

# Union Calendar No. 131

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2883

[Report No. 107-219]

To authorize appropriations for fiscal year 2002 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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2001

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

SEPTEMBER 26, 2001

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

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

[For text of introduced bill, see copy of bill as introduced on September 13, 2001]

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## A BILL

To authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4        (a) *SHORT TITLE.*—*This Act may be cited as the “In-*  
 5 *telligence Authorization Act for Fiscal Year 2002”.*

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

*Sec. 1. Short title; table of contents.*

**TITLE I—INTELLIGENCE ACTIVITIES**

*Sec. 101. Authorization of appropriations.*

*Sec. 102. Classified schedule of authorizations.*

*Sec. 103. Personnel ceiling adjustments.*

*Sec. 104. Intelligence community management account.*

*Sec. 105. Codification of the Coast Guard as an element of the intelligence com-*  
*munity.*

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
 DISABILITY SYSTEM**

*Sec. 201. Authorization of appropriations.*

**TITLE III—GENERAL PROVISIONS**

*Sec. 301. Increase in employee compensation and benefits authorized by law.*

*Sec. 302. Restriction on conduct of intelligence activities.*

*Sec. 303. Sense of the Congress on intelligence community contracting.*

*Sec. 304. Requirements for lodging allowances in intelligence community assign-*  
*ment program benefits.*

*Sec. 305. Technical amendment.*

*Sec. 306. Commission on September 11 government preparedness and perform-*  
*ance.*

**TITLE IV—CENTRAL INTELLIGENCE AGENCY**

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

*Sec. 402. Extension of CIA Voluntary Separation Pay Act.*

*Sec. 403. Guidelines for recruitment of certain foreign assets.*

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

*Sec. 501. Authority to purchase items of nominal value for recruitment purposes.*

*Sec. 502. Funding for infrastructure and quality-of-life improvements at Menwith*  
*Hill and Bad Aibling stations.*

*Sec. 503. Continuation of Joint Interagency Task Force at current locations in*  
*Florida and California.*

*Sec. 504. Modification of authorities relating to interdiction of aircraft engaged*  
*in illicit drug trafficking.*

*Sec. 505. Undergraduate training program for employees of the National Imagery and Mapping Agency.*

*Sec. 506. Technical amendments.*

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

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

4           *Funds are hereby authorized to be appropriated for fis-*  
5 *cal year 2002 for the conduct of the intelligence and intel-*  
6 *ligence-related activities of the following elements of the*  
7 *United States Government:*

8                   (1) *The Central Intelligence Agency.*

9                   (2) *The Department of Defense.*

10                  (3) *The Defense Intelligence Agency.*

11                  (4) *The National Security Agency.*

12                  (5) *The Department of the Army, the Depart-*  
13 *ment of the Navy, and the Department of the Air*  
14 *Force.*

15                  (6) *The Department of State.*

16                  (7) *The Department of the Treasury.*

17                  (8) *The Department of Energy.*

18                  (9) *The Federal Bureau of Investigation.*

19                  (10) *The National Reconnaissance Office.*

20                  (11) *The National Imagery and Mapping*  
21 *Agency.*

22                  (12) *The Coast Guard.*

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

2 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*  
3 *CEILINGS.*—*The amounts authorized to be appropriated*  
4 *under section 101, and the authorized personnel ceilings as*  
5 *of September 30, 2002, for the conduct of the intelligence*  
6 *and intelligence-related activities of the elements listed in*  
7 *such section, are those specified in the classified Schedule*  
8 *of Authorizations prepared to accompany the bill*  
9 *H.R. 2883 of the One Hundred Seventh Congress.*

10 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*  
11 *THORIZATIONS.*—*The Schedule of Authorizations shall be*  
12 *made available to the Committees on Appropriations of the*  
13 *Senate and House of Representatives and to the President.*  
14 *The President shall provide for suitable distribution of the*  
15 *Schedule, or of appropriate portions of the Schedule, within*  
16 *the executive branch.*

17 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

18 (a) *AUTHORITY FOR ADJUSTMENTS.*—*With the ap-*  
19 *proval of the Director of the Office of Management and*  
20 *Budget, the Director of Central Intelligence may authorize*  
21 *employment of civilian personnel in excess of the number*  
22 *authorized for fiscal year 2002 under section 102 when the*  
23 *Director of Central Intelligence determines that such action*  
24 *is necessary to the performance of important intelligence*  
25 *functions, except that the number of personnel employed in*  
26 *excess of the number authorized under such section may not,*

1 *for any element of the intelligence community, exceed two*  
2 *percent of the number of civilian personnel authorized*  
3 *under such section for such element.*

4 *(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Di-*  
5 *rector of Central Intelligence shall promptly notify the Per-*  
6 *manent Select Committee on Intelligence of the House of*  
7 *Representatives and the Select Committee on Intelligence of*  
8 *the Senate whenever the Director exercises the authority*  
9 *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 Intelligence Commu-*  
14 *nity Management Account of the Director of Central Intel-*  
15 *ligence for fiscal year 2002 the sum of \$152,776,000. Within*  
16 *such amount, funds identified in the classified Schedule of*  
17 *Authorizations referred to in section 102(a) for the Ad-*  
18 *vanced Research and Development Committee shall remain*  
19 *available until September 30, 2003.*

20 *(b) AUTHORIZED PERSONNEL LEVELS.—The elements*  
21 *within the Intelligence Community Management Account of*  
22 *the Director of Central Intelligence are authorized 313 full-*  
23 *time personnel as of September 30, 2002. Personnel serving*  
24 *in such elements may be permanent employees of the Intel-*

1 *ligence Community Management Account or personnel de-*  
2 *tailed from other elements of the 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 Account*  
7 *by subsection (a), there are also authorized to be ap-*  
8 *propriated for the Intelligence Community Manage-*  
9 *ment Account for fiscal year 2002 such additional*  
10 *amounts as are specified in the classified Schedule of*  
11 *Authorizations referred to in section 102(a). Such ad-*  
12 *ditional amounts shall remain available until Sep-*  
13 *tember 30, 2003.*

14 (2) *AUTHORIZATION OF PERSONNEL.—In addi-*  
15 *tion to the personnel authorized by subsection (b) for*  
16 *elements of the Intelligence Community Management*  
17 *Account as of September 30, 2002, there are hereby*  
18 *authorized such additional personnel for such ele-*  
19 *ments as of that date as are specified in the classified*  
20 *Schedule of Authorizations.*

21 (d) *REIMBURSEMENT.—Except as provided in section*  
22 *113 of the National Security Act of 1947 (50 U.S.C. 404h),*  
23 *during fiscal year 2002, any officer or employee of the*  
24 *United States or a member of the Armed Forces who is de-*  
25 *tailed to the staff of the Intelligence Community Manage-*

1 *ment Account from another element of the United States*  
2 *Government shall be detailed on a reimbursable basis, ex-*  
3 *cept that any such officer, employee, or member may be de-*  
4 *tailed on a nonreimbursable basis for a period not to exceed*  
5 *one year for the performance of temporary functions as re-*  
6 *quired by the Director of Central Intelligence.*

7 *(e) NATIONAL DRUG INTELLIGENCE CENTER.—*

8 *(1) IN GENERAL.—Of the amount authorized to*  
9 *be appropriated in subsection (a), \$27,000,000 shall*  
10 *be available for the National Drug Intelligence Cen-*  
11 *ter. Within such amount, funds provided for research,*  
12 *development, test, and evaluation purposes shall re-*  
13 *main available until September 30, 2003, and funds*  
14 *provided for procurement purposes shall remain*  
15 *available until September 30, 2004.*

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

22 *(3) LIMITATION.—Amounts available for the Na-*  
23 *tional Drug Intelligence Center may not be used in*  
24 *contravention of the provisions of section 103(d)(1) of*

1 *the National Security Act of 1947 (50 U.S.C. 403–*  
2 *3(d)(1)).*

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

7 **SEC. 105. CODIFICATION OF THE COAST GUARD AS AN ELE-**  
8 **MENT OF THE INTELLIGENCE COMMUNITY.**

9 *Section 3(4)(H) of the National Security Act of 1947*  
10 *(50 U.S.C. 401a(4)(H) is amended—*

11 (1) *by striking “and” before “the Department of*  
12 *Energy”;* and

13 (2) *by inserting “, and the Coast Guard” before*  
14 *the semicolon.*

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

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

20 *There is authorized to be appropriated for the Central*  
21 *Intelligence Agency Retirement and Disability Fund for fis-*  
22 *cal year 2002 the sum of \$212,000,000.*

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

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

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

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

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

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

18           *It is the sense of the Congress that the Director of Cen-*  
19 *tral Intelligence should continue to direct that elements of*  
20 *the intelligence community, whenever compatible with the*  
21 *national security interests of the United States and con-*  
22 *sistent with operational and security concerns related to the*  
23 *conduct of intelligence activities, and where fiscally sound,*  
24 *should competitively award contracts in a manner that*

1 *maximizes the procurement of products properly designated*  
2 *as having been made in the United States.*

3 **SEC. 304. REQUIREMENTS FOR LODGING ALLOWANCES IN**  
4 **INTELLIGENCE COMMUNITY ASSIGNMENT**  
5 **PROGRAM BENEFITS.**

6 *Section 113(b) of the National Security Act of 1947*  
7 *(50 U.S.C. 404(h)) is amended—*

8 *(1) by inserting “(1)” before “An employee”; and*

9 *(2) by adding at the end the following new para-*  
10 *graph:*

11 *“(2) The head of an agency of an employee detailed*  
12 *under subsection (a) may pay a lodging allowance for the*  
13 *employee subject to the following conditions:*

14 *“(A) The allowance shall be the lesser of the cost*  
15 *of the lodging or a maximum amount payable for the*  
16 *lodging as established jointly by the Director of Cen-*  
17 *tral Intelligence and—*

18 *“(i) with respect to detailed employees of the*  
19 *Department of Defense, the Secretary of Defense;*  
20 *and*

21 *“(ii) with respect to detailed employees of*  
22 *other agencies and departments, the head of such*  
23 *agency or department.*

24 *“(B) The detailed employee maintains a pri-*  
25 *mary residence for the employee’s immediate family*

1       *in the local commuting area of the parent agency*  
2       *duty station from which the employee regularly com-*  
3       *muted to such duty station before the detail.*

4               “(C) *The lodging is within a reasonable prox-*  
5       *imity of the host agency duty station.*”

6               “(D) *The distance between the detailed employ-*  
7       *ee’s parent agency duty station and the host agency*  
8       *duty station is greater than 20 miles.*”

9               “(E) *The distance between the detailed employ-*  
10       *ee’s primary residence and the host agency duty sta-*  
11       *tion is 10 miles greater than the distance between*  
12       *such primary residence and the employees parent*  
13       *duty station.*”

14               “(F) *The rate of pay applicable to the detailed*  
15       *employee does not exceed the rate of basic pay for*  
16       *grade GS–15 of the General Schedule.*”

17       **SEC. 305. TECHNICAL AMENDMENT.**

18       *Section 106(b)(2)(C) of the National Security Act of*  
19       *1947 (50 U.S.C. 403–6(b)(2)(C)) is amended by striking*  
20       *“Nonproliferation and National Security” and inserting*  
21       *“Intelligence and the Director of the Office of Counterintel-*  
22       *ligence”.*

1 **SEC. 306. COMMISSION ON SEPTEMBER 11 GOVERNMENT**  
2 **PREPAREDNESS AND PERFORMANCE.**

3 (a) *ESTABLISHMENT.*—*There is established a commis-*  
4 *sion to be known as the “Commission on Preparedness and*  
5 *Performance of the Federal Government for the September*  
6 *11 Acts of Terrorism” (in this section referred to as the*  
7 *“Commission”).*

8 (b) *DUTY.*—

9 (1) *ASSESSMENT OF AGENCY PERFORMANCE.*—  
10 *The Commission shall, with respect to the acts of ter-*  
11 *rorism committed against the United States on Sep-*  
12 *tember 11, 2001, assess the performance of those agen-*  
13 *cies and departments of the United States charged*  
14 *with the responsibility to prevent, prepare for, or re-*  
15 *spond to acts of terrorism up to and including that*  
16 *date. For purposes of the preceding sentence, those*  
17 *agencies and departments include—*

18 (A) *the Department of Defense (including*  
19 *the intelligence elements of the Department),*

20 (B) *the Department of Justice (including*  
21 *the intelligence elements of the Department),*

22 (C) *the Department of State (including the*  
23 *intelligence elements of the Department),*

24 (D) *the Department of the Transportation*  
25 *(including the intelligence elements of the De-*  
26 *partment),*

1           (E) *the Department of the Treasury (in-*  
2 *cluding the intelligence elements of the Depart-*  
3 *ment),*

4           (F) *the Central Intelligence Agency, and*

5           (G) *the Federal Emergency Management*  
6 *Agency.*

7           (2) *REPORT.—The Commission shall submit the*  
8 *report described in subsection (g).*

9           (c) *MEMBERSHIP.—*

10           (1) *NUMBER AND APPOINTMENT.—The Commis-*  
11 *sion shall be composed of 10 members appointed as*  
12 *follows:*

13           (A) *The President shall appoint 4 members.*

14           (B) *The Speaker of the House of Represent-*  
15 *atives shall appoint 2 members.*

16           (C) *The majority leader of the Senate shall*  
17 *appoint 2 members.*

18           (D) *The minority leader of the House of*  
19 *Representatives shall appoint 1 member.*

20           (E) *The minority leader of the Senate shall*  
21 *appoint 1 member.*

22           (2) *TERMS.—*

23           (A) *IN GENERAL.—Each member shall be*  
24 *appointed for the life of the Commission.*

1           (B) *VACANCIES.*—*Any member appointed to*  
2           *fill a vacancy occurring before the expiration of*  
3           *the term for which the member’s predecessor was*  
4           *appointed shall be appointed only for the re-*  
5           *mainder of that term. A member may serve after*  
6           *the expiration of that member’s term until a suc-*  
7           *cessor has taken office. A vacancy in the Com-*  
8           *mission shall be filled in the manner in which*  
9           *the original appointment was made.*

10          (3) *BASIC PAY.*—

11           (A) *RATES OF PAY.*—*Members shall serve*  
12           *without pay.*

13           (B) *TRAVEL EXPENSES.*—*Each member*  
14           *shall receive travel expenses, including per diem*  
15           *in lieu of subsistence, in accordance with appli-*  
16           *cable provisions under subchapter I of chapter 57*  
17           *of title 5, United States Code.*

18          (4) *QUORUM.*—*6 members of the Commission*  
19           *shall constitute a quorum but a lesser number may*  
20           *hold hearings.*

21          (5) *CHAIRPERSON.*—*The Chairperson of the*  
22           *Commission shall be elected by the members.*

23          (d) *DIRECTOR AND STAFF OF COMMISSION.*—

24           (1) *DIRECTOR.*—*The Commission shall have a*  
25           *Director who shall be appointed by the Chairperson.*

1           (2) *STAFF.*—*The Chairperson may appoint and*  
2 *fix the pay of additional personnel as the Director*  
3 *considers appropriate.*

4           (3) *APPLICABILITY OF CERTAIN CIVIL SERVICE*  
5 *LAWS.*—*The Director and staff of the Commission*  
6 *shall be appointed subject to the provisions of title 5,*  
7 *United States Code, governing appointments in the*  
8 *competitive service, and shall be paid in accordance*  
9 *with the provisions of chapter 51 and subchapter III*  
10 *of chapter 53 of that title relating to classification*  
11 *and General Schedule pay rates, except that an indi-*  
12 *vidual so appointed may not receive pay in excess of*  
13 *the annual rate of basic pay for GS–15 of the General*  
14 *Schedule.*

15           (4) *EXPERTS AND CONSULTANTS.*—*With the ap-*  
16 *proval of the Chairperson, the Director may procure*  
17 *temporary and intermittent services under section*  
18 *3109(b) of title 5, United States Code, but at rates for*  
19 *individuals not to exceed the daily equivalent of the*  
20 *maximum annual rate of basic pay for GS–15 of the*  
21 *General Schedule.*

22           (5) *STAFF OF FEDERAL AGENCIES.*—*Upon re-*  
23 *quest of the Chairperson, the head of any Federal de-*  
24 *partment or agency may detail, on a reimbursable*  
25 *basis, any of the personnel of that department or*

1        *agency to the Commission to assist it in carrying out*  
2        *its duties under this section.*

3        *(e) POWERS OF COMMISSION.—*

4            *(1) HEARINGS AND SESSIONS.—The Commission*  
5        *may, for the purpose of carrying out this section, hold*  
6        *hearings, sit and act at times and places, take testi-*  
7        *mony, and receive evidence as the Commission con-*  
8        *siders appropriate. The Commission may administer*  
9        *oaths or affirmations to witnesses appearing before it.*

10          *(2) POWERS OF MEMBERS AND AGENTS.—Any*  
11        *member or agent of the Commission may, if author-*  
12        *ized by the Commission, take any action which the*  
13        *Commission is authorized to take by this section.*

14          *(3) OBTAINING OFFICIAL DATA.—The Commis-*  
15        *sion may secure directly from any department or*  
16        *agency of the United States information, including*  
17        *classified information, necessary to enable it to carry*  
18        *out this Act. Upon request of the Chairperson of the*  
19        *Commission, the head of that department or agency*  
20        *shall furnish that information to the Commission.*

21          *(4) MAILS.—The Commission may use the*  
22        *United States mails in the same manner and under*  
23        *the same conditions as other departments and agen-*  
24        *cies of the United States.*

1           (5) *ADMINISTRATIVE SUPPORT SERVICES.*—Upon  
2           the request of the Commission, the Administrator of  
3           General Services shall provide to the Commission, on  
4           a reimbursable basis, the administrative support serv-  
5           ices necessary for the Commission to carry out its re-  
6           sponsibilities under this section.

7           (6) *SUBPOENA POWER.*—

8           (A) *IN GENERAL.*—The Commission may  
9           issue subpoenas requiring the attendance and  
10          testimony of witnesses and the production of any  
11          evidence relating to any matter under investiga-  
12          tion by the Commission. The attendance of wit-  
13          nesses and the production of evidence may be re-  
14          quired from any place within the United States  
15          at any designated place of hearing within the  
16          United States.

17          (B) *FAILURE TO OBEY A SUBPOENA.*—If a  
18          person refuses to obey a subpoena issued under  
19          subparagraph (A), the Commission may apply to  
20          a United States district court for an order re-  
21          quiring that person to appear before the Com-  
22          mission to give testimony, produce evidence, or  
23          both, relating to the matter under investigation.  
24          The application may be made within the judicial  
25          district where the hearing is conducted or where

1           *that person is found, resides, or transacts busi-*  
2           *ness. Any failure to obey the order of the court*  
3           *may be punished by the court as civil contempt.*

4           (C) *SERVICE OF SUBPOENAS.*—*The sub-*  
5           *poenas of the Commission shall be served in the*  
6           *manner provided for subpoenas issued by a*  
7           *United States district court under the Federal*  
8           *Rules of Civil Procedure for the United States*  
9           *district courts.*

10          (D) *SERVICE OF PROCESS.*—*All process of*  
11          *any court to which application is made under*  
12          *subparagraph (B) may be served in the judicial*  
13          *district in which the person required to be served*  
14          *resides or may be found.*

15          (E) *IMMUNITY.*—*Except as provided in this*  
16          *paragraph, a person may not be excused from*  
17          *testifying or from producing evidence pursuant*  
18          *to a subpoena on the ground that the testimony*  
19          *or evidence required by the subpoena may tend*  
20          *to incriminate or subject that person to criminal*  
21          *prosecution. A person, after having claimed the*  
22          *privilege against self-incrimination, may not be*  
23          *criminally prosecuted by reason of any trans-*  
24          *action, matter, or thing which that person is*  
25          *compelled to testify about or produce evidence re-*

1           *lating to, except that the person may be pros-*  
 2           *ecuted for perjury committed during the testi-*  
 3           *mony or made in the evidence.*

4           (7) *CONTRACT AUTHORITY.—The Commission*  
 5           *may contract with and compensate government and*  
 6           *private agencies or persons for supplies and services,*  
 7           *without regard to section 3709 of the Revised Statutes*  
 8           *(41 U.S.C. 5).*

9           (f) *REPORT.—The Commission shall transmit a report*  
 10          *to the President and the Congress not later than 6 months*  
 11          *after the date by which the Director has been appointed by*  
 12          *the Chairperson. The report shall contain a detailed state-*  
 13          *ment of the findings and conclusions of the Commission,*  
 14          *together with its recommendations for legislation and ad-*  
 15          *ministrative actions the Commission considers appropriate.*

16          (g) *TERMINATION.—The Commission shall terminate*  
 17          *on 30 days after submitting the report required under sub-*  
 18          *section (g).*

19                                   **TITLE IV—CENTRAL**  
 20                                   **INTELLIGENCE AGENCY**

21 **SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE**  
 22                                   **AGENCY'S CENTRAL SERVICES PROGRAM.**

23           *Section 21 of the Central Intelligence Agency Act of*  
 24          *1949 (50 U.S.C. 403u) is amended as follows:*

25           (1) *Subsection (g)(1) is amended—*

1           (A) by striking “December” and inserting  
2           “January”; and

3           (B) by striking “conduct” and inserting  
4           “complete”.

5           (2) Subsection (h) is amended—

6           (A) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

7           (B) in paragraph (1), as so redesignated, by  
8           striking “(3)” and inserting “(2)”; and

9           (C) in paragraph (2), as so redesignated, by  
10           striking “(2)” and inserting “(1)”.

11           **SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY**

12           **ACT.**

13           (a) *EXTENSION OF AUTHORITY.*—Section 2(f) of the  
14           Central Intelligence Agency Voluntary Separation Pay Act  
15           (Public Law 103–36, 50 U.S.C. 403–4 note) is amended  
16           by striking “September 30, 2002” and inserting “September  
17           30, 2003”.

18           (b) *REMITTANCE OF FUNDS.*—Section 2(i) of that Act  
19           is amended by striking “or 2002” and inserting “2002, or  
20           2003”.

1 **SEC. 403. GUIDELINES FOR RECRUITMENT OF CERTAIN**  
2 **FOREIGN ASSETS.**

3 *Recognizing dissatisfaction with the provisions of the*  
4 *guidelines of the Central Intelligence Agency (promulgated*  
5 *in 1995) for handling cases involving foreign assets or*  
6 *sources with human rights concerns, the Director of Central*  
7 *Intelligence shall—*

8 (1) *rescind the provisions of the guidelines for*  
9 *handling such cases; and*

10 (2) *provide for provisions for handling such*  
11 *cases that more appropriately weigh and incentivize*  
12 *risks to achieve successful operations.*

13 **TITLE V—DEPARTMENT OF DE-**  
14 **FENSE INTELLIGENCE ACTIVI-**  
15 **TIES**

16 **SEC. 501. AUTHORITY TO PURCHASE ITEMS OF NOMINAL**  
17 **VALUE FOR RECRUITMENT PURPOSES.**

18 (a) *AUTHORITY.*—*Section 422 of title 10, United*  
19 *States Code, is amended by adding at the end the following:*

20 “(b) *PROMOTIONAL ITEMS FOR RECRUITMENT PUR-*  
21 *POSES.*—*The Secretary of Defense may use funds available*  
22 *for an intelligence element of the Department of Defense to*  
23 *purchase promotional items of nominal value for use in the*  
24 *recruitment of individuals for employment by that ele-*  
25 *ment.*”.

1           (b) *CLERICAL AMENDMENTS.—(1) The heading of such*  
2 *section is amended to read as follows:*

3 **“§ 422. Use of funds for certain incidental purposes”.**

4           (2) *Such section is further amended by inserting at*  
5 *the beginning of the text of the section the following:*

6           “(a) *COUNTERINTELLIGENCE OFFICIAL RECEPTION*  
7 *AND REPRESENTATION EXPENSES.—”.*

8           (3) *The item relating to such section in the table of*  
9 *sections at the beginning of subchapter I of chapter 21 of*  
10 *such title is amended to read as follows:*

*“422. Use of funds for certain incidental purposes.”.*

11 **SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY-**  
12 **OF-LIFE IMPROVEMENTS AT MENWITH HILL**  
13 **AND BAD AIBLING STATIONS.**

14           *Section 506(b) of the Intelligence Authorization Act for*  
15 *Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), as*  
16 *amended by section 502 of the Intelligence Authorization*  
17 *Act for Fiscal Year 1998 (Public Law 105–107; 111 Stat.*  
18 *2262) and by section 502 of the Intelligence Authorization*  
19 *Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat.*  
20 *1619), is further amended by striking “for fiscal years 2000*  
21 *and 2001” and inserting “for fiscal years 2002 and 2003”.*

1 **SEC. 503. CONTINUATION OF JOINT INTERAGENCY TASK**  
2 **FORCE AT CURRENT LOCATIONS IN FLORIDA**  
3 **AND CALIFORNIA.**

4 (a) *MAIN LOCATION.*—*The Secretary of Defense shall*  
5 *continue to maintain the Joint Interagency Task Force at*  
6 *Key West, Florida, with the responsibility for coordinating*  
7 *drug interdiction efforts in the Western Hemisphere and*  
8 *with such additional responsibilities regarding worldwide*  
9 *intelligence for counterdrug operations as the Secretary*  
10 *may assign.*

11 (b) *COMPONENT LOCATION.*—*The Secretary of Defense*  
12 *shall convert the Joint Interagency Task Force located at*  
13 *Alameda, California, to be a component site of the main*  
14 *location specified in subsection (a).*

15 (c) *DIRECTOR.*—*The Director of the Joint Interagency*  
16 *Task Force shall be a flag officer of the Coast Guard.*

17 **SEC. 504. MODIFICATION OF AUTHORITIES RELATING TO**  
18 **INTERDICTION OF AIRCRAFT ENGAGED IN IL-**  
19 **LICIT DRUG TRAFFICKING.**

20 (a) *CERTIFICATION REQUIRED FOR IMMUNITY.*—*Sub-*  
21 *section (a)(2) of section 1012 of the National Defense Au-*  
22 *thorization Act for Fiscal Year 1995 (Public Law 103–337;*  
23 *108 Stat. 2837; 22 U.S.C. 2291–4) is amended by striking*  
24 *“, before the interdiction occurs, has determined” and in-*  
25 *serting “has, during the 12-month period ending on the date*  
26 *of the interdiction, certified to Congress”.*

1       (b) *ANNUAL REPORTS.*—*That section is further*  
2 *amended—*

3           (1) *by redesignating subsection (c) as subsection*  
4 *(d); and*

5           (2) *by inserting after subsection (b) the following*  
6 *new subsection:*

7       “(c) *ANNUAL REPORTS.*—(1) *Not later than February*  
8 *1 each year, the President shall submit to Congress a report*  
9 *on the assistance provided under subsection (b) during the*  
10 *preceding calendar year. Each report shall include for the*  
11 *calendar year covered by such report the following:*

12           “(A) *A list specifying each country for which a*  
13 *certification referred to in subsection (a)(2) was in ef-*  
14 *fect for purposes of that subsection during any por-*  
15 *tion of such calendar year, including the nature of the*  
16 *illicit drug trafficking threat to each such country.*

17           “(B) *A detailed explanation of the procedures re-*  
18 *ferred to in subsection (a)(2)(B) in effect for each*  
19 *country listed under subparagraph (A), including*  
20 *any training and other mechanisms in place to en-*  
21 *sure adherence to such procedures.*

22           “(C) *A complete description of any assistance*  
23 *provided under subsection (b).*

24           “(D) *A summary description of the aircraft*  
25 *interception activity for which the United States Gov-*



1 **SEC. 506. TECHNICAL AMENDMENTS.**

2 *Section 2555 of title 10, United States Code, as added*  
3 *by section 1203(a) of the Floyd D. Spence National Defense*  
4 *Authorization Act for Fiscal Year 2001 (as enacted by Pub-*  
5 *lic Law 106–398; 114 Stat. 1654, 1654A–324), is*  
6 *amended—*

7 *(1) in subsection (a)—*

8 *(A) by striking “CONVEY OR” in the sub-*  
9 *section heading and inserting “TRANSFER TITLE*  
10 *TO OR OTHERWISE”;*

11 *(B) in paragraph (1)—*

12 *(i) by striking “convey” and inserting*  
13 *“transfer title”; and*

14 *(ii) by striking “and” after “equip-*  
15 *ment;”;*

16 *(C) by striking the period at the end of*  
17 *paragraph (2) and inserting “; and”; and*

18 *(D) by adding at the end the following new*  
19 *paragraph:*

20 *“(3) inspect, test, maintain, repair, or replace*  
21 *any such equipment.”; and*

22 *(2) in subsection (b)—*

23 *(A) by striking “conveyed or otherwise pro-*  
24 *vided” and inserting “provided to a foreign gov-*  
25 *ernment”;*

1                    (B) by inserting “and” at the end of para-  
2                    graph (1);

3                    (C) by striking “; and” at the end of para-  
4                    graph (2) and inserting a period; and

5                    (D) by striking paragraph (3).

**Union Calendar No. 131**

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2883**

**[Report No. 107-219]**

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**A BILL**

To authorize appropriations for fiscal year 2002 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.

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SEPTEMBER 26, 2001

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