

~~UNCLASSIFIED~~ [redacted]

Central Intelligence Agency

(b) (1)
(b) (3)



Washington, D.C. 20505

OCA 2000-1248/2

2 June 2000

The Honorable Fred Thompson
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

SUBJECT: Notification

COUNTRY: N/A

ISSUE: (U//FOUO) Guidance Implementing Statutory
Requirement to Report Proliferation Intelligence
to Congress

[redacted] Enclosed is a copy of a directive issued by
John Lauder, Chief of the Nonproliferation Center, pursuant
to sections 1131 and 1134 of the Admiral James W. Nance and
Meg Donovan Foreign Relations Authorization Act, Fiscal
Years 2000 and 2001, Public Law 106-113. This directive is
designed to ensure that Congress is, "fully and currently
informed with respect to . . . the current activities of
foreign nations which are of significance from the
proliferation standpoint."

(U) If you any questions regarding this issue, please
do not hesitate to call.

Sincerely,

[redacted signature]

John H. Moseman
Director of Congressional Affairs

Enclosure

APPROVED FOR RELEASE
DATE: SEP 2007

~~UNCLASSIFIED~~ [redacted]

~~UNCLASSIFIED~~ / [redacted]

Central Intelligence Agency



Washington, D. C. 20505

Nonproliferation Center

NPC-134-00
8 May 2000

MEMORANDUM FOR: See Distribution

SUBJECT: Guidance Implementing Statutory Requirement
to Report Proliferation Intelligence to
Congress

REFERENCE: [redacted] Admiral James W. Nance and
Meg Donovan Foreign Relations Authorization
Act, Fiscal Years 2000 and 2001, Sections
1131 and 1134

1. [redacted] The Nuclear Non-Proliferation Act of 1978 (22 U.S. Code, section 3282, paragraph (c)), as modified by the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, Public Law 106-113 ("FY2000-01 State Authorization Act"), section 1131, requires, *inter alia*, the Director of Central Intelligence (DCI) to keep three (3) Congressional committees, the Committees on Foreign Relations and Governmental Affairs of the Senate (SFRC and SGAC) and the Committee on International Relations of the House of Representatives (HIRC), "fully and currently informed with respect to . . . the current activities of foreign nations which are of significance from the proliferation standpoint."¹

2. [redacted] By letter dated November 9, 1999, the Department of Justice stated that this statute "could not override the President's constitutional authority to determine how, when, and under what circumstances information vital to the national security shall be disclosed, and we do not understand it to do so." Accordingly, the provision of information to

¹ "Proliferation" under section 1131 of the FY2000-01 State Authorization Act includes foreign proliferation of nuclear, chemical, or biological weapons, or their means of delivery. And, section 1134 of the FY2000-01 State Authorization Act requires the DCI, among others, promptly to provide information, including information contained in special access programs, to the chairman and ranking minority member of the SFRC and the HIRC in meeting the requirements of 22 U.S. Code, section 3282.

~~UNCLASSIFIED~~ / [redacted]

~~UNCLASSIFIED~~ [redacted]

SUBJECT: Directive Implementing Statutory Reporting
of Proliferation Intelligence to Congress

Congress under the FY2000-01 State Authorization Act is subject to the President's constitutional authority regarding release of information that is vital to the national security.

3. [redacted] The Intelligence Community already widely shares intelligence involving foreign proliferation activities. Under the new statute, we are reminded of the importance of continuing to share this proliferation intelligence, and intend to continue to do so, as required by the statute. Accordingly, pursuant to Director of Central Intelligence Directive (DCID) 7/2, I am issuing this guidance to carry out the DCI's statutory obligation to report proliferation matters to Congress in the manner specified in the FY2000-01 State Authorization Act.²

² Section 1134 of the FY2000-01 State Authorization Act also requires the DCI, among others, to issue a directive to implement the 22 U.S. Code, section 1131, responsibilities. This guidance fulfills this requirement, and a copy will be forwarded to the SSCI, HPSCI, SFRC, and HIRC.

³ Information about a current activity of a foreign nation that has significance from the proliferation standpoint, requiring notification to the appropriate Congressional committees, may include the following:

- (a) The foreign nation proliferation activity raises, or will have a major impact on, important U.S. foreign policy or national security concerns;
- (b) The foreign nation proliferation activity entails a significant risk of, and likely result in, substantial loss of human life;
- (c) The foreign nation proliferation activity presents a reasonably foreseeable risk of a break of diplomatic relations, or a serious deterioration in relations between the United States and one or more of its allies; or
- (d) The foreign nation proliferation activity results from pervasive failure, or significant compromise, of intelligence sources and methods.

⁴ Section 1134 of FY2000-01 State Authorization also requires the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and the Chairman of the Nuclear Regulatory Commission to issue directives on the same subject. This DCI guidance does not apply to reporting where the underlying information which is the basis of the report is not derived from intelligence sources and methods.

~~UNCLASSIFIED~~ [redacted]

SUBJECT: Directive Implementing Statutory Reporting
of Proliferation Intelligence to Congress

5. [redacted] I, or my designee, will evaluate the information about which you provide notice under this guidance and, for information that has significance from the proliferation standpoint for which appropriate notification has not been made, will prepare a report to the appropriate Congressional committees.

6. [redacted] Intelligence information, including pertinent details, will be reported to the Congressional committees in a manner consistent with the DCI's obligation to protect sensitive intelligence sources and methods and to protect other exceptionally sensitive matters from unauthorized disclosure.

7. [redacted] Questions regarding what foreign intelligence should be considered for reporting to Congress may be addressed to the NPC [redacted] and questions regarding what qualifies, as a matter of law, as a current activity of a foreign nation which is of significance from the proliferation standpoint may be addressed to the NPC [redacted] at [redacted]

[redacted]
John A. Lauder
Special Assistant to the DCI
for Nonproliferation