.**

13 (a) PROGRAM REQUIRED.—The National Security
 14 Act of 1947 is amended—

15 (1) by redesignating title X as title XI;

16 (2) by redesignating section 1001 as section
 17 1101; and

18 (3) by inserting after title IX the following new
 19 title X:

20 “TITLE X—EDUCATION IN SUPPORT OF
 21 NATIONAL INTELLIGENCE

22 “SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT OF
 23 GRADUATE DEGREES IN SCIENCE AND TECHNOLOGY

24 “SEC. 1001. (a) PROGRAM REQUIRED.—The Direc-
 25 tor of Central Intelligence shall carry out a program to

1 provide scholarships and work-study for individuals who
2 are pursuing graduate degrees in fields of study in science
3 and technology that are identified by the Director as ap-
4 propriate to meet the future needs of the intelligence com-
5 munity for qualified scientists and engineers.

6 “(b) ADMINISTRATION.—The Director shall admin-
7 ister the program through the Assistant Director of Cen-
8 tral Intelligence for Administration.

9 “(c) IDENTIFICATION OF FIELDS OF STUDY.—The
10 Director shall identify fields of study under subsection (a)
11 in consultation with the other heads of the elements of
12 the intelligence community.

13 “(d) ELIGIBILITY FOR PARTICIPATION.—An indi-
14 vidual eligible to participate in the program is any indi-
15 vidual who—

16 “(1) either—

17 “(A) is an employee of the intelligence
18 community; or

19 “(B) meets criteria for eligibility for em-
20 ployment in the intelligence community that are
21 established by the Director;

22 “(2) is accepted in a graduate degree program
23 in a field of study in science or technology identified
24 under subsection (a); and

1 “(3) is eligible for a security clearance at the
2 level of Secret or above.

3 “(e) REGULATIONS.—The Director shall prescribe
4 regulations for purposes of the administration of this sec-
5 tion.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for the National Security Act of 1947 is amended by strik-
8 ing the items relating to title X and section 1001 and in-
9 serting the following new items:

“TITLE X—EDUCATION IN SUPPORT OF NATIONAL
INTELLIGENCE

“Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in
science and technology.

“TITLE XI—OTHER PROVISIONS

“Sec. 1101. Applicability to United States intelligence activities of Federal laws
implementing international treaties and agreements.”.

10 **SEC. 311. NATIONAL VIRTUAL TRANSLATION CENTER.**

11 (a) ESTABLISHMENT.—The Director of Central Intel-
12 ligence, acting as the head of the intelligence community,
13 shall establish in the intelligence community an element
14 with the function of connecting the elements of the intel-
15 ligence community engaged in the acquisition, storage,
16 translation, or analysis of voice or data in digital form.

17 (b) DESIGNATION.—The element established under
18 subsection (a) shall be known as the National Virtual
19 Translation Center.

1 (c) ADMINISTRATIVE MATTERS.—(1) The Director
2 shall retain direct supervision and control over the element
3 established under subsection (a).

4 (2) The element established under subsection (a)
5 shall connect elements of the intelligence community uti-
6 lizing the most current available information technology
7 that is applicable to the function of the element.

8 (d) DEADLINE FOR ESTABLISHMENT.—The element
9 required by subsection (a) shall be established as soon as
10 practicable after the date of the enactment of this Act,
11 but not later than 90 days after that date.

12 **SEC. 312. FOREIGN TERRORIST ASSET TRACKING CENTER.**

13 (a) ESTABLISHMENT.—The Director of Central Intel-
14 ligence, acting as the head of the intelligence community,
15 shall establish in the Central Intelligence Agency an ele-
16 ment responsible for conducting all-source intelligence
17 analysis of information relating to the financial capabili-
18 ties, practices, and activities of individuals, groups, and
19 nations associated with international terrorism in their ac-
20 tivities relating to international terrorism.

21 (b) DESIGNATION.—The element established under
22 subsection (a) shall be known as the Foreign Terrorist
23 Asset Tracking Center.

24 (c) DEADLINE FOR ESTABLISHMENT.—The element
25 required by subsection (a) shall be established as soon as

1 practicable after the date of the enactment of this Act,
2 but not later than 90 days after that date.

3 **SEC. 313. TERRORIST IDENTIFICATION CLASSIFICATION**
4 **SYSTEM.**

5 (a) REQUIREMENT.—(1) The Director of Central In-
6 telligence, acting as head of the Intelligence Community,
7 shall—

8 (A) establish and maintain a list of individuals
9 who are known or suspected international terrorists,
10 and of organizations that are known or suspected
11 international terrorist organizations; and

12 (B) ensure that pertinent information on the
13 list is shared with the departments, agencies, and
14 organizations described by subsection (c).

15 (2) The list under paragraph (1), and the mecha-
16 nisms for sharing information on the list, shall be known
17 as the “Terrorist Identification Classification System”.

18 (b) ADMINISTRATION.—(1) The Director shall pre-
19 scribe requirements for the inclusion of an individual or
20 organization on the list required by subsection (a), and
21 for the deletion or omission from the list of an individual
22 or organization currently on the list.

23 (2) The Director shall ensure that the information
24 utilized to determine the inclusion, or deletion or omission,

1 of an individual or organization on or from the list is de-
2 rived from all-source intelligence.

3 (3) The Director shall ensure that the list is main-
4 tained in accordance with existing law and regulations
5 governing the collection, storage, and dissemination of in-
6 telligence concerning United States persons.

7 (c) INFORMATION SHARING.—Subject to section
8 103(c)(6) of the National Security Act of 1947 (50 U.S.C.
9 403–3(c)(6)), relating to the protection of intelligence
10 sources and methods, the Director shall provide for the
11 sharing of the list, and information on the list, with such
12 departments and agencies of the Federal Government,
13 State and local government agencies, and entities of for-
14 eign governments and international organizations as the
15 Director considers appropriate.

16 (d) REPORTING AND CERTIFICATION.—(1) The Di-
17 rector shall review on an annual basis the information pro-
18 vided by various departments and agencies for purposes
19 of the list under subsection (a) in order to determine
20 whether or not the information so provided is derived from
21 the widest possible range of intelligence available to such
22 departments and agencies.

23 (2) The Director shall, as a result of each review
24 under paragraph (1), certify whether or not the elements
25 of the intelligence community responsible for the collection

1 of intelligence related to the list have provided information
2 for purposes of the list that is derived from the widest
3 possible range of intelligence available to such department
4 and agencies.

5 (e) REPORT ON CRITERIA FOR INFORMATION SHAR-
6 ING.—(1) Not later than March 1, 2003, the Director
7 shall submit to the congressional intelligence committees
8 a report describing the criteria used to determine which
9 types of information on the list required by subsection (a)
10 are to be shared, and which types of information are not
11 to be shared, with various departments and agencies of
12 the Federal Government, State and local government
13 agencies, and entities of foreign governments and inter-
14 national organizations.

15 (2) The report shall include a description of the cir-
16 cumstances in which the Director has determined that
17 sharing information on the list with the departments and
18 agencies of the Federal Government, and of State and
19 local governments, described by subsection (e) would be
20 inappropriate due to the concerns addressed by section
21 103(e)(6) of the National Security Act of 1947, relating
22 to the protection of sources and methods, and any instance
23 in which the sharing on information on the list has been
24 inappropriate in light of such concerns.

1 (f) SYSTEM ADMINISTRATION REQUIREMENTS.—(1)

2 The Director shall, to the maximum extent practicable, en-
3 sure the interoperability of the Terrorist Identification
4 Classification System with relevant information systems of
5 the departments and agencies of the Federal Government,
6 and of State and local governments, described by sub-
7 section (c).

8 (2) The Director shall ensure that the System utilizes
9 technologies that are effective in aiding the identification
10 of individuals in the field.

11 (g) REPORT ON STATUS OF SYSTEM.—(1) Not later
12 than one year after the date of the enactment of this Act,
13 the Director shall, in consultation with the Director of
14 Homeland Security, submit to the congressional intel-
15 ligence committees a report on the status of the Terrorist
16 Identification Classification System. The report shall con-
17 tain a certification on the following:

18 (A) Whether or not the System contains the in-
19 telligence information necessary to facilitate the con-
20 tribution of the System to the domestic security of
21 the United States.

22 (B) Whether or not the departments and agen-
23 cies having access to the System have access in a
24 manner that permits such departments and agencies

1 to carry out appropriately their domestic security re-
2 sponsibilities.

3 (C) Whether or not the System is operating in
4 a manner that maximizes its contribution to the do-
5 mestic security of the United States.

6 (D) If a certification under subparagraph (A),
7 (B), or (C) is in the negative, the modifications or
8 enhancements of the System necessary to ensure a
9 future certification in the positive.

10 (2) The report shall be submitted in unclassified
11 form, but may include a classified annex.

12 (h) CONGRESSIONAL INTELLIGENCE COMMITTEES
13 DEFINED.—In this section, the term “congressional intel-
14 ligence committees” means—

15 (1) the Select Committee on Intelligence of the
16 Senate; and

17 (2) the Permanent Select Committee on Intel-
18 ligence of the House of Representatives.

19 **SEC. 314. ANNUAL REPORT ON FOREIGN COMPANIES IN-**
20 **VOLVED IN THE PROLIFERATION OF WEAP-**
21 **ONS OF MASS DESTRUCTION THAT RAISE**
22 **FUNDS IN THE UNITED STATES CAPITAL**
23 **MARKETS.**

24 (a) ANNUAL REPORT REQUIRED.—The Director of
25 Central Intelligence shall submit to the appropriate com-

1 mittees of Congress on an annual basis a report setting
2 forth each foreign company described in subsection (b)
3 that raised or attempted to raise funds in the United
4 States capital markets during the preceding year.

5 (b) COVERED FOREIGN COMPANIES.—A foreign com-
6 pany described in this subsection is any foreign company
7 determined by the Director to be engaged or involved in
8 the proliferation of weapons of mass destruction (including
9 nuclear, biological, or chemical weapons) or the means to
10 deliver such weapons.

11 (c) SUBMITTAL DATES.—(1) In the case of the ap-
12 propriate committees of Congress referred to in paragraph
13 (1) of subsection (e), the date each year for the submittal
14 of the report required by subsection (a) shall be the date
15 provided in section 507 of the National Security Act of
16 1947, as added by section 401 of this Act.

17 (2) In the case of the appropriate committees of Con-
18 gress referred to in paragraphs (2) and (3) of subsection
19 (e), the date each year for the submittal of the report re-
20 quired by subsection (a) shall be February 1 of such year.

21 (d) FORM OF REPORTS.—Each report under sub-
22 section (a) shall be submitted in unclassified form, but
23 may include a classified annex.

1 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Select Committee on Intelligence of the
5 Senate and the Permanent Select Committee on In-
6 telligence of the House of Representatives;

7 (2) the Committees on Armed Services, Bank-
8 ing, Housing, and Urban Affairs, and Governmental
9 Affairs of the Senate; and

10 (3) the Committees on Armed Services, Finan-
11 cial Services, and Government Reform of the House
12 of Representatives.

13 **SEC. 315. TWO-YEAR EXTENSION OF CENTRAL INTEL-**
14 **LIGENCE AGENCY VOLUNTARY SEPARATION**
15 **PAY ACT.**

16 Section 2(i) of the Central Intelligence Agency Vol-
17 untary Separation Pay Act (50 U.S.C. 403–4 note) is
18 amended—

19 (1) in subsection (f), by striking “September
20 30, 2003” and inserting “September 30, 2005”; and

21 (2) in subsection (i), by striking “in fiscal year
22 1998, 1999, 2000, 2001, 2002, or 2003” and insert-
23 ing “in fiscal years 1998 through 2005”.

1 **SEC. 316. ADDITIONAL ONE-YEAR SUSPENSION OF REORGA-**
 2 **NIZATION OF DIPLOMATIC TELECOMMUNI-**
 3 **CATIONS SERVICE PROGRAM OFFICE.**

4 Section 311 of the Intelligence Authorization Act for
 5 Fiscal Year 2002 (Public Law 107–108; 115 Stat. 1401;
 6 22 U.S.C. 7301 note) is amended by striking “October
 7 1, 2002” and inserting “October 1, 2003”.

8 **TITLE IV—REPORTING**
 9 **REQUIREMENTS**
 10 **Subtitle A—Submittal of Reports to**
 11 **Intelligence Committees**

12 **SEC. 401. DATES FOR SUBMITTAL OF VARIOUS ANNUAL**
 13 **AND SEMI-ANNUAL REPORTS TO THE CON-**
 14 **GRESSIONAL INTELLIGENCE COMMITTEES.**

15 (a) IN GENERAL.—(1) Title V of the National Secu-
 16 rity Act of 1947 (50 U.S.C. 413 et seq.), as amended by
 17 section 304 of this Act, is further amended by adding at
 18 the end the following new section:

19 “DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMI-
 20 ANNUAL REPORTS TO THE CONGRESSIONAL INTEL-
 21 LIGENCE COMMITTEES

22 “SEC. 507. (a) ANNUAL REPORTS.—The date for the
 23 submittal to the congressional intelligence committees of
 24 the following annual reports shall be the date each year
 25 provided in subsection (c)(1):

1 “(1) The annual report on the assessment of
2 the satisfaction of the intelligence community with
3 the collection, analysis, and production of intel-
4 ligence required by section 102(i).

5 “(2) The annual evaluation of the performance
6 and responsiveness of certain elements of the intel-
7 ligence community required by section 105(d).

8 “(3) The annual report on intelligence required
9 by section 109.

10 “(4) The annual report on the detail of intel-
11 ligence community personnel required by section
12 113.

13 “(5) The annual report on intelligence commu-
14 nity cooperation with Federal law enforcement agen-
15 cies required by section 114(a)(2).

16 “(6) The annual report on the safety and secu-
17 rity of Russian nuclear facilities and nuclear military
18 forces required by section 114(b).

19 “(7) The annual report on the threat of attack
20 on the United States from weapons of mass destruc-
21 tion required by section 114(c).

22 “(8) The annual report on covert leases re-
23 quired by section 114(d).

1 “(9) The annual report on improvements of the
2 financial statements of the intelligence community
3 for auditing purposes required by section 114A.

4 “(10) The annual report on the protection of
5 the identities of covert agents required by section
6 603.

7 “(11) The annual report on transfers of
8 amounts for acquisition of land by the Central Intel-
9 ligence Agency required by section 5(c)(2) of the
10 Central Intelligence Agency Act of 1949 (50 U.S.C.
11 403f(c)(2)).

12 “(12) The annual audit of the Central Intel-
13 ligence Agency central services program required by
14 section 21(g) of the Central Intelligence Agency Act
15 of 1949 (50 U.S.C. 403u(g)).

16 “(13) The annual report on the use of National
17 Security Agency personnel as special policemen re-
18 quired by section 11(a)(5) of the National Security
19 Agency Act of 1959 (50 U.S.C. 402 note).

20 “(14) The annual report of the Inspectors Gen-
21 erals of the intelligence community on proposed re-
22 sources and activities of their offices required by sec-
23 tion 8H(g) of the Inspector General Act of 1978.

1 “(15) The annual report on commercial activi-
2 ties as security for intelligence collection required by
3 section 437(c) of title 10, United States Code.

4 “(16) The annual report on expenditures for
5 postemployment assistance for terminated intel-
6 ligence employees required by section 1611(e)(2) of
7 title 10, United States Code.

8 “(17) The annual report on activities of per-
9 sonnel of the Federal Bureau of Investigation out-
10 side the United States required by section
11 540C(c)(2) of title 28, United States Code.

12 “(18) The annual update on foreign industrial
13 espionage required by section 809(b) of the Counter-
14 intelligence and Security Enhancements Act of 1994
15 (title VIII of Public Law 103–359; 50 U.S.C. App.
16 2170b(b)).

17 “(19) The annual report on coordination of
18 counterintelligence matters with the Federal Bureau
19 of Investigation required by section 811(c)(6) of the
20 Counterintelligence and Security Enhancements Act
21 of 1994 (50 U.S.C. 402a(c)(6)).

22 “(20) The annual report on intelligence activi-
23 ties of the People’s Republic of China required by
24 section 308(c) of the Intelligence Authorization Act

1 for Fiscal Year 1998 (Public Law 105–107; 50
2 U.S.C. 402a note).

3 “(21) The annual report on enhancing protec-
4 tion of national security at the Department of Jus-
5 tice required by section 606(b)(2)(B) of the Coun-
6 terintelligence Reform Act of 2000 (title VI of Pub-
7 lic Law 106–567).

8 “(22) The annual report on foreign companies
9 involved in the proliferation of weapons of mass de-
10 struction that raise funds in the United States cap-
11 ital markets required by section 314 of the Intel-
12 ligence Authorization Act for Fiscal Year 2003.

13 “(23) The annual report on counterdrug intel-
14 ligence matters required by section 417 of the Intel-
15 ligence Authorization Act for Fiscal Year 2003.

16 “(24) The annual report on certifications for
17 immunity in interdiction of aircraft engaged in illicit
18 drug trafficking required by section 1012(c)(2) of
19 the National Defense Authorization Act for Fiscal
20 Year 1995 (22 U.S.C. 2291–4(c)(2)).

21 “(25) The annual report on exceptions to con-
22 sumer disclosure requirements for national security
23 investigations under section 604(b)(4)(E) of the
24 Fair Credit Reporting Act (15 U.S.C.
25 1681b(b)(4)(E)).

1 “(26) The annual report on activities under the
2 David L. Boren National Security Education Act of
3 1991 (title VIII of Public Law 102–183; 50 U.S.C.
4 1901 et seq.) required by section 806(a) of that Act
5 (50 U.S.C. 1906(a)).

6 “(b) SEMI-ANNUAL REPORTS.—The dates for the
7 submittal to the congressional intelligence committees of
8 the following semi-annual reports shall be the dates each
9 year provided in subsection (c)(2):

10 “(1) The periodic reports on intelligence pro-
11 vided to the United Nations required by section
12 112(b)(3).

13 “(2) The semiannual reports on the Office of
14 the Inspector General of the Central Intelligence
15 Agency required by section 17(d)(1) of the Central
16 Intelligence Agency Act of 1949 (50 U.S.C.
17 403q(d)(1)).

18 “(3) The semiannual reports on decisions not to
19 prosecute certain violations of law under the Classi-
20 fied Information Procedures Act (5 U.S.C. App.) as
21 required by section 13(b) of that Act.

22 “(4) The semiannual reports on the acquisition
23 of technology relating to weapons of mass destruc-
24 tion and advanced chemical munitions required by
25 section 721(b) of the Combatting Proliferation of

1 Weapons of Mass Destruction Act of 1996 (title VII
2 of Public Law 104–293; 50 U.S.C. 2366(b)).

3 “(5) The semiannual reports on the activities of
4 the Diplomatic Telecommunications Service Program
5 Office (DTS–PO) required by section
6 322(a)(6)(D)(ii) of the Intelligence Authorization
7 Act for Fiscal Year 2001 (22 U.S.C.
8 7302(a)(6)(D)(ii)).

9 “(6) The semiannual reports on the disclosure
10 of information and consumer reports to the Federal
11 Bureau of Investigation for counterintelligence pur-
12 poses required by section 624(h)(2) of the Fair
13 Credit Reporting Act (15 U.S.C. 1681u(h)(2)).

14 “(7) The semiannual provision of information
15 on requests for financial information for foreign
16 counterintelligence purposes required by section
17 1114(a)(5)(C) of the Right to Financial Privacy Act
18 of 1978 (12 U.S.C. 3414(a)(5)(C)).

19 “(c) SUBMITTAL DATES FOR REPORTS.—(1) Except
20 as provided in subsection (d), each annual report listed
21 in subsection (a) shall be submitted not later than Feb-
22 ruary 1.

23 “(2) Except as provided in subsection (d), each semi-
24 annual report listed in subsection (b) shall be submitted
25 not later than February 1 and August 1.

1 “(d) POSTPONEMENT OF SUBMITTAL.—(1) Subject
2 to paragraph (3), the date for the submittal of an annual
3 report listed in subsection (a) may be postponed until
4 March 1, or the date of the submittal of a semiannual
5 report listed in subsection (b) may be postponed until
6 March 1 or September 1, as the case may be, if the official
7 required to submit such report submits to the congress-
8 sional intelligence committees a written notification of
9 such postponement.

10 “(2)(A) Notwithstanding any other provision of law
11 and subject to paragraph (3), the date for the submittal
12 to the congressional intelligence committees of any report
13 described in subparagraph (B) may be postponed by not
14 more than 30 days from the date otherwise specified in
15 the provision of law for the submittal of such report if
16 the official required to submit such report submits to the
17 congressional intelligence committees a written notifica-
18 tion of such postponement.

19 “(B) A report described in this subparagraph is any
20 report on intelligence or intelligence-related activities of
21 the United States Government that is submitted under a
22 provision of law requiring the submittal of only a single
23 report.

24 “(3)(A) The date for the submittal of a report whose
25 submittal is postponed under paragraph (1) or (2) may

1 be postponed beyond the time provided for the submittal
2 of such report under such paragraph if the official re-
3 quired to submit such report submits to the congressional
4 intelligence committees a written certification that prepa-
5 ration and submittal of such report at such time will im-
6 pede the work of officers or employees of the intelligence
7 community in a manner that will be detrimental to the
8 national security of the United States.

9 “(B) A certification with respect to a report under
10 subparagraph (A) shall include a proposed submittal date
11 for such report, and such report shall be submitted not
12 later than that date.

13 “(e) CONSTRUCTION.—The provisions of this section
14 shall not affect the date for the submittal of any report
15 covered by this section to a Member or committee of Con-
16 gress other than the congressional intelligence committees,
17 or to an official of the Executive branch.”

18 (2) The table of sections for the National Security
19 Act of 1947, as amended by section 304 of this Act, is
20 further amended by inserting after the item relating to
21 section 506 the following new item:

“Sec. 507. Dates for submittal of various annual and semi-annual reports to the
congressional intelligence committees.”

22 (b) REPORT OF GENERAL COUNSEL OF CIA ON EF-
23 FORTS TO ENSURE COMPLIANCE WITH REPORTING
24 DEADLINES.—(1) Not later than December 1, 2002, the

1 General Counsel of the Central Intelligence Agency shall
2 submit to the congressional intelligence committees a re-
3 port on the efforts of the Office of the General Counsel
4 of the Central Intelligence Agency to ensure compliance
5 by the elements of the intelligence community with the re-
6 quirements of section 507 of the National Security Act
7 of 1947, as added by subsection (a).

8 (c) CONFORMING AMENDMENTS TO EXISTING RE-
9 PORTING REQUIREMENTS.—

10 (1) NATIONAL SECURITY ACT OF 1947.—(A)

11 Subsection (d) of section 105 of the National Secu-
12 rity Act of 1947 (50 U.S.C. 403–5) is amended to
13 read as follows:

14 “(d) ANNUAL EVALUATION OF PERFORMANCE AND
15 RESPONSIVENESS OF CERTAIN ELEMENTS OF INTEL-
16 LIGENCE COMMUNITY.—(1) Not later each year than the
17 date provided in section 507, the Director shall submit to
18 the congressional intelligence committees the evaluation
19 described in paragraph (3).

20 “(2) The Director shall submit each year to the Com-
21 mittee on Foreign Intelligence of the National Security
22 Council, and to the Committees on Armed Services and
23 Appropriations of the Senate and House of Representa-
24 tives, the evaluation described in paragraph (3).

1 “(3) An evaluation described in this paragraph is an
2 evaluation of the performance and responsiveness of the
3 National Security Agency, the National Reconnaissance
4 Office, and the National Imagery and Mapping Agency in
5 meeting their respective national missions.

6 “(4) The Director shall submit each evaluation under
7 this subsection in consultation with the Secretary of De-
8 fense and the Chairman of the Joint Chiefs of Staff.”.

9 (B) Section 109 of that Act (50 U.S.C. 404d)
10 is amended—

11 (i) in subsection (a), by striking paragraph

12 (1) and inserting the following new paragraph

13 (1):

14 “(1)(A) Not later each year than the date provided
15 in section 507, the President shall submit to the congres-
16 sional intelligence committees a report on the require-
17 ments of the United States for intelligence and the activi-
18 ties of the intelligence community.

19 “(B) Not later than January 31 each year, and in-
20 cluded with the budget of the President for the next fiscal
21 year under section 1105(a) of title 31, United States
22 Code, the President shall submit to the appropriate con-
23 gressional committees the report described in subpara-
24 graph (A).”;

1 (ii) in subsection (c), as amended by sec-
2 tion 803(a) of the Intelligence Renewal and Re-
3 form Act of 1996 (title VIII of Public Law
4 104–293; 110 Stat. 3475)—

5 (I) in paragraph (1), by striking “The
6 Select Committee on Intelligence of the
7 Senate, the Committee on Appropriations,”
8 and inserting “The Committee on Appro-
9 priations”; and

10 (II) in paragraph (2), by striking
11 “The Permanent Select Committee on In-
12 telligence of the Senate, the Committee on
13 Appropriations,” and inserting “The Com-
14 mittee on Appropriations”; and

15 (iii) by striking subsection (c), as added by
16 section 304(a) of the Intelligence Authorization
17 Act for Fiscal Year 1994 (Public Law 103–178;
18 107 Stat. 2034).

19 (C) Section 112(b) of that Act (50 U.S.C.
20 404g(b)) is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(3) In the case of periodic reports required to be
23 submitted under the first sentence of paragraph (1) to the
24 congressional intelligence committees, the submittal dates
25 for such reports shall be as provided in section 507.”.

1 (D) Section 113(c) of that Act (50 U.S.C.
2 404h(e)) is amended by striking “Not later than”
3 and all that follows through “a report” and inserting
4 “Not later each year than the date provided in sec-
5 tion 507, the Director of Central Intelligence shall
6 submit to the congressional intelligence committees
7 an annual report”.

8 (E) Section 114 of that Act (50 U.S.C. 404i)
9 is amended—

10 (i) in subsection (a)—

11 (I) in paragraph (1), by striking “the
12 congressional intelligence committees and”;

13 (II) by redesignating paragraphs (2)
14 and (3) as paragraphs (3) and (4), respec-
15 tively; and

16 (III) by inserting after paragraph (1)
17 the following new paragraph (2):

18 “(2) Not later each year than the date provided in
19 section 507, the Director shall submit to the congressional
20 intelligence committees the report required to be sub-
21 mitted under paragraph (1) during the preceding year.”;

22 and

23 (ii) in subsection (b)(1), by striking “, on
24 an annual basis” and all that follows through
25 “leadership” and inserting “submit to the con-

1 gressional leadership on an annual basis, and to
2 the congressional intelligence committees on the
3 date each year provided in section 507.”.

4 (F) Section 603 of that Act (50 U.S.C. 423) is
5 amended—

6 (i) in subsection (a), by adding at the end
7 the following new sentence: “The date for the
8 submittal of the report shall be the date pro-
9 vided in section 507.”; and

10 (ii) in subsection (b), by striking the sec-
11 ond sentence.

12 (2) CENTRAL INTELLIGENCE AGENCY ACT OF
13 1949.—(A) Section 5(c)(2) of the Central Intelligence
14 Agency Act of 1949 (50 U.S.C. 403f(c)(2)) is
15 amended—

16 (i) by striking “The Director” and all that
17 follows through “an annual” and inserting
18 “Not later each year than the date provided in
19 section 507 of the National Security Act of
20 1947, the Director shall submit to the congres-
21 sional intelligence committees (as defined in
22 section 3 of that Act (50 U.S.C. 401a)) a”; and

23 (ii) by inserting “during the preceding
24 year” after “paragraph (1)”.

1 (B) Section 17(d)(1) of that Act (50 U.S.C.
2 403q(d)(1)) is amended in the second sentence by
3 striking “Within thirty days of receipt of such re-
4 ports,” and inserting “Not later than the dates each
5 year provided for the transmittal of such reports in
6 section 507 of the National Security Act of 1947,”.

7 (C) Section 21(g) of that Act (50 U.S.C.
8 403u(g)) is amended by striking paragraph (3) and
9 inserting the following new paragraphs:

10 “(3) Not later than 30 days after the completion of
11 an audit under paragraph (1), the Inspector General shall
12 submit a copy of the audit to the Director of the Office
13 of Management and Budget and the Director of Central
14 Intelligence.

15 “(4) Not later each year than the date provided in
16 section 507 of the National Security Act of 1947, the In-
17 specter General shall submit to the congressional intel-
18 ligence committees (as defined in section 3 of that Act
19 (50 U.S.C. 401a)) a copy of the audit completed under
20 paragraph (1) during the preceding year.”.

21 (3) NATIONAL SECURITY AGENCY ACT OF
22 1959.—Section 11(a)(5) of the National Security
23 Agency Act of 1959 (50 U.S.C. 402 note) is amend-
24 ed by striking “Not later than” and all that follows
25 through “the Senate” and inserting “Not later each

1 year than the date provided in section 507 of the
2 National Security Act of 1947, the Director shall
3 submit to the congressional intelligence committees
4 (as defined in section 3 of that Act (50 U.S.C.
5 401a)) a report”.

6 (4) CLASSIFIED INFORMATION PROCEDURES
7 ACT.—Section 13 of the Classified Information Pro-
8 cedures Act (5 U.S.C. App.) is amended—

9 (A) by redesignating subsection (b) as sub-
10 section (c); and

11 (B) by inserting after subsection (a) the
12 following new subsection (b):

13 “(b) In the case of the semiannual reports (whether
14 oral or written) required to be submitted under subsection
15 (a) to the Permanent Select Committee on Intelligence of
16 the House of Representatives and the Select Committee
17 on Intelligence of the Senate, the submittal dates for such
18 reports shall be as provided in section 507 of the National
19 Security Act of 1947.”.

20 (5) TITLE 10, UNITED STATES CODE.—(A) Sec-
21 tion 437 of title 10, United States Code, is
22 amended—

23 (i) in subsection (e), by striking “Not later
24 than” and all that follows through “of Con-
25 gress” and inserting “Not later each year than

1 the date provided in section 507 of the National
2 Security Act of 1947, the Secretary shall sub-
3 mit to the congressional intelligence committees
4 (as defined in section 3 of that Act (50 U.S.C.
5 401a))”; and

6 (ii) by striking subsection (d).

7 (B) Section 1611(e) of that title is amended—

8 (i) in paragraph (1), by striking “para-
9 graph (2)” and inserting “paragraph (3)”;

10 (ii) by redesignating paragraph (2) as
11 paragraph (3); and

12 (iii) by inserting after paragraph (1) the
13 following new paragraph (2):

14 “(2) In the case of a report required to be submitted
15 under paragraph (1) to the Permanent Select Committee
16 on Intelligence of the Senate and the Select Committee
17 on Intelligence of the House of Representatives, the date
18 for the submittal of such report shall be as provided in
19 section 507 of the National Security Act of 1947.”.

20 (6) INTELLIGENCE AUTHORIZATION ACTS.—(A)

21 Section 809 of the Counterintelligence and Security
22 Enhancements Act of 1994 (title VIII of Public Law
23 103–359; 108 Stat. 3454; 50 U.S.C. 2170b) is
24 amended—

1 (i) by striking subsection (b) and inserting
2 the following new subsection (b):

3 “(b) ANNUAL UPDATE.—

4 “(1) SUBMITTAL TO CONGRESSIONAL INTEL-
5 LIGENCE COMMITTEES.—Not later each year than
6 the date provided in section 507 of the National Se-
7 curity Act of 1947, the President shall submit to the
8 congressional intelligence committees a report updat-
9 ing the information referred to in subsection
10 (a)(1)(D).

11 “(2) SUBMITTAL TO CONGRESSIONAL LEADER-
12 SHIP.—Not later than April 14 each year, the Presi-
13 dent shall submit to the congressional leadership a
14 report updating the information referred to in sub-
15 section (a)(1)(D).

16 “(3) DEFINITIONS.—In this subsection:

17 “(A) CONGRESSIONAL INTELLIGENCE COM-
18 MITTEES.—The term ‘congressional intelligence
19 committees’ has the meaning given that term in
20 section 3 of the National Security Act of 1947
21 (50 U.S.C. 401a).

22 “(B) CONGRESSIONAL LEADERSHIP.—The
23 term ‘congressional leadership’ means the
24 Speaker and the minority leader of the House

1 of Representatives and the majority leader and
2 the minority leader of the Senate.”; and

3 (ii) by redesignating subsection (e) as sub-
4 section (d).

5 (B) Paragraph (6) of section 811(c) of that Act
6 (50 U.S.C. 402a(c)) is amended to read as follows:

7 “(6)(A) Not later each year than the date provided
8 in section 507 of the National Security Act of 1947, the
9 Director of the Federal Bureau of Investigation shall sub-
10 mit to the congressional intelligence committees (as de-
11 fined in section 3 of that Act (50 U.S.C. 401a)) a report
12 with respect to compliance with paragraphs (1) and (2)
13 during the previous calendar year.

14 “(B) Not later than February 1 each year, the Direc-
15 tor shall, in accordance with applicable security proce-
16 dures, submit to the Committees on the Judiciary of the
17 Senate and House of Representatives a report with respect
18 to compliance with paragraphs (1) and (2) during the pre-
19 vious calendar year.

20 “(C) The Director of the Federal Bureau of Inves-
21 tigation shall submit each report under this paragraph in
22 consultation with the Director of Central Intelligence and
23 the Secretary of Defense.”.

24 (C) Section 721 of the Combatting Proliferation
25 of Weapons of Mass Destruction Act of 1996 (title

1 VII of Public Law 104–293; 110 Stat. 3474; 50
2 U.S.C. 236) is amended—

3 (i) in subsection (a), by striking “Not later
4 than” and all that follows through “the Direc-
5 tor” and inserting “The Director”;

6 (ii) by redesignating subsection (b) as sub-
7 section (c);

8 (iii) by inserting after subsection (a) the
9 following new subsection (b):

10 “(b) SUBMITTAL DATES.—(1) The report required by
11 subsection (a) shall be submitted each year to the congres-
12 sional intelligence committees on a semiannual basis on
13 the dates provided in section 507 of the National Security
14 Act of 1947.

15 “(2) The report required by subsection (a) shall be
16 submitted each year to the congressional leadership on
17 April 11 and October 11 of such year.

18 “(3) In this subsection:

19 “(A) The term ‘congressional intelligence com-
20 mittees’ has the meaning given that term in section
21 3 of the National Security Act of 1947 (50 U.S.C.
22 401a).

23 “(B) The term ‘congressional leadership’ means
24 the Speaker and the minority leader of the House of

1 Representatives and the majority leader and the mi-
2 nority leader of the Senate.”; and

3 (iv) in subsection (c), as so redesignated,
4 by striking “The reports” and inserting “Each
5 report”.

6 (D) Section 308 of the Intelligence Authoriza-
7 tion Act for Fiscal Year 1998 (Public Law 105–107;
8 111 Stat. 2253; 50 U.S.C. 402a note) is amended—

9 (i) in subsection (a)—

10 (I) by striking “Not later than” and
11 all that follows through “the Director of
12 Central Intelligence” and inserting “The
13 Director of Central Intelligence”; and

14 (II) by inserting “on an annual basis”
15 after “to Congress”; and

16 (ii) by adding at the end the end the fol-
17 lowing new subsection (c):

18 “(c) SUBMITTAL DATE OF REPORT TO LEADERSHIP
19 OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—The
20 date each year for the submittal to the Chairman and
21 Ranking Member of the Permanent Select Committee on
22 Intelligence of the House of Representatives and the
23 Chairman and Ranking Member of the Select Committee
24 on Intelligence of the Senate of the report required by sub-

1 section (a) shall be the date provided in section 507 of
2 the National Security Act of 1947.”.

3 (E) Section 322(a)(6)(D) of the Intelligence
4 Authorization Act for Fiscal Year 2001 (Public Law
5 105–567; 114 Stat. 2844; 22 U.S.C. 7302(a)(6)(D))
6 is amended—

7 (i) in clause (i), by striking “Beginning
8 on” and inserting “Except as provided in clause
9 (ii), beginning on”;

10 (ii) by redesignating clause (ii) as clause
11 (iii);

12 (iii) by inserting after clause (i) the fol-
13 lowing new clause (ii):

14 “(ii) SUBMITTAL DATE OF REPORTS TO
15 CONGRESSIONAL INTELLIGENCE COMMIT-
16 TEES.—In the case of reports required to be
17 submitted under clause (i) to the congressional
18 intelligence committees (as defined in section 3
19 of the National Security Act of 1947 (50
20 U.S.C. 401a)), the submittal dates for such re-
21 ports shall be as provided in section 507 of that
22 Act.”; and

23 (iv) in clause (iii), as so redesignated, by
24 striking “report” and inserting “reports”.

1 (F) Section 606(b)(2) of the Counterintelligence
2 Reform Act of 2000 (title VI of Public Law 106–
3 567; 114 Stat. 2854) is amended—

4 (i) in subparagraph (A), by striking “sub-
5 paragraph (B)” and inserting “subparagraph
6 (C)”;

7 (ii) by redesignating subparagraph (B) as
8 subparagraph (C); and

9 (iii) by inserting after subparagraph (A)
10 the following new subparagraph (B):

11 “(B) In the case of a report required to be submitted
12 under subparagraph (A) to the congressional intelligence
13 committees (as defined in section 3 of the National Secu-
14 rity Act of 1947 (50 U.S.C. 401a)), the submittal date
15 for such report shall be as provided in section 507 of that
16 Act.”.

17 (7) PUBLIC LAW 103–337.—Section 1012(c) of
18 the National Defense Authorization Act for Fiscal
19 Year 1995 (22 U.S.C. 2291–4(c)) is amended—

20 (A) in paragraph (1), by striking “Not
21 later than” and inserting “Except as provided
22 in paragraph (2), not later than”;

23 (B) by redesignating paragraph (2) as
24 paragraph (3); and

1 (C) by inserting after paragraph (1) the
2 following new paragraph (2):

3 “(2) In the case of a report required to be submitted
4 under paragraph (1) to the congressional intelligence com-
5 mittees (as defined in section 3 of the National Security
6 Act of 1947 (50 U.S.C. 401a)), the submittal date for
7 such report shall be as provided in section 507 of that
8 Act.”.

9 (8) DAVID L. BOREN NATIONAL SECURITY EDU-
10 CATION ACT OF 1991.—The David L. Boren National
11 Security Education Act of 1991 (title VIII of Public
12 Law 102–183; 50 U.S.C. 1901 et seq.) is
13 amended—

14 (A) in section 806(a) (50 U.S.C.
15 1906(a))—

16 (i) by inserting “(1)” before “The
17 Secretary”;

18 (ii) in paragraph (1), as so des-
19 ignated, by striking “the Congress” and
20 inserting “the congressional intelligence
21 committees”;

22 (iii) by designating the second sen-
23 tence as paragraph (2) and indenting the
24 left margin of such paragraph, as so des-
25 ignated, two ems;

1 (iv) in paragraph (2), as so des-
2 ignated, by inserting “submitted to the
3 President” after “The report”; and

4 (v) by adding at the end the following
5 new paragraph (3):

6 “(3) The report submitted to the congressional intel-
7 ligence committees shall be submitted on the date provided
8 in section 507 of the National Security Act of 1947.”; and

9 (B) in section 808 (50 U.S.C. 1908), by
10 adding at the end the following new paragraph
11 (5):

12 “(5) The term ‘congressional intelligence com-
13 mittees’ means—

14 “(A) the Select Committee on Intelligence
15 of the Senate; and

16 “(B) the Permanent Select Committee on
17 Intelligence of the House of Representatives.”.

18 (9) FAIR CREDIT REPORTING ACT.—(A) Section
19 604(b)(4) of the Fair Credit Reporting Act (15
20 U.S.C. 1681b(b)(4)) is amended—

21 (i) in subparagraph (D), by striking “Not
22 later than” and inserting “Except as provided
23 in subparagraph (E), not later than”;

24 (ii) by redesignating subparagraph (E) as
25 subparagraph (F); and

1 (iii) by inserting after subparagraph (D)
2 the following new subparagraph (E):

3 “(E) REPORTS TO CONGRESSIONAL INTEL-
4 LIGENCE COMMITTEES.—In the case of a report
5 to be submitted under subparagraph (D) to the
6 congressional intelligence committees (as de-
7 fined in section 3 of the National Security Act
8 of 1947 (50 U.S.C. 401a)), the submittal date
9 for such report shall be as provided in section
10 507 of that Act.”.

11 (B) Section 624(h) of that Act (15 U.S.C.
12 1681u(h)) is amended—

13 (i) by inserting “(1)” before “On a semi-
14 annual basis,”; and

15 (ii) by adding at the end the following new
16 paragraph:

17 “(2) In the case of the semiannual reports required
18 to be submitted under paragraph (1) to the Permanent
19 Select Committee on Intelligence of the House of Rep-
20 resentatives and the Select Committee on Intelligence of
21 the Senate, the submittal dates for such reports shall be
22 as provided in section 507 of the National Security Act
23 of 1947.”.

24 (10) RIGHT TO FINANCIAL PRIVACY ACT OF
25 1978.—Section 1114(a)(5)(C) of the Right to Finan-

1 cial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C))
2 is amended by striking “On a semiannual” and all
3 that follows through “the Senate” and inserting “On
4 the dates provided in section 507 of the National Se-
5 curity Act of 1947, the Attorney General shall fully
6 inform the congressional intelligence committees (as
7 defined in section 3 of that Act (50 U.S.C. 401a))”.

8 **Subtitle B—Recurring Annual** 9 **Reports**

10 **SEC. 411. ANNUAL ASSESSMENT OF SATISFACTION OF IN-** 11 **TELLIGENCE COMMUNITY WITH COLLEC-** 12 **TION, ANALYSIS, AND PRODUCTION OF IN-** 13 **TELLIGENCE.**

14 Section 102 of the National Security Act of 1947 (50
15 U.S.C. 403) is amended by adding at the end the following
16 new subsection:

17 “(i) ANNUAL ASSESSMENT OF SATISFACTION OF IN-
18 TELLIGENCE COMMUNITY WITH COLLECTION, ANALYSIS,
19 AND PRODUCTION OF INTELLIGENCE.—(1) The Assistant
20 Director of Central Intelligence for Collection and the As-
21 sistant Director of Central Intelligence for Analysis and
22 Production shall conduct each year a comprehensive re-
23 view of the satisfaction of the elements of the intelligence
24 community with the collection, analysis, and production of
25 intelligence during the preceding year.

1 “(2) Each review for a year under paragraph (1)
2 shall include—

3 “(A) an evaluation of the effectiveness of the
4 intelligence collection, analysis, and production pro-
5 grams of the intelligence community in such year in
6 meeting the requirements of the intelligence commu-
7 nity for intelligence, including whether or not gaps
8 exist in such programs; and

9 “(B) an assessment of the allocation of re-
10 sources for the collection, analysis, and production of
11 intelligence in such year to determine whether or not
12 an alternative allocation of such resources would bet-
13 ter meet the requirements of the intelligence commu-
14 nity for intelligence.

15 “(3) The Assistant Directors shall jointly submit to
16 the Director of Central Intelligence a report on each re-
17 view conducted under paragraph (1). Each report shall—

18 “(A) set forth the results of the evaluation and
19 assessment under paragraph (2);

20 “(B) describe any significant successes or fail-
21 ures in the collection, analysis, or production of in-
22 telligence in the year covered by such report; and

23 “(C) include any recommendations regarding
24 the collection, analysis, or production of intelligence
25 that the Assistant Directors consider appropriate.

1 “(4) The Director of Central Intelligence shall trans-
2 mit to the congressional intelligence committees each re-
3 port submitted under paragraph (3). The Director shall
4 include in the transmittal of such report any comments
5 and recommendations regarding such report that the Di-
6 rector considers appropriate.

7 “(5) The submittal date for a report under paragraph
8 (4) each year shall be the date provided in section 507.”.

9 **SEC. 412. ANNUAL REPORT ON THREAT OF ATTACK ON THE**
10 **UNITED STATES USING WEAPONS OF MASS**
11 **DESTRUCTION.**

12 Section 114 of the National Security Act of 1947,
13 as amended by section 303(b)(6) of this Act, is further
14 amended—

15 (1) by redesignating subsection (c) as sub-
16 section (d); and

17 (2) by inserting after subsection (b) the fol-
18 lowing new subsection (c):

19 “(c) **ANNUAL REPORT ON THREAT OF ATTACK ON**
20 **THE UNITED STATES USING WEAPONS OF MASS DE-**
21 **STRUCTION.—**(1) Not later each year than the date pro-
22 vided in section 507, the Director shall submit to the con-
23 gressional intelligence committees a report assessing the
24 following:

1 “(A) The current threat of attack on the
2 United States using ballistic missiles or cruise mis-
3 siles.

4 “(B) The current threat of attack on the
5 United States using a chemical, biological, or nu-
6 clear weapon delivered by a system other than a bal-
7 listic missile or cruise missile.

8 “(2) Each report under paragraph (1) shall be a na-
9 tional intelligence estimate, or have the formality of a na-
10 tional intelligence estimate.”.

11 **SEC. 413. ANNUAL REPORT ON COVERT LEASES.**

12 Section 114 of the National Security Act of 1947,
13 as amended by section 412 of this Act, is further
14 amended—

15 (1) by redesignating subsection (d) as sub-
16 section (e); and

17 (2) by inserting after subsection (e) the fol-
18 lowing new subsection (d):

19 “(d) ANNUAL REPORT ON COVERT LEASES.—(1)
20 Not later each year than the date provided in section 507,
21 the Director shall submit to the congressional intelligence
22 committees a report on each covert lease of an element
23 of the intelligence community that is in force as of the
24 end of the preceding year.

1 “(2) Each report under paragraph (1) shall include
2 the following:

3 “(A) A list of each lease described by that para-
4 graph.

5 “(B) For each lease—

6 “(i) the cost of such lease;

7 “(ii) the duration of such lease;

8 “(iii) the purpose of such lease; and

9 “(iv) the directorate or office that controls
10 such lease.”.

11 **SEC. 414. ANNUAL REPORT ON IMPROVEMENT OF FINAN-**
12 **CIAL STATEMENTS OF CERTAIN ELEMENTS**
13 **OF THE INTELLIGENCE COMMUNITY FOR AU-**
14 **DITING PURPOSES.**

15 (a) IN GENERAL.—Title I of the National Security
16 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-
17 ing after section 114 the following new section:

18 “ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL
19 STATEMENTS FOR AUDITING PURPOSES

20 “SEC. 114A. Not later each year than the date pro-
21 vided in section 507, the Director of Central Intelligence,
22 Director of the National Security Agency, Director of the
23 Defense Intelligence Agency, and Director of the National
24 Imagery and Mapping Agency shall each submit to the
25 congressional intelligence committees a report describing
26 the activities being undertaken by such official to ensure

1 that the financial statements of such agency can be au-
 2 dited in accordance with applicable law and requirements
 3 of the Office of Management and Budget.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 for the National Security Act of 1947 is amended by in-
 6 serting after the item relating to section 114 the following
 7 new item:

“Sec. 114A. Annual report on improvement of financial statements for auditing
 purposes.”.

8 **SEC. 415. ANNUAL REPORT ON ACTIVITIES OF FEDERAL BU-**
 9 **REAU OF INVESTIGATION PERSONNEL OUT-**
 10 **SIDE THE UNITED STATES.**

11 (a) ANNUAL REPORT.—Chapter 33 of title 28,
 12 United States Code, is amended by adding at the end the
 13 following new section:

14 **“§ 540C. Annual report on activities of Federal Bu-**
 15 **reau of Investigation personnel outside**
 16 **the United States**

17 “(a) The Director of the Federal Bureau of Inves-
 18 tigation shall submit to the appropriate committees of
 19 Congress each year a report on the activities of personnel
 20 of the Federal Bureau of Investigation outside the United
 21 States.

22 “(b) The report under subsection (a) shall include the
 23 following:

1 “(1) For the year preceding the year in which
2 the report is required to be submitted—

3 “(A) the number of personnel of the Bu-
4 reau posted or detailed outside the United
5 States during the year;

6 “(B) a description of the coordination of
7 the investigations, asset handling, liaison, and
8 operational activities of the Bureau during the
9 year with other elements of the intelligence
10 community; and

11 “(C) a description of the extent to which
12 information derived from activities described in
13 subparagraph (B) was shared with other ele-
14 ments of the intelligence community.

15 “(2) For the year in which the report is re-
16 quired to be submitted—

17 “(A) a description of the plans, if any, of
18 the Director—

19 “(i) to modify the number of per-
20 sonnel of the Bureau posted or detailed
21 outside the United States; or

22 “(ii) to modify the scope of the activi-
23 ties of personnel of the Bureau posted or
24 detailed outside the United States; and

1 “(B) a description of the manner and ex-
2 tent to which information derived from activi-
3 ties of the Bureau described in paragraph
4 (1)(B) during the year will be shared with other
5 elements of the intelligence community.

6 “(c)(1) In the case of the committees of Congress
7 specified in subsection (d)(1), the date of the submittal
8 each year of the report required by subsection (a) shall
9 be February 1 of such year.

10 “(2) In the case of the committees of Congress speci-
11 fied in subsection (d)(2), the date of the submittal each
12 year of the report required by subsection (a) shall be the
13 date provided in section 507 of the National Security Act
14 of 1947.

15 “(d) In this section, the term ‘appropriate committees
16 of Congress’ means—

17 “(1) the Committees on the Judiciary of the
18 Senate and House of Representatives; and

19 “(2) the congressional intelligence committees
20 (as defined in section 3 of the National Security Act
21 of 1947 (50 U.S.C. 401a)).”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 33 of that title is amended
24 by inserting after the item relating to section 540B the
25 following new item:

“540C. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.”.

1 **SEC. 416. ANNUAL REPORTS OF INSPECTORS GENERAL OF**
2 **THE INTELLIGENCE COMMUNITY ON PRO-**
3 **POSED RESOURCES AND ACTIVITIES OF**
4 **THEIR OFFICES.**

5 Section 8H of the Inspector General Act of 1978 (5
6 U.S.C. App.) is amended—

7 (1) in subsection (f), by striking “this section”
8 and inserting “subsections (a) through (e)”;

9 (2) by redesignating subsection (g) as sub-
10 section (h); and

11 (3) by inserting after subsection (f) the fol-
12 lowing new subsection (g):

13 “(g)(1) The Inspector General of the Defense Intel-
14 ligence Agency, the National Imagery and Mapping Agen-
15 cy, the National Reconnaissance Office, and the National
16 Security Agency shall each submit to the congressional in-
17 telligence committees each year a report that sets forth
18 the following:

19 “(A) The personnel and funds requested by
20 such Inspector General for the fiscal year beginning
21 in such year for the activities of the office of such
22 Inspector General in such fiscal year.

23 “(B) The plan of such Inspector General for
24 such activities, including the programs and activities

1 scheduled for review by the office of such Inspector
2 General during such fiscal year.

3 “(C) An assessment of the current ability of
4 such Inspector General to hire and retain qualified
5 personnel for the office of such Inspector General.

6 “(D) Any matters that such Inspector General
7 considers appropriate regarding the independence
8 and effectiveness of the office of such Inspector Gen-
9 eral.

10 “(2) The submittal date for a report under paragraph
11 (1) each year shall be the date provided in section 507
12 of the National Security Act of 1947.

13 “(3) In this subsection, the term ‘congressional intel-
14 ligence committees’ shall have the meaning given that
15 term in section 3 of the National Security Act of 1947
16 (50 U.S.C. 401a).”.

17 **SEC. 417. ANNUAL REPORT ON COUNTERDRUG INTEL-**
18 **LIGENCE MATTERS.**

19 (a) ANNUAL REPORT.—The Counterdrug Intelligence
20 Coordinating Group shall submit to the appropriate com-
21 mittees of Congress each year a report on current
22 counterdrug intelligence matters. The report shall include
23 the recommendations of the Counterdrug Intelligence Co-
24 ordinating Group on the appropriate number of perma-

1 nent staff, and of detailed personnel, for the staff of the
2 Counterdrug Intelligence Executive Secretariat.

3 (b) SUBMITTAL DATE.—(1) In the case of the com-
4 mittees of Congress specified in subsection (c)(1), the date
5 of the submittal each year of the report required by sub-
6 section (a) shall be February 1 of such year.

7 (2) In the case of the committees of Congress speci-
8 fied in subsection (c)(2), the date of the submittal each
9 year of the report required by subsection (a) shall be the
10 date provided in section 507 of the National Security Act
11 of 1947, as added by section 401 of this Act.

12 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committees on Appropriations of the
16 Senate and House of Representatives; and

17 (2) the congressional intelligence committees
18 (as defined in section 3 of the National Security Act
19 of 1947 (50 U.S.C. 401a)).

1 **Subtitle C—Other Reports**

2 **SEC. 431. EVALUATION OF POLICIES AND PROCEDURES OF**
3 **DEPARTMENT OF STATE ON PROTECTION OF**
4 **CLASSIFIED INFORMATION AT DEPARTMENT**
5 **HEADQUARTERS.**

6 (a) **EVALUATION REQUIRED.**—Not later than Decem-
7 ber 31 of 2002, 2003, and 2004, the Inspector General
8 of the Department of State shall conduct an evaluation
9 of the policies and procedures of the Department on the
10 protection of classified information at the Headquarters
11 of the Department, including compliance with the direc-
12 tives of the Director of Central Intelligence (DCIDs) re-
13 garding the storage and handling of Sensitive Compart-
14 mented Information (SCI) material.

15 (b) **ANNUAL REPORT.**—Except as provided in sub-
16 section (c), not later than February 1 of 2003, 2004, and
17 2005, the Inspector General shall submit to the congress-
18 sional intelligence committees a report on the evaluation
19 conducted under subsection (a) during the preceding year.

20 (c) **EXCEPTION.**—The date each year for the sub-
21 mittal of a report under subsection (b) may be postponed
22 in accordance with section 507(d) of the National Security
23 Act of 1947, as added by section 401 of this Act.

1 (d) CONGRESSIONAL INTELLIGENCE COMMITTEES
2 DEFINED.—In this section, the term “congressional intel-
3 ligence committees” means—

4 (1) the Select Committee on Intelligence of the
5 Senate; and

6 (2) the Permanent Select Committee on Intel-
7 ligence of the House of Representatives.

8 **Subtitle D—Repeal of Certain**
9 **Report Requirements**

10 **SEC. 441. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

11 (a) ANNUAL REPORT ON EXERCISE OF NATIONAL
12 SECURITY AGENCY VOLUNTARY SEPARATION PAY AU-
13 THORITY.—Section 301(j) of the National Security Act of
14 1947 (50 U.S.C. 409a(j)), as amended by section
15 303(b)(2)(B) of this Act, is further amended—

16 (1) by striking “REPORTING REQUIRE-
17 MENTS.—” and all that follows through “The Direc-
18 tor” and inserting “NOTIFICATION OF EXERCISE OF
19 AUTHORITY.—The Director”; and

20 (2) by striking paragraph (2).

21 (b) ANNUAL REPORT ON USE OF CIA PERSONNEL
22 AS SPECIAL POLICEMEN.—Section 15(a) of the Central
23 Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is
24 amended by striking paragraph (5).

1 **TITLE V—COUNTERINTELLI-**
2 **GENCE ACTIVITIES**

3 **SEC. 501. SHORT TITLE; PURPOSE.**

4 (a) **SHORT TITLE.**—This title may be cited as the
5 “Counterintelligence Enhancement Act of 2002”.

6 (b) **PURPOSE.**—The purpose of this title is to facili-
7 tate the enhancement of the counterintelligence activities
8 of the United States Government by—

9 (1) enabling the counterintelligence community
10 of the United States Government to fulfill better its
11 mission of identifying, assessing, prioritizing, and
12 countering the intelligence threats to the United
13 States;

14 (2) ensuring that the counterintelligence com-
15 munity of the United States Government acts in an
16 efficient and effective manner; and

17 (3) providing for the integration of all the coun-
18 terintelligence activities of the United States Govern-
19 ment.

20 **SEC. 502. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.**

21 (a) **ESTABLISHMENT.**—(1) There shall be a National
22 Counterintelligence Executive, who shall be appointed by
23 the President.

24 (2) It is the sense of Congress that the President
25 should seek the views of the Attorney General, Secretary

1 of Defense, and Director of Central Intelligence in select-
2 ing an individual for appointment as the Executive.

3 (b) MISSION.—The mission of the National Counter-
4 intelligence Executive shall be to serve as the head of na-
5 tional counterintelligence for the United States Govern-
6 ment.

7 (c) DUTIES.—Subject to the direction and control of
8 the President, the duties of the National Counterintel-
9 ligence Executive are as follows:

10 (1) To carry out the mission referred to in sub-
11 section (c).

12 (2) To act as chairperson of the National Coun-
13 terintelligence Policy Board under section 811 of the
14 Counterintelligence and Security Enhancements Act
15 of 1994 (title VIII of Public Law 103–359; 50
16 U.S.C. 402a), as amended by section 503 of this
17 Act.

18 (3) To act as head of the Office of the National
19 Counterintelligence Executive under section 504.

20 (4) To participate as an observer on such
21 boards, committees, and entities of the Executive
22 branch as the President considers appropriate for
23 the discharge of the mission and functions of the
24 Executive and the Office of the National Counter-
25 intelligence Executive under section 504.

1 **SEC. 503. NATIONAL COUNTERINTELLIGENCE POLICY**
2 **BOARD.**

3 (a) CHAIRPERSON.—Section 811 of the Counterintel-
4 ligence and Security Enhancements Act of 1994 (title VII
5 of Public Law 103–359; 50 U.S.C. 402a) is amended—

6 (1) by striking subsection (b);

7 (2) by redesignating subsection (c) as sub-
8 section (e); and

9 (3) by inserting after subsection (a) the fol-
10 lowing new subsection (b):

11 “(b) CHAIRPERSON.—The National Counterintel-
12 ligence Executive under section 502 of the Counterintel-
13 ligence Enhancement Act of 2002 shall serve as the chair-
14 person of the Board.”.

15 (b) MEMBERSHIP.—That section is further amended
16 by inserting after subsection (b), as amended by sub-
17 section (a)(3) of this section, the following new subsection
18 (c):

19 “(c) MEMBERSHIP.—The membership of the Na-
20 tional Counterintelligence Policy Board shall consist of the
21 following:

22 “(1) The National Counterintelligence Execu-
23 tive.

24 “(2) Senior personnel of departments and ele-
25 ments of the United States Government, appointed

1 by the head of the department or element concerned,
2 as follows:

3 “(A) The Department of Justice, including
4 the Federal Bureau of Investigation.

5 “(B) The Department of Defense, includ-
6 ing the Joint Chiefs of Staff.

7 “(C) The Department of State.

8 “(D) The Department of Energy.

9 “(E) The Central Intelligence Agency.

10 “(F) Any other department, agency, or ele-
11 ment of the United States Government specified
12 by the President.”.

13 (c) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—
14 That section is further amended by inserting after sub-
15 section (c), as amended by subsection (b) of this section,
16 the following new subsection:

17 “(d) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—

18 (1) The Board shall—

19 “(A) serve as the principal mechanism for—

20 “(i) developing policies and procedures for
21 the approval of the President to govern the con-
22 duct of counterintelligence activities; and

23 “(ii) upon the direction of the President,
24 resolving conflicts that arise between elements

1 of the Government conducting such activities;
2 and

3 “(B) act as an interagency working group to—

4 “(i) ensure the discussion and review of
5 matters relating to the implementation of the
6 Counterintelligence Enhancement Act of 2002;
7 and

8 “(ii) provide advice to the National Coun-
9 terintelligence Executive on priorities in the im-
10 plementation of the National Counterintel-
11 ligence Strategy produced by the Office of the
12 National Counterintelligence Executive under
13 section 504(e)(2) of that Act.

14 “(2) The Board may, for purposes of carrying out
15 its functions under this section, establish such interagency
16 boards and working groups as the Board considers appro-
17 priate.”.

18 **SEC. 504. OFFICE OF THE NATIONAL COUNTERINTEL-**
19 **LIGENCE EXECUTIVE.**

20 (a) **ESTABLISHMENT.**—There shall be an Office of
21 the National Counterintelligence Executive.

22 (b) **HEAD OF OFFICE.**—The National Counterintel-
23 ligence Executive shall be the head of the Office of the
24 National Counterintelligence Executive.

1 (c) LOCATION OF OFFICE.—The Office of the Na-
2 tional Counterintelligence Executive shall be located in the
3 Executive Office of the President.

4 (d) GENERAL COUNSEL.—(1) There shall be in the
5 Office of the National Counterintelligence Executive a
6 general counsel who shall serve as principal legal advisor
7 to the National Counterintelligence Executive.

8 (2) The general counsel shall—

9 (A) provide legal advice and counsel to the Ex-
10 ecutive on matters relating to functions of the Of-
11 fice;

12 (B) ensure that the Office complies with all ap-
13 plicable laws, regulations, Executive orders, and
14 guidelines; and

15 (C) carry out such other duties as the Execu-
16 tive may specify.

17 (e) FUNCTIONS.—Subject to the direction and control
18 of the National Counterintelligence Executive, the func-
19 tions of the Office of the National Counterintelligence Ex-
20 ecutive shall be as follows:

21 (1) NATIONAL THREAT IDENTIFICATION AND
22 PRIORITIZATION ASSESSMENT.—Subject to sub-
23 section (f), in consultation with appropriate depart-
24 ment and agencies of the United States Government,
25 and private sector entities, to produce on an annual

1 basis a strategic planning assessment of the counter-
2 intelligence requirements of the United States to be
3 known as the National Threat Identification and
4 Prioritization Assessment.

5 (2) NATIONAL COUNTERINTELLIGENCE STRAT-
6 EGY.—Subject to subsection (f), in consultation with
7 appropriate department and agencies of the United
8 States Government, and private sector entities, and
9 based on the most current National Threat Identifi-
10 cation and Prioritization Assessment under para-
11 graph (1), to produce on an annual basis a strategy
12 for the counterintelligence programs and activities of
13 the United States Government to be known as the
14 National Counterintelligence Strategy.

15 (3) IMPLEMENTATION OF NATIONAL COUNTER-
16 INTELLIGENCE STRATEGY.—To evaluate on an on-
17 going basis the implementation of the National
18 Counterintelligence Strategy and to submit to the
19 President periodic reports on such evaluation, in-
20 cluding a discussion of any shortfalls in the imple-
21 mentation of the Strategy and recommendations for
22 remedies for such shortfalls.

23 (4) NATIONAL COUNTERINTELLIGENCE STRA-
24 TEGIC ANALYSES.—As directed by the Director of
25 Central Intelligence and in consultation with appro-

1 appropriate elements of the departments and agencies of
2 the United States Government, to oversee and co-
3 ordinate the production of strategic analyses of
4 counterintelligence matters, including the production
5 of counterintelligence damage assessments and as-
6 sessments of lessons learned from counterintelligence
7 activities.

8 (5) NATIONAL COUNTERINTELLIGENCE PRO-
9 GRAM BUDGET.—In consultation with the Director
10 of Central Intelligence—

11 (A) to coordinate the development of budg-
12 ets and resource allocation plans for the coun-
13 terintelligence programs and activities of the
14 Department of Defense, the Federal Bureau of
15 Investigation, the Central Intelligence Agency,
16 and other appropriate elements of the United
17 States Government;

18 (B) to ensure that the budgets and re-
19 source allocations plans developed under sub-
20 paragraph (A) address the objectives and prior-
21 ities for counterintelligence under the National
22 Counterintelligence Strategy; and

23 (C) to submit to the National Security
24 Council periodic reports on the activities under-

1 taken by the Office under subparagraphs (A)
2 and (B).

3 (6) NATIONAL COUNTERINTELLIGENCE COL-
4 LECTION AND TARGETING COORDINATION.—To de-
5 velop priorities for counterintelligence investigations
6 and operations, and for collection of counterintel-
7 ligence, for purposes of the National Counterintel-
8 ligence Strategy, except that the Office may not—

9 (A) carry out any counterintelligence inves-
10 tigations or operations; or

11 (B) establish its own contacts, or carry out
12 its own activities, with foreign intelligence serv-
13 ices.

14 (7) NATIONAL COUNTERINTELLIGENCE OUT-
15 REACH, WATCH, AND WARNING.—

16 (A) COUNTERINTELLIGENCE VULNER-
17 ABILITY SURVEYS.—To carry out and coordi-
18 nate surveys of the vulnerability of the United
19 States Government, and the private sector, to
20 intelligence threats in order to identify the
21 areas, programs, and activities that require pro-
22 tection from such threats.

23 (B) OUTREACH.—To carry out and coordi-
24 nate outreach programs and activities on coun-
25 terintelligence to other elements of the United

1 States Government, and the private sector, and
2 to coordinate the dissemination to the public of
3 warnings on intelligence threats to the United
4 States.

5 (C) RESEARCH AND DEVELOPMENT.—To
6 ensure that research and development programs
7 and activities of the United States Government,
8 and the private sector, direct attention to the
9 needs of the counterintelligence community for
10 technologies, products, and services.

11 (D) TRAINING AND PROFESSIONAL DEVELOPMENT.—To
12 develop policies and standards
13 for training and professional development of in-
14 dividuals engaged in counterintelligence activi-
15 ties and to manage the conduct of joint training
16 exercises for such personnel.

17 (f) ADDITIONAL REQUIREMENTS REGARDING NA-
18 TIONAL THREAT IDENTIFICATION AND PRIORITIZATION
19 ASSESSMENT AND NATIONAL COUNTERINTELLIGENCE
20 STRATEGY.—(1) A National Threat Identification and
21 Prioritization Assessment under subsection (e)(1), and
22 any modification of such assessment, shall not go into ef-
23 fect until approved by the President.

1 (2) A National Counterintelligence Strategy under
2 subsection (e)(2), and any modification of such strategy,
3 shall not go into effect until approved by the President.

4 (3) The National Counterintelligence Executive shall
5 submit to the congressional intelligence committees each
6 National Threat Identification and Prioritization Assess-
7 ment, or modification thereof, and each National Counter-
8 intelligence Strategy, or modification thereof, approved
9 under this section.

10 (4) In this subsection, the term “congressional intel-
11 ligence committees” means—

12 (A) the Select Committee on Intelligence of the
13 Senate; and

14 (B) the Permanent Select Committee on Intel-
15 ligence of the House of Representatives.

16 (g) PERSONNEL.—(1) Personnel of the Office of the
17 National Counterintelligence Executive may consist of per-
18 sonnel employed by the Office or personnel on detail from
19 any other department, agency, or element of the Federal
20 Government. Any such detail may be on a reimbursable
21 or non-reimbursable basis, at the election of the head of
22 the agency detailing such personnel.

23 (2) Notwithstanding section 104(d) or any other pro-
24 vision of law limiting the period of the detail of personnel
25 on a non-reimbursable basis, the detail of an officer or

1 employee of United States or a member of the Armed
2 Forces under paragraph (1) on a non-reimbursable basis
3 may be for any period in excess of one year that the Na-
4 tional Counterintelligence Executive and the head of the
5 department, agency, or element concerned consider appro-
6 priate.

7 (3) The employment of personnel by the Office, in-
8 cluding the appointment, compensation and benefits, man-
9 agement, and separation of such personnel, shall be gov-
10 erned by the provisions of law on such matters with re-
11 spect to the personnel of the Central Intelligence Agency,
12 except that, for purposes of the applicability of such provi-
13 sions of law to personnel of the Office, the National Coun-
14 terintelligence Executive shall be treated as the head of
15 the Office.

16 (4) Positions in the Office shall be excepted service
17 positions for purposes of title 5, United States Code.

18 (h) SUPPORT.—(1) The Attorney General, Secretary
19 of Defense, and Director of Central Intelligence may each
20 provide the Office of the National Counterintelligence Ex-
21 ecutive such support as may be necessary to permit the
22 Office to carry out its functions under this section.

23 (2) Subject to any terms and conditions specified by
24 the Director of Central Intelligence, the Director may pro-
25 vide administrative and contract support to the Office as

1 if the Office were an element of the Central Intelligence
2 Agency.

3 (3) Support provided under this subsection may be
4 provided on a reimbursable or non-reimbursable basis, at
5 the election of the official providing such support.

6 (i) AVAILABILITY OF FUNDS FOR REIMBURSE-
7 MENT.—The National Counterintelligence Executive may,
8 from amounts available for the Office, transfer to a de-
9 partment or agency detailing personnel under subsection
10 (g), or providing support under subsection (h), on a reim-
11 bursable basis amounts appropriate to reimburse such de-
12 partment or agency for the detail of such personnel or the
13 provision of such support, as the case may be.

14 (j) CONTRACTS.—(1) Subject to paragraph (2), the
15 National Counterintelligence Executive may enter into any
16 contract, lease, cooperative agreement, or other trans-
17 action that the Executive considers appropriate to carry
18 out the functions of the Office of the National Counter-
19 intelligence Executive under this section.

20 (2) The authority under paragraph (1) to enter into
21 contracts, leases, cooperative agreements, and other trans-
22 actions shall be subject to any terms, conditions, and limi-
23 tations applicable to the Central Intelligence Agency under
24 law with respect to similar contracts, leases, cooperative
25 agreements, and other transactions.

1 (k) TREATMENT OF ACTIVITIES UNDER CERTAIN
2 ADMINISTRATIVE LAWS.—(1) The provisions of the Fed-
3 eral Advisory Committee Act (5 U.S.C. App.) shall not
4 apply to the activities of the Office of the National Coun-
5 terintelligence Executive.

6 (2) The files of the Office shall be treated as oper-
7 ational files of the Central Intelligence Agency for pur-
8 poses of section 701 of the National Security Act of 1947
9 (50 U.S.C. 431) to the extent such files meet criteria
10 under subsection (b) of that section for treatment of files
11 as operational files of an element of the Agency.

12 (l) OVERSIGHT BY CONGRESS.—The location of the
13 Office of the National Counterintelligence Executive with-
14 in the Executive Office of the President shall not be con-
15 strued as affecting access by Congress, or any committee
16 of Congress, to—

17 (1) any information, document, record, or paper
18 in the possession of the Office; or

19 (2) any personnel of the Office.

20 (m) DESIGNATION OF OFFICE AS ELEMENT OF IN-
21 TELLIGENCE COMMUNITY.—Section 3(4) of the National
22 Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

23 (1) in subparagraph (I), by striking “and” at
24 the end;

1 (2) by redesignating subparagraph (J) as sub-
2 paragraph (K); and

3 (3) by inserting after subparagraph (I) the fol-
4 lowing new subparagraph (J):

5 “(J) the Office of the National Counterintel-
6 ligence Executive; and”.

7 **TITLE VI—NATIONAL COMMIS-**
8 **SION FOR REVIEW OF RE-**
9 **SEARCH AND DEVELOPMENT**
10 **PROGRAMS OF THE UNITED**
11 **STATES INTELLIGENCE COM-**
12 **MUNITY**

13 **SEC. 601. FINDINGS.**

14 Congress makes the following findings:

15 (1) Research and development efforts under the
16 purview of the intelligence community are vitally im-
17 portant to the national security of the United States.

18 (2) The intelligence community must operate in
19 a dynamic, highly-challenging environment, charac-
20 terized by rapid technological growth, against a
21 growing number of hostile, technically-sophisticated
22 threats. Research and development programs under
23 the purview of the intelligence community are crit-
24 ical to ensuring that intelligence agencies, and their
25 personnel, are provided with important technological

1 capabilities to detect, characterize, assess, and ulti-
2 mately counter the full range of threats to the na-
3 tional security of the United States.

4 (3) There is a need to review the full range of
5 current research and development programs under
6 the purview of the intelligence community, evaluate
7 such programs against the scientific and techno-
8 logical fields judged to be of most importance, and
9 articulate program and resource priorities for future
10 research and development activities to ensure a uni-
11 fied and coherent research and development program
12 across the entire intelligence community.

13 **SEC. 602. NATIONAL COMMISSION FOR THE REVIEW OF**
14 **THE RESEARCH AND DEVELOPMENT PRO-**
15 **GRAMS OF THE UNITED STATES INTEL-**
16 **LIGENCE COMMUNITY.**

17 (a) **ESTABLISHMENT.**—There is established a com-
18 mission to be known as the “National Commission for the
19 Review of the Research and Development Programs of the
20 United States Intelligence Community” (in this title re-
21 ferred to as the “Commission”).

22 (b) **COMPOSITION.**—The Commission shall be com-
23 posed of 11 members, as follows:

24 (1) The Deputy Director of Central Intelligence
25 for Community Management.

1 (2) Three members appointed by the Majority
2 Leader of the Senate, in consultation with the
3 Chairman of the Select Committee on Intelligence of
4 the Senate, one from Members of the Senate and
5 two from private life.

6 (3) Two members appointed by the Minority
7 Leader of the Senate, in consultation with the Vice
8 Chairman of the Select Committee on Intelligence of
9 the Senate, one from Members of the Senate and
10 one from private life.

11 (4) Three members appointed by the Speaker of
12 the House of Representatives, in consultation with
13 the Chairman of the Permanent Select Committee
14 on Intelligence of the House of Representatives, one
15 from Members of the House of Representatives and
16 two from private life.

17 (5) Two members appointed by the Minority
18 Leader of the House of Representatives, in consulta-
19 tion with the ranking member of the Permanent Se-
20 lect Committee on Intelligence of the House of Rep-
21 resentatives, one from Members of the House of
22 Representatives and one from private life.

23 (c) MEMBERSHIP.—(1) The individuals appointed
24 from private life as members of the Commission shall be

1 individuals who are nationally recognized for expertise,
2 knowledge, or experience in—

3 (A) research and development programs;

4 (B) technology discovery and insertion;

5 (C) use of intelligence information by national
6 policymakers and military leaders; or

7 (D) the implementation, funding, or oversight
8 of the national security policies of the United States.

9 (2) An official who appoints members of the Commis-
10 sion may not appoint an individual as a member of the
11 Commission if, in the judgment of the official, such indi-
12 vidual possesses any personal or financial interest in the
13 discharge of any of the duties of the Commission.

14 (3) All members of the Commission appointed from
15 private life shall possess an appropriate security clearance
16 in accordance with applicable laws and regulations con-
17 cerning the handling of classified information.

18 (d) CO-CHAIRS.—(1) The Commission shall have two
19 co-chairs, selected from among the members of the Com-
20 mission.

21 (2) One co-chair of the Commission shall be a mem-
22 ber of the Democratic Party, and one co-chair shall be
23 a member of the Republican Party.

24 (3) The individuals who serve as the co-chairs of the
25 Commission shall be jointly agreed upon by the President,

1 the Majority Leader of the Senate, the Minority Leader
2 of the Senate, the Speaker of the House of Representa-
3 tives, and the Minority Leader of the House of Represent-
4 atives.

5 (e) APPOINTMENT; INITIAL MEETING.—(1) Members
6 of the Commission shall be appointed not later than 45
7 days after the date of the enactment of this Act.

8 (2) The Commission shall hold its initial meeting on
9 the date that is 60 days after the date of the enactment
10 of this Act.

11 (f) MEETINGS; QUORUM; VACANCIES.—(1) After its
12 initial meeting, the Commission shall meet upon the call
13 of the co-chairs of the Commission.

14 (2) Six members of the Commission shall constitute
15 a quorum for purposes of conducting business, except that
16 two members of the Commission shall constitute a quorum
17 for purposes of receiving testimony.

18 (3) Any vacancy in the Commission shall not affect
19 its powers, but shall be filled in the same manner in which
20 the original appointment was made.

21 (4) If vacancies in the Commission occur on any day
22 after 45 days after the date of the enactment of this Act,
23 a quorum shall consist of a majority of the members of
24 the Commission as of such day.

1 (g) ACTIONS OF COMMISSION.—(1) The Commission
2 shall act by resolution agreed to by a majority of the mem-
3 bers of the Commission voting and present.

4 (2) The Commission may establish panels composed
5 of less than the full membership of the Commission for
6 purposes of carrying out the duties of the Commission
7 under this title. The actions of any such panel shall be
8 subject to the review and control of the Commission. Any
9 findings and determinations made by such a panel shall
10 not be considered the findings and determinations of the
11 Commission unless approved by the Commission.

12 (3) Any member, agent, or staff of the Commission
13 may, if authorized by the co-chairs of the Commission,
14 take any action which the Commission is authorized to
15 take pursuant to this title.

16 (h) DUTIES.—The duties of the Commission shall
17 be—

18 (1) to conduct, until not later than the date on
19 which the Commission submits the report under sec-
20 tion 607(a), the review described in subsection (i);
21 and

22 (2) to submit to the congressional intelligence
23 committees, the Director of Central Intelligence, and
24 the Secretary of Defense a final report on the re-
25 sults of the review.

1 (i) REVIEW.—The Commission shall review the status
2 of research and development programs and activities with-
3 in the intelligence community, including—

4 (1) an assessment of the advisability of modi-
5 fying the scope of research and development for pur-
6 poses of such programs and activities;

7 (2) a review of the particular individual re-
8 search and development activities under such pro-
9 grams;

10 (3) an evaluation of the current allocation of re-
11 sources for research and development, including
12 whether the allocation of such resources for that
13 purpose should be modified;

14 (4) an identification of the scientific and tech-
15 nological fields judged to be of most importance to
16 the intelligence community;

17 (5) an evaluation of the relationship between
18 the research and development programs and activi-
19 ties of the intelligence community and the research
20 and development programs and activities of other
21 departments and agencies of the Federal Govern-
22 ment; and

23 (6) an evaluation of the relationship between
24 the research and development programs and activi-
25 ties of the intelligence community and the research

1 and development programs and activities of the pri-
2 vate sector.

3 **SEC. 603. POWERS OF COMMISSION.**

4 (a) IN GENERAL.—(1) The Commission or, on the
5 authorization of the Commission, any subcommittee or
6 member thereof, may, for the purpose of carrying out the
7 provisions of this title—

8 (A) hold such hearings and sit and act at such
9 times and places, take such testimony, receive such
10 evidence, and administer such oaths; and

11 (B) require, by subpoena or otherwise, the at-
12 tendance and testimony of such witnesses and the
13 production of such books, records, correspondence,
14 memoranda, papers, and documents, as the Commis-
15 sion or such designated subcommittee or designated
16 member considers necessary.

17 (2) Subpoenas may be issued under subparagraph
18 (1)(B) under the signature of the co-chairs of the Commis-
19 sion, and may be served by any person designated by such
20 co-chairs.

21 (3) The provisions of sections 102 through 104 of the
22 Revised Statutes of the United States (2 U.S.C. 192–194)
23 shall apply in the case of any failure of a witness to comply
24 with any subpoena or to testify when summoned under
25 authority of this section.

1 (b) CONTRACTING.—The Commission may, to such
2 extent and in such amounts as are provided in advance
3 in appropriation Acts, enter into contracts to enable the
4 Commission to discharge its duties under this title.

5 (c) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any executive de-
7 partment, agency, bureau, board, commission, office, inde-
8 pendent establishment, or instrumentality of the Govern-
9 ment information, suggestions, estimates, and statistics
10 for the purposes of this title. Each such department, agen-
11 cy, bureau, board, commission, office, establishment, or in-
12 strumentality shall, to the extent authorized by law, fur-
13 nish such information, suggestions, estimates, and statis-
14 ties directly to the Commission, upon request of the co-
15 chairs of the Commission. The Commission shall handle
16 and protect all classified information provided to it under
17 this section in accordance with applicable statutes and reg-
18 ulations.

19 (d) ASSISTANCE FROM FEDERAL AGENCIES.—(1)
20 The Director of Central Intelligence shall provide to the
21 Commission, on a nonreimbursable basis, such administra-
22 tive services, funds, staff, facilities, and other support
23 services as are necessary for the performance of the Com-
24 mission's duties under this title.

1 (2) The Secretary of Defense may provide the Com-
2 mission, on a nonreimbursable basis, with such adminis-
3 trative services, staff, and other support services as the
4 Commission may request.

5 (3) In addition to the assistance set forth in para-
6 graphs (1) and (2), other departments and agencies of the
7 United States may provide the Commission such services,
8 funds, facilities, staff, and other support as such depart-
9 ments and agencies consider advisable and as may be au-
10 thorized by law.

11 (4) The Commission shall receive the full and timely
12 cooperation of any official, department, or agency of the
13 United States Government whose assistance is necessary
14 for the fulfillment of the duties of the Commission under
15 this title, including the provision of full and current brief-
16 ings and analyses.

17 (e) PROHIBITION ON WITHHOLDING INFORMA-
18 TION.—No department or agency of the Government may
19 withhold information from the Commission on the grounds
20 that providing the information to the Commission would
21 constitute the unauthorized disclosure of classified infor-
22 mation or information relating to intelligence sources or
23 methods.

24 (f) POSTAL SERVICES.—The Commission may use
25 the United States mails in the same manner and under

1 the same conditions as the departments and agencies of
2 the United States.

3 (g) GIFTS.—The Commission may accept, use, and
4 dispose of gifts or donations of services or property in car-
5 rying out its duties under this title.

6 **SEC. 604. STAFF OF COMMISSION.**

7 (a) IN GENERAL.—(1) The co-chairs of the Commis-
8 sion, in accordance with rules agreed upon by the Commis-
9 sion, shall appoint and fix the compensation of a staff di-
10 rector and such other personnel as may be necessary to
11 enable the Commission to carry out its duties, without re-
12 gard to the provisions of title 5, United States Code, gov-
13 erning appointments in the competitive service, and with-
14 out regard to the provisions of chapter 51 and subchapter
15 III or chapter 53 of such title relating to classification
16 and General Schedule pay rates, except that no rate of
17 pay fixed under this subsection may exceed the equivalent
18 of that payable to a person occupying a position at level
19 V of the Executive Schedule under section 5316 of such
20 title.

21 (2) Any Federal Government employee may be de-
22 tailed to the Commission without reimbursement from the
23 Commission, and such detailee shall retain the rights, sta-
24 tus, and privileges of his or her regular employment with-
25 out interruption.

1 (3) All staff of the Commission shall possess a secu-
2 rity clearance in accordance with applicable laws and regu-
3 lations concerning the handling of classified information.

4 (b) CONSULTANT SERVICES.—(1) The Commission
5 may procure the services of experts and consultants in ac-
6 cordance with section 3109 of title 5, United States Code,
7 but at rates not to exceed the daily rate paid a person
8 occupying a position at level IV of the Executive Schedule
9 under section 5315 of such title.

10 (2) All experts and consultants employed by the Com-
11 mission shall possess a security clearance in accordance
12 with applicable laws and regulations concerning the han-
13 dling of classified information.

14 **SEC. 605. COMPENSATION AND TRAVEL EXPENSES.**

15 (a) COMPENSATION.—(1) Except as provided in para-
16 graph (2), each member of the Commission may be com-
17 pensated at not to exceed the daily equivalent of the an-
18 nual rate of basic pay in effect for a position at level IV
19 of the Executive Schedule under section 5315 of title 5,
20 United States Code, for each day during which that mem-
21 ber is engaged in the actual performance of the duties of
22 the Commission under this title.

23 (2) Members of the Commission who are officers or
24 employees of the United States or Members of Congress

1 shall receive no additional pay by reason of their service
2 on the Commission.

3 (b) TRAVEL EXPENSES.—While away from their
4 homes or regular places of business in the performance
5 of services for the Commission, members of the Commis-
6 sion may be allowed travel expenses, including per diem
7 in lieu of subsistence, in the same manner as persons em-
8 ployed intermittently in the Government service are al-
9 lowed expenses under section 5703(b) of title 5, United
10 States Code.

11 **SEC. 606. TREATMENT OF INFORMATION RELATING TO NA-**
12 **TIONAL SECURITY.**

13 (a) IN GENERAL.—(1) The Director of Central Intel-
14 ligence shall assume responsibility for the handling and
15 disposition of any information related to the national secu-
16 rity of the United States that is received, considered, or
17 used by the Commission under this title.

18 (2) Any information related to the national security
19 of the United States that is provided to the Commission
20 by a congressional intelligence committee may not be fur-
21 ther provided or released without the approval of the
22 chairman of such committee.

23 (b) ACCESS AFTER TERMINATION OF COMMIS-
24 SION.—Notwithstanding any other provision of law, after
25 the termination of the Commission under section 607, only

1 the Members and designated staff of the congressional in-
2 telligence committees, the Director of Central Intelligence
3 (and the designees of the Director), and such other offi-
4 cials of the executive branch as the President may des-
5 ignate shall have access to information related to the na-
6 tional security of the United States that is received, con-
7 sidered, or used by the Commission.

8 **SEC. 607. FINAL REPORT; TERMINATION.**

9 (a) FINAL REPORT.—Not later than September 1,
10 2003, the Commission shall submit to the congressional
11 intelligence committees, the Director of Central Intel-
12 ligence, and the Secretary of Defense a final report as re-
13 quired by section 602(h)(2).

14 (b) TERMINATION.—(1) The Commission, and all the
15 authorities of this title, shall terminate at the end of the
16 120-day period beginning on the date on which the final
17 report under subsection (a) is transmitted to the congres-
18 sional intelligence committees.

19 (2) The Commission may use the 120-day period re-
20 ferred to in paragraph (1) for the purposes of concluding
21 its activities, including providing testimony to Congress
22 concerning the final report referred to in that paragraph
23 and disseminating the report.

1 **SEC. 608. ASSESSMENTS OF FINAL REPORT.**

2 Not later than 60 days after receipt of the final re-
3 port under section 607(a), the Director of Central Intel-
4 ligence and the Secretary of Defense shall each submit to
5 the congressional intelligence committees an assessment
6 by the Director or the Secretary, as the case may be, of
7 the final report. Each assessment shall include such com-
8 ments on the findings and recommendations contained in
9 the final report as the Director or Secretary, as the case
10 may be, considers appropriate.

11 **SEC. 609. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE**
12 **PROVISIONS.**

13 (a) **FEDERAL ADVISORY COMMITTEE ACT.**—The pro-
14 visions of the Federal Advisory Committee Act (5 U.S.C.
15 App.) shall not apply to the activities of the Commission
16 under this title.

17 (b) **FREEDOM OF INFORMATION ACT.**—The provi-
18 sions of section 552 of title 5, United States Code (com-
19 monly referred to as the Freedom of Information Act),
20 shall not apply to the activities, records, and proceedings
21 of the Commission under this title.

22 **SEC. 610. FUNDING.**

23 (a) **TRANSFER FROM THE COMMUNITY MANAGE-**
24 **MENT ACCOUNT.**—Of the amounts authorized to be appro-
25 priated by this Act for the Intelligence Technology Innova-
26 tion Center of the Community Management Account, the

1 Deputy Director of Central Intelligence for Community
2 Management shall transfer to the Director of Central In-
3 telligence \$2,000,000 for purposes of the activities of the
4 Commission under this title.

5 (b) AVAILABILITY IN GENERAL.—The Director of
6 Central Intelligence shall make available to the Commis-
7 sion, from the amount transferred to the Director under
8 subsection (a), such amounts as the Commission may re-
9 quire for purposes of the activities of the Commission
10 under this title.

11 (c) DURATION OF AVAILABILITY.—Amounts made
12 available to the Commission under subsection (b) shall re-
13 main available until expended.

14 **SEC. 611. DEFINITIONS.**

15 In this title:

16 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
17 TEES.—The term “congressional intelligence com-
18 mittees” means—

19 (A) the Select Committee on Intelligence of
20 the Senate; and

21 (B) the Permanent Select Committee on
22 Intelligence of the House of Representatives.

23 (2) INTELLIGENCE COMMUNITY.—The term
24 “intelligence community” has the meaning given

1 that term in section 3 of the National Security Act
2 of 1947 (50 U.S.C. 401a).

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