

CCA Records

Central Intelligence Agency



Washington, D.C. 20505

OCA 2000-1196

25 April 2000

The Honorable Porter J. Goss
Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This letter transmits for your consideration provisions of a proposed "Intelligence Authorization Act for Fiscal Year 2001" as approved to date by the Administration.

A detailed section-by-section explanation accompanies the proposed provisions. Favorable consideration of these provisions would be greatly appreciated. The Office of Management and Budget has advised that enactment of the enclosed provisions would be in accord with the President's program.

Only these proposals and legislative proposals formally submitted by the Administration accompanied by a clearance certification, similar to that above, should be considered official Administration proposals.

We understand that the Administration may still be reviewing several other provisions we proposed for inclusion in the bill. If the Administration approves any additional provisions, we will transmit them for your consideration as soon as possible.

Sincerely,

[Redacted Signature]

(b)(3)

John H. Moseman
Director of Congressional Affairs

Enclosures

L-403A

Central Intelligence Agency



Washington, D.C. 20505

OCA 2000-1196/1

25 April 2000

The Honorable Julian Dixon
Ranking Democratic Member
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Mr. Dixon:

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John H. Moseman
Director of Congressional Affairs

(b)(3)

Enclosures

Central Intelligence Agency



Washington, D.C. 20505

OCA 2000-1196/2

25 April 2000

The Honorable Richard Shelby
Chairman
Select Committee on Intelligence
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

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A detailed section-by-section explanation accompanies the proposed provisions. Favorable consideration of these provisions would be greatly appreciated. The Office of Management and Budget has advised that enactment of the enclosed provisions would be in accord with the President's program.

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[Redacted signature box]

John I. Moseman
Director of Congressional Affairs

(b)(3)

Enclosures

Central Intelligence Agency



Washington, D.C. 20505

OCA 2000-1196/3

25 April 2000

The Honorable Richard Bryan
Vice Chairman
Senate Select Committee on Intelligence
United States Senate
Washington, D. C. 20510

Dear Mr. Vice Chairman:

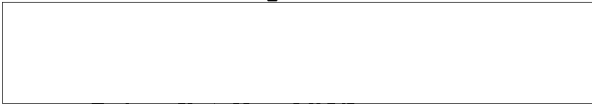
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A detailed section-by-section explanation accompanies the proposed provisions. Favorable consideration of these provisions would be greatly appreciated. The Office of Management and Budget has advised that enactment of the enclosed provisions would be in accord with the President's program.

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We understand that the Administration may still be reviewing several other provisions we proposed for inclusion in the bill. If the Administration approves any additional provisions, we will transmit them for your consideration as soon as possible.

Sincerely,


John H. Moseman
Director of Congressional Affairs

(b)(3)

Enclosures

Representative Porter J. Goss
Representative Julian Dixon
Senator Richard Shelby
Senator Richard Bryan

OCA 2000-1196
OCA 2000-1196/1
OCA 2000-1196/2
OCA 2000-1196/3

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[redacted]

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001."

1 **TITLE I -- INTELLIGENCE ACTIVITIES**

2

3 **SEC. 101. Authorization of Appropriations.**

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

8

9 (1) The Central Intelligence Agency.

10 (2) The Department of Defense.

11 (3) The Defense Intelligence Agency.

12 (4) The National Security Agency.

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

16 (6) The Department of State.

17 (7) The Department of the Treasury.

- 1 (8) The Department of Energy.
- 2 (9) The Federal Bureau of Investigation.
- 3 (10) The National Reconnaissance Office.
- 4 (11) The National Imagery and Mapping Agency.

5

6 **SEC. 102. Classified Schedule of Authorizations.**

7 (a) *Specifications of Amounts and Personnel*

8 *Ceilings.*--The amounts authorized to be appropriated under
9 section 101, and the authorized personnel ceilings as of
10 September 30, 2001, for the conduct of the intelligence and
11 intelligence-related activities of the elements listed in
12 such section, are those specified in the classified Schedule
13 of Authorizations prepared to accompany the conference
14 report on the bill _____ of the One Hundred and Sixth
15 Congress.

16

17 (b) *Availability of Classified Schedule of*

18 *Authorizations.*--The Schedule of Authorizations shall be
19 made available to the Committees on Appropriations of the
20 Senate and House of Representatives and to the President.
21 The President shall provide for suitable distribution of
22 the Schedule, or of appropriate portions of the Schedule,
23 within the Executive Branch.

1 **SEC. 103. Personnel Ceiling Adjustments.**

2 (a) *Authority for Adjustments.*-- With the approval of
3 the Director of the Office of Management and Budget, the
4 Director of Central Intelligence may authorize employment
5 of civilian personnel in excess of the number authorized
6 for fiscal year 2001 under section 102 when the Director of
7 Central Intelligence determines that such action is
8 necessary to the performance of important intelligence
9 functions, except that the number of personnel employed in
10 excess of the number authorized under such section may not,
11 for any element of the Intelligence Community, exceed two
12 percent of the number of civilian personnel authorized
13 under such section for such element.

14
15 (b) *Notice to Intelligence Committees.*--The Director
16 of Central Intelligence shall promptly notify the Permanent
17 Select Committee on Intelligence of the House of
18 Representatives and the Select Committee on Intelligence of
19 the Senate whenever he exercises the authority granted by
20 this section.

21
22 **SEC. 104. Community Management Account.**

23 (a) *Authorization of Appropriations.*--There is
24 authorized to be appropriated for the Community Management
25 Account of the Director of Central Intelligence for fiscal
26 year 2001 the sum of \$_____. Within such amount,

1 funds identified in the classified Schedule of
2 Authorizations referred to in section 102(a) for the
3 Advanced Research and Development Committee shall remain
4 available until September 30, 2002.

5
6 (b) *Authorized Personnel Levels.*--The elements within
7 the Community Management Account of the Director of Central
8 Intelligence are authorized a total of _____ full-time
9 personnel as of September 30, 2001. Personnel serving in
10 such elements may be permanent employees of the Community
11 Management Account element or personnel detailed from other
12 elements of the United States Government.

13
14 (c) *Classified Authorizations.*--(1) Authorization of
15 Appropriations.--In addition to amounts authorized to be
16 appropriated for the Community Management Account by
17 subsection (a), there is also authorized to be appropriated
18 for the Community Management Account for fiscal year 2001
19 such additional amounts as are specified in the classified
20 Schedule of Authorizations referred to in section 102(a).

21
22 (2) *Authorization of Personnel.*--In addition to the
23 personnel authorized by subsection (b) for elements of the
24 Community Management Account as of September 30, 2001,
25 there is hereby authorized such additional personnel for

1 such elements as of that date as is specified in the
2 classified Schedule of Authorizations.

3
4 (d) Reimbursement.--Except as provided in section 113
5 of the National Security Act of 1947, during fiscal
6 year 2001, any officer or employee of the United States or
7 member of the Armed Forces who is detailed to the staff of
8 an element within the Community Management Account from
9 another element of the United States Government shall be
10 detailed on a reimbursable basis, except that any such
11 officer, employee or member may be detailed on a
12 nonreimbursable basis for a period of less than one year
13 for the performance of temporary functions as required by
14 the Director of Central Intelligence.

15
16 (e) National Drug Intelligence Center.--

17
18 (1) In General.--Of the amount authorized to be
19 appropriated in subsection (a), \$_____ shall be
20 available for the National Drug Intelligence Center. Within
21 such amount, funds provided for research, development, test,
22 and evaluation purposes shall remain available until
23 September 30, 2002, and funds provided for procurement
24 purposes shall remain available until September 30, 2003.

25

1 (2) Transfer of Funds.--The Director of Central
2 Intelligence shall transfer to the Attorney General funds
3 available for the National Drug Intelligence Center under
4 paragraph (1). The Attorney General shall utilize funds so
5 transferred for the activities of the National Drug
6 Intelligence Center.

7
8 (3) Limitation.--Amounts available for the Center may
9 not be used in contravention of the provisions of section
10 103(d)(1) of the National Security Act of 1947 (50 U.S.C.
11 403-3(d)(1)).

12
13 (4) Authority.--Notwithstanding any other provision of
14 law, the Attorney General shall retain full authority over
15 the operations of the Center.

16
17 **TITLE II -- CENTRAL INTELLIGENCE AGENCY**
18 **RETIREMENT AND DISABILITY SYSTEM**

19
20 **SEC. 201. Authorization of Appropriations.**

21 There is authorized to be appropriated for the Central
22 Intelligence Agency Retirement and Disability Fund for
23 fiscal year 2001 the sum of \$216,000,000.

24
25 **TITLE III--GENERAL PROVISIONS**

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**SEC. 301. Increase in Employee Compensation and Benefits
Authorized by Law.**

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

**SEC. 302. Restriction on Conduct of Intelligence
Activities.**

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

SEC. 303. PLACEHOLDER

SEC. 304. Foreign Cooperative Agreements.

For fiscal year 2001 and hereafter, whenever the Federal Bureau of Investigation participates in a cooperative project with a friendly foreign country on a cost-sharing basis, any contributions received by the Federal Bureau of Investigation from that foreign country to meet its share of the project may be credited to appropriate appropriations available to the Federal Bureau of

1 Investigation, as determined by the Director of the Federal
2 Bureau of Investigation. The amount of a contribution
3 credited to an appropriation account pursuant to this
4 authority shall be available only for payment of the share
5 of the project expenses allocated to the participating
6 foreign country.

7

8 **SEC. 305. Application of Sanctions Laws to Intelligence**
9 **Activities.**

10 Section 905 of the National Security Act of 1947
11 (50 U.S.C. 441d) is amended by striking out "January 6,
12 2000" and inserting in lieu thereof "January 6, 2003".

13

14 **SEC. 306. Reports on Acquisition of Technology Relating to**
15 **Weapons of Mass Destruction and Advanced**
16 **Conventional Munitions.**

17 Section 721(a) of the Intelligence Authorization Act
18 for Fiscal Year 1997 (50 U.S.C. 2366) (Public Law 104-293,
19 110 Stat. 3474) is amended—

20

21 (1) by striking "Not later than 6 months after the date
22 of the enactment of this Act, and every 6 months
23 thereafter" and inserting "Not later than March 1,
24 2001, and every 12 months thereafter,"; and

25

1 (2) in paragraph (1), by striking "6 months" and
2 inserting "calendar year".

3
4 **Sec. 307. PLACEHOLDER**

5

6 **Sec. 308. PLACEHOLDER**

7

8 **TITLE IV--CENTRAL INTELLIGENCE AGENCY**

9

10 **SEC. 401. Technical Corrections.**

11 Section 17(d)(1)(E) of the Central Intelligence Agency
12 Act of 1949 (50 U.S.C. section 403q(d)(1)(E)) is struck in
13 its entirety, and current section 403q(d)(1)(F) is
14 renumbered as section 403q(d)(1)(E) accordingly.

15

16 **SEC. 402. Land Purchases.**

17 During the current fiscal year and thereafter, funds
18 appropriated for land purchases of the Central Intelligence
19 Agency, which are transferred to another Agency for
20 execution, shall remain available for three years.

21

22 **SEC. 403. Designation of Additional Employees Eligible for**
23 **Reimbursement for Professional Liability**
24 **Insurance.**

1 The Director of Central Intelligence may designate
2 additional categories of qualified employees eligible for
3 reimbursement for up to one-half of the cost of professional
4 liability insurance, beyond those authorized in Public Law
5 104-208, note preceding 5 U.S.C. 5941.

6

7 **SEC. 404. Modifications to Central Intelligence Agency's**
8 **Central Services Program.**

9 Section 21 of the Central Intelligence Agency Act of
10 1949 (50 U.S.C. 403u) is amended:

11

12 (1) by re-designating subparagraph (c)(2)(F) to
13 subparagraph (G);

14

15 (2) by inserting after (c)(2)(E), as amended, the
16 following new subparagraph (F): "(F) Receipts from utility
17 and meal reimbursements from individuals and cash receipts
18 from the rental of property and equipment to employees and
19 detailees.";

20

21 (3) in paragraph (h)(1), by striking out "2002" and
22 inserting "2005".

23

24 **SEC. 405. PLACEHOLDER**

25

1 **TITLE V--DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

2

3 **SEC. 501. Operation Of Nuclear Test Monitoring Equipment**

4 (a) IN GENERAL. -Subchapter II of chapter 138, title
5 10, United States Code, is amended by adding at the end the
6 following new section:

7

8 ***§23501. Nuclear test monitoring equipment**

9

10

11

12 (a) AUTHORITY TO CONVEY MONITORING EQUIPMENT. - Subject
13 to subsection (b), in order to satisfy U.S. monitoring
14 requirements, the Secretary, or a designee authorized in
15 subsection (c), may provide or convey to a foreign
16 government or international organization, for nuclear
17 weapons test explosion monitoring purposes, monitoring and
18 associated equipment and may install such equipment on
19 foreign territory or in international waters.

20

21 (b) CONDITIONS OF TRANSFER. - Any nuclear weapons test
22 monitoring equipment provided or conveyed under the
23 authority of subsection (a) shall be accompanied by an
24 international agreement in which the recipient of the
25 monitoring equipment agrees to provide the Secretary, or a
26 designee, timely access to data produced, collected or

1 generated by the equipment and access to the equipment for
2 purposes of inspecting, testing, maintaining, repairing, or
3 replacing the equipment. The Secretary, pursuant to such
4 agreement, may take such measures as are necessary for the
5 United States requirements to inspect, test, maintain,
6 repair, or replace the monitoring equipment.

7
8 (c) DELEGATION. - The Secretary may delegate the
9 authority under subsection (b) to the Secretary of the Air
10 Force and the Under Secretary of Defense for Acquisition,
11 Technology, & Logistics who may delegate it"; and

12
13 (b) CLERICAL AMENDMENT. - The table of sections for
14 such subchapter II is amended by inserting after the item
15 relating to section 2350k, the following new item:

16
17 "23501 Nuclear test monitoring and associated equipment".

18
19 **SEC. 502. Authority To Engage In Commercial Activities As**
20 **Security For Intelligence Collection Activities.**

21
22 Section 431(a) of title 10, United States Code, is
23 amended by striking the words "No commercial activity may
24 be initiated pursuant to this subchapter after December 31,
25 2000."

INTELLIGENCE AUTHORIZATION ACT
FISCAL YEAR 2001

SECTION-BY-SECTION ANALYSIS
AND EXPLANATION

TITLE I
INTELLIGENCE ACTIVITIES

Section 101 lists departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2001.

Section 102 makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings for the entities listed in section 101 for fiscal year 2001 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated as to section 101 by section 102.

Section 103 authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2001 to exceed the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed 2 percent of the total of the ceilings applicable under section 102. The Director may exercise this authority only when necessary to the performance of important intelligence functions or to the maintenance of a stable personnel force, and any exercise of this authority must be reported to the two intelligence committees of the Congress.

Section 104 provides certain details concerning the amount and composition of the Community Management Account (CMA) of the Director of Central Intelligence.

Subsection (a) authorizes appropriations in the amount of \$_____ for fiscal year 2001 for the staffing and administration of various components under the CMA. Subsection (a) also authorizes funds identified for the Advanced Research and Development Committee to remain available for two years.

Subsection (b) authorizes a total of _____ full-time personnel for elements within the CMA for fiscal year 2001 and provides that such personnel may be permanent

employees of the CMA element or detailed from other elements of the United States Government.

Subsection (c) explicitly authorizes the classified portion of the CMA.

Subsection (d) requires that personnel be detailed on a reimbursable basis, with certain exceptions.

Subsection (e) authorizes \$_____ of the amount authorized for the CMA under subsection (a) to be made available for the National Drug Intelligence Center (NDIC) in Johnstown, Pennsylvania. Subsection (e) requires the Director of Central Intelligence to transfer \$_____ to the Department of Justice to be used for NDIC activities under the authority of the Attorney General, and subject to section 103(d)(1) of the National Security Act.

TITLE II
CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Authorization of Appropriations

Section 201 authorizes appropriations in the amount of \$216,000,000 for fiscal year 2001 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III
GENERAL PROVISIONS

Section 301 provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

Section 302 provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

Section 303 Placeholder

Section 304 allows the Federal Bureau of Investigation to credit to its appropriate appropriation contributions received from a friendly foreign country under cost-sharing

cooperative projects. This authority would support joint research and development and other cooperative efforts with foreign law enforcement partners.

Section 305 extends until January 6, 2003 the authority first granted by section 303 of the Intelligence Authorization Act for Fiscal Year 1996 for the President to delay the imposition of an economic, cultural, diplomatic, or other sanction upon his determination that proceeding with the sanction could compromise an ongoing criminal investigation or an intelligence source or method. This authority expired on January 6, 2000. There is a present need for this authority in the event that immediately imposing sanctions, without some delay, would seriously jeopardize a criminal investigation or sources and methods of intelligence collection.

Section 306 modifies the Fiscal Year 1997 Intelligence Authorization Act requirement for a semiannual unclassified Director of Central Intelligence report to Congress on foreign countries' acquisition of dual-use and other technology useful for developing or producing weapons of mass destruction and advanced conventional munitions, and trends in the acquisition of such technology by such countries. This section provides that the DCI must provide an unclassified report on these matters annually. Given the necessary and understandable limitations on what may be included in unclassified reports on this subject, and after having had the opportunity to review several of the semiannual unclassified reports that have been submitted to date, it is believed that annual unclassified reports would be more robust, substantive, and informative to the public. This change from a semiannual to an annual requirement is made on the clear understanding and condition that the appropriate Committees and Members of Congress will continue to receive all appropriate intelligence briefings and other intelligence information or materials regarding technology acquisition related to the development, production, and/or proliferation of weapons of mass destruction and advanced conventional munitions, as well as other aspects of proliferation and arms control.

Section 307 Placeholder

Section 308 Placeholder

TITLE IV CENTRAL INTELLIGENCE AGENCY

Section 401 provides a technical correction to the Central Intelligence Agency Act of 1949 to address

superseding legislation, conform language and streamline reporting procedures. In 1997, Public Law 105-107 provided the CIA Inspector General with authority to issue subpoenas for information relating to the performance of his duties and responsibilities. However, that law failed to eliminate the pre-existing requirement in 50 USC 403q(d)(1)(E) that the Inspector General report semi-annually through the Director to Congress all cases in which documentary evidence could not be obtained by the Inspector General due to his lack of subpoena authority. As the Inspector General now has statutory subpoena authority, this provision is no longer needed.

Section 402 is similar to a section 8104 of Pub. L. 103-139, Title VII, 107 Stat. 1463, enacted on 11 November 1993. Section 8104 extends the life of appropriated funds transferred by the Agency to other government agencies for the purpose of construction projects. Section 8104 converts funds transferred by the Agency for construction projects into "no-year" funds, making them available until expended.

The proposed amendment would extend the availability of funds transferred by the Agency to other government agencies for the purpose of purchasing land for a three year period. The proposed amendment is needed to preserve the availability of funds while often complex negotiations are being carried out by the receiving agency responsible for expending the transferred funds. During FY 1999, the Agency lost the use of some appropriated funds transferred to another government agency for the purchase of a small amount of land next to one of the Agency's facilities because the receiving agency did not obligate those funds within the fiscal year. The proposed amendment will prevent such losses in the future.

Section 403 allows the Director of Central Intelligence to designate categories in addition to those noted in Public Law 104-208, note preceding 5 U.S.C. 5941, that would be eligible to receive reimbursement for up to one-half of the cost of purchasing professional liability insurance. This section is necessary to allow the expenditure of appropriated funds to reimburse employees for the purchase of professional liability insurance who are at greater risk of incurring costs associated with liability claims due to their agency-specific functions, but are not covered by the existing job categories.

Section 404 makes a couple of changes to the Central Intelligence Agency's Central Services Program. First, it clarifies that the Central Services Program Working Capital Fund may retain and use receipts from utility and meal

reimbursements from individuals and cash receipts from the rental of property and equipment to employees and detailees. This change would allow the Central Services Program Working Capital Fund to retain miscellaneous receipts that are paid directly to an enterprise by an individual, thereby properly offsetting costs incurred in the operation and maintenance of enterprise facilities where the Government incurs costs associated with those individuals. In addition, it fills a gap in current law that allows retention of rents paid for government-provided housing when that rent is collected by payroll deduction to also encompass rents collected from individuals who are not Agency employees (and therefore not subject to payroll deduction). (5 U.S.C 5911(c)).

This section also extends the program until March 31, 2005.

Section 405 Placeholder

TITLE V
DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Section 501 provides new authority to the Secretary of Defense, or to Department officials delegated by the Secretary with this authority, to remedy problems that arise with respect to the installation of nuclear test explosion monitoring equipment as part of the International Monitoring System of the Comprehensive Nuclear Test Ban Treaty and as part of the United States Atomic Energy Detection System.

This provision would build upon the existing authority of the Department of Defense, under 10 U.S.C. §2608, to accept funds, services and property from the international organization chartered to implement the International Monitoring System of the Comprehensive Nuclear Test Ban Treaty, in conjunction with the development, procurement, installation, operation and maintenance of nuclear test explosion monitoring equipment.

This provision would authorize the Department of Defense, in order to satisfy United States Government requirements, to convey to a foreign government test monitoring equipment installed on the territory of that government. It is in the United States national security interest to ensure the proper operation and maintenance of the equipment. Conveyance of the title to the equipment is sometimes necessary to obtain the full cooperation of the foreign government in this regard. The Secretary is required to include in an international agreement that the

Department of Defense have continued access to the data and equipment.

The provision would authorize the use of appropriated funds to maintain and upgrade the equipment that has been provided or conveyed to a foreign government. In order to achieve the highest level of performance with respect to these instruments, they must be maintained to the highest standards. Moreover, to keep these instruments at the highest standards as technology evolves, they must be upgraded as required by the United States.

Section 502 amends section 431(a) of title 10 to continue indefinitely current Department of Defense authority to engage in commercial activities as security for intelligence collection activities. This authority currently expires on December 31, 2000.