

104TH CONGRESS
2D SESSION

H. R. 3237

To provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

Mr. COMBEST introduced the following bill; which was referred to the Permanent Select Committee on Intelligence and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Intelligence Commu-
3 nity Act”.

4 **SEC. 2. ORGANIZATION OF ACT; TABLE OF CONTENTS.**

5 (a) ORGANIZATION OF ACT.—This Act is organized
6 as follows:

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence
Subtitle B—Deputy Directors of Central Intelligence
Subtitle C—The Intelligence Community
Subtitle D—Annual Reports

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions
Subtitle B—National Foreign Intelligence Program
Subtitle C—Personnel
Subtitle D—Infrastructure Support Office
Subtitle E—Intelligence Community Administration

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency
Subtitle B—The Clandestine Service
Subtitle C—The National Intelligence Evaluation Council

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE
INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense
Subtitle B—Director of Military Intelligence
Subtitle C—The Military Departments
Subtitle D—Planning and Budgeting

TITLE V—DEPARTMENT OF DEFENSE AGENCIES IN THE
INTELLIGENCE COMMUNITY

Subtitle A—Defense Intelligence Agency
Subtitle B—Technical Collection Agency
Subtitle C—Technology Development Office

TITLE VI—NATIONAL SECURITY COUNCIL AND RELATED BOARDS
AND COMMITTEES

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments Related to Creation of Technical Collection Agency
Subtitle B—Amendments Related to Creation of Clandestine Service

Subtitle C—Amendments Related to Inspector General for the Intelligence Community

Subtitle D—Repeals of Provisions Recodified in New Act

Subtitle E—Other Amendments

TITLE VIII—TRANSFER OF FUNCTIONS, SAVINGS PROVISIONS,
AND EFFECTIVE DATE

Subtitle A—Transfers of Functions to Intelligence Community Agencies Other than Agencies in Department of Defense

Subtitle B—Transfers of Functions to Intelligence Community Agencies in Department of Defense

Subtitle C—General Transfer Provisions

Subtitle D—General Savings Provisions

Subtitle E—Effective Date

- 1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act; table of contents.

Sec. 3. Findings and purposes.

Sec. 4. Definitions.

TITLE I—INTELLIGENCE COMMUNITY GENERALLY

Subtitle A—Director of Central Intelligence

Sec. 101. Director of Central Intelligence.

Sec. 102. General intelligence responsibilities of the Director.

Sec. 103. Preparation of annual budget for National Foreign Intelligence Program.

Sec. 104. Foreign intelligence collection.

Sec. 105. Protection of sources and methods.

Sec. 106. Promotion and evaluation of the usefulness of intelligence to consumers.

Sec. 107. Elimination of waste and unnecessary duplication.

Sec. 108. Other functions.

Sec. 109. Prohibition on law enforcement powers and internal security functions.

Sec. 110. Access to intelligence.

Sec. 111. Coordination with foreign governments.

Subtitle B—Deputy Directors of Central Intelligence

Sec. 121. Deputy Directors of Central Intelligence.

Sec. 122. Deputy Director of Central Intelligence for the Central Intelligence Agency.

Sec. 123. Deputy Director of Central Intelligence for Community Management.

Sec. 124. Civilian and military status of Director of Central Intelligence and Deputies.

Subtitle C—The Intelligence Community

Sec. 131. Elements of the Intelligence Community.

Sec. 132. Inspector General for the Intelligence Community.

Subtitle D—Annual Reports

Sec. 141. Annual report on Intelligence Community activities.

TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Intelligence Community Functions

Sec. 201. Community Management Staff.

Sec. 202. Functions of the Community Management Staff.

Subtitle B—National Foreign Intelligence Program

Sec. 221. Budgets.

Sec. 222. Comptroller functions of Community Management Staff.

Sec. 223. Limitations on transfers and reprogramming.

Sec. 224. Transfer of funds or personnel within the National Foreign Intelligence Program.

Sec. 225. Limitation on reprogramming.

Subtitle C—Personnel

Sec. 231. Use of personnel.

Sec. 232. Authority to terminate employment of certain employees.

Sec. 233. Intelligence Community Reserve.

Subtitle D—Infrastructure Support Office

Sec. 241. Establishment of Infrastructure Support Office.

Sec. 242. Responsibilities of Director of the Infrastructure Support Office.

Subtitle E—Intelligence Community Administration

Sec. 251. Secrecy agreements used in intelligence activities.

Sec. 252. Coordination of counterintelligence matters with the Federal Bureau of Investigation.

Sec. 253. Intelligence Community contracting.

TITLE III—INTELLIGENCE COMMUNITY AGENCIES

Subtitle A—Central Intelligence Agency

Sec. 301. Central Intelligence Agency.

Sec. 302. Duties of Director of Central Intelligence with regard to the Central Intelligence Agency.

Sec. 303. Functions of the Central Intelligence Agency.

Subtitle B—The Clandestine Service

Sec. 321. The Clandestine Service.

Sec. 322. Functions of the Clandestine Service.

Sec. 323. Applicable statutes.

Subtitle C—The National Intelligence Evaluation Council

Sec. 331. National Intelligence Evaluation Council.

Sec. 332. Functions of the National Intelligence Evaluation Council.

Sec. 333. Staffing of the National Intelligence Evaluation Council.

TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE
INTELLIGENCE COMMUNITY

Subtitle A—Secretary of Defense

- Sec. 401. Overall Secretary of Defense functions.
- Sec. 402. Requirement that budgets for intelligence components be adequate.
- Sec. 403. Implementation of Director of Central Intelligence policies and resource decisions.
- Sec. 404. Relationship of NFIP activities to tactical intelligence activities.
- Sec. 405. Responsiveness to operational military forces.
- Sec. 406. Elimination of waste and unnecessary duplication.
- Sec. 407. Joint and corporate conduct of Defense intelligence activities.
- Sec. 408. Use of elements of Department of Defense.

Subtitle B—Director of Military Intelligence

- Sec. 421. Director of Military Intelligence.
- Sec. 422. Functions of the Director of Military Intelligence.
- Sec. 423. Role of Director of Military Intelligence in the Intelligence Community.
- Sec. 424. Planning and budget functions.
- Sec. 425. Staff.

Subtitle C—The Military Departments

- Sec. 441. Intelligence capabilities of the military departments.

Subtitle D—Planning and Budgeting

- Sec. 451. Joint Military Intelligence Program.
- Sec. 452. Tactical Intelligence and Related Activities (TIARA).
- Sec. 453. Notice to Congress of changes in JMIP and TIARA.

TITLE V—DEPARTMENT OF DEFENSE AGENCIES IN THE
INTELLIGENCE COMMUNITY

Subtitle A—Defense Intelligence Agency

- Sec. 501. Defense Intelligence Agency generally.
- Sec. 502. Functions of the Defense Intelligence Agency.

Subtitle B—Technical Collection Agency

- Sec. 521. Establishment of Technical Collection Agency.
- Sec. 522. SIGINT, IMINT, and MASINT functions.
- Sec. 523. Reconnaissance systems.
- Sec. 524. Applicable statutes.

Subtitle C—Technology Development Office

- Sec. 531. Establishment of the Technology Development Office.
- Sec. 532. Responsibilities for satellite reconnaissance systems.
- Sec. 533. Acquisition and operation of other reconnaissance and sensor systems.
- Sec. 534. Applicable laws.

TITLE VI—NATIONAL SECURITY COUNCIL AND RELATED BOARDS
AND COMMITTEES

- Sec. 601. Recodification of laws relating to National Security Council and related boards and committees in Executive Office of the President.
- Sec. 602. Committee on Foreign Intelligence.
- Sec. 603. Prohibition of direct participation by National Security Council staff in execution of intelligence operations.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments Related to Creation of Technical Collection Agency

- Sec. 701. Role as Defense agency.
- Sec. 702. Restatement of National Security Agency Act of 1959.

Subtitle B—Amendments Related to Creation of Clandestine Service

- Sec. 711. Central Intelligence Agency Act of 1949.
- Sec. 712. Central Intelligence Agency Retirement System.
- Sec. 713. Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 714. Amendments to title 5, United States Code.
- Sec. 715. Amendments to laws codified in the Appendices of title 5, United States Code.
- Sec. 716. Report on detailed personnel.

Subtitle C—Amendments Related to Inspector General for the Intelligence Community

- Sec. 721. Inspector General for the Intelligence Community.

Subtitle D—Repeals of Provisions Recodified in New Act

- Sec. 741. Conforming repeals.

Subtitle E—Other Amendments

- Sec. 751. National Security Act of 1947.
- Sec. 752. Title 5, United States Code.

TITLE VIII—TRANSFER OF FUNCTIONS, SAVINGS PROVISIONS, AND EFFECTIVE DATE

Subtitle A—Transfers of Functions to Intelligence Community Agencies Other than Agencies in Department of Defense

- Sec. 801. Transfer of functions to Clandestine Service.
- Sec. 802. Abolition of National Intelligence Council.

Subtitle B—Transfers of Functions to Intelligence Community Agencies in Department of Defense

- Sec. 811. Transfer of functions to technical collection agency.
- Sec. 812. Transfer of functions to technical development office.
- Sec. 813. Abolition of previous Defense elements of the Intelligence Community.

Subtitle C—General Transfer Provisions

- Sec. 821. Transfer of functions.
- Sec. 822. Transfer and allocations of appropriations and personnel.
- Sec. 823. Incidental transfers.

Sec. 824. Effect on personnel.
Sec. 825. Delegation and assignment.
Sec. 826. Reorganization.
Sec. 827. Rules.

Subtitle D—General Savings Provisions

Sec. 831. Continuing effect of legal documents.
Sec. 832. Proceedings not affected.
Sec. 833. Suits not affected.
Sec. 834. Nonabatement of actions.
Sec. 835. Administrative actions relating to promulgation of regulations.
Sec. 836. Transition.
Sec. 837. References.

Subtitle E—Effective Date

Sec. 851. Effective date.

1 **SEC. 3. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) The United States must maintain an intel-
5 ligence capability to collect and analyze information
6 concerning world events that may threaten its secu-
7 rity so as to be in a position to anticipate and re-
8 spond to such events in an effective and timely man-
9 ner.

10 (2) The existing framework for the conduct of
11 United States intelligence activities, established by
12 the National Security Act of 1947, has evolved
13 largely without changes to the original statutory
14 framework, but rather as a matter of Executive
15 order and directive.

16 (3) Although the Director of Central Intel-
17 ligence has had an overall, coordinating role for

1 United States intelligence activities, under existing
2 law and by Executive order the Director has, in fact,
3 lacked sufficient authorities to exercise this respon-
4 sibility effectively, leaving control largely decentral-
5 ized within elements of the Intelligence Community.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to provide a corporate framework for the
8 improved management of United States intelligence
9 activities at all levels and within all intelligence dis-
10 ciplines;

11 (2) to provide an institutional structure that
12 will continue to ensure that the Intelligence Commu-
13 nity serves the needs of the Government as a whole
14 in an effective, timely, and corporate manner;

15 (3) to clarify by law the responsibilities of Unit-
16 ed States intelligence agencies; and

17 (4) to improve the congressional oversight of in-
18 telligence activities.

19 **SEC. 4. DEFINITIONS.**

20 For the purposes of this Act:

21 (1) INTELLIGENCE.—The term “intelligence”
22 includes foreign intelligence and counterintelligence.

23 (2) FOREIGN INTELLIGENCE.—The term “for-
24 eign intelligence” means information relating to the
25 capabilities, intentions, or activities of foreign gov-

1 ernments or elements thereof, foreign organizations,
2 foreign transnational entities, or foreign persons.

3 (3) COUNTERINTELLIGENCE.—The term “coun-
4 terintelligence” means information gathered and ac-
5 tivities conducted to protect against espionage, other
6 intelligence activities, sabotage, or assassinations
7 conducted by or on behalf of foreign governments or
8 elements thereof, foreign organizations, foreign
9 transnational entities, or foreign persons, or inter-
10 national terrorist activities.

11 (4) NATIONAL INTELLIGENCE AND INTEL-
12 LIGENCE RELATED TO NATIONAL SECURITY.—The
13 terms “national intelligence” and “intelligence relat-
14 ed to the national security”—

15 (A) each refer to intelligence that pertains
16 to the interests of the Government generally,
17 rather than to the interests of a single depart-
18 ment or agency of Government, or to a compo-
19 nent of such department or agency;

20 (B) do not refer to intelligence necessary
21 to plan or conduct tactical military operations
22 by United States Armed Forces; and

23 (C) do not refer to counterintelligence or
24 law enforcement activities conducted by the
25 Federal Bureau of Investigation except to the

1 extent provided for in procedures agreed to by
2 the Director of Central Intelligence and the At-
3 torney General, or otherwise as expressly pro-
4 vided for in this Act.

5 (5) NATIONAL FOREIGN INTELLIGENCE PRO-
6 GRAM.—The term “National Foreign Intelligence
7 Program” refers to all programs, projects, and ac-
8 tivities of the Intelligence Community which are in-
9 tended to produce national intelligence, as well as
10 any other programs of the Intelligence Community
11 designated jointly by the Director of Central Intel-
12 ligence and the head of a United States department
13 or agency or by the President. Such term does not
14 include programs, projects, or activities of the mili-
15 tary departments to acquire intelligence solely for
16 the planning and conduct of tactical military oper-
17 ations by United States Armed Forces.

18 (6) CONGRESSIONAL INTELLIGENCE COMMIT-
19 TEES.—The term “congressional intelligence com-
20 mittees” means—

21 (A) the Select Committee on Intelligence of
22 the Senate; and

23 (B) the Permanent Select Committee on
24 Intelligence of the House of Representatives.

1 **TITLE I—INTELLIGENCE**
2 **COMMUNITY GENERALLY**
3 **Subtitle A—Director of Central**
4 **Intelligence**

5 **SEC. 101. DIRECTOR OF CENTRAL INTELLIGENCE.**

6 (a) DIRECTOR OF CENTRAL INTELLIGENCE.—There
7 is a Director of Central Intelligence. The Director of
8 Central Intelligence is—

9 (1) the principal adviser to the President and
10 the National Security Council for intelligence mat-
11 ters related to the national security; and

12 (2) the head of the Intelligence Community.

13 (b) APPOINTMENT.—The Director of Central Intel-
14 ligence is appointed by the President, by and with the ad-
15 vice and consent of the Senate.

16 (c) ACTING DCI.—

17 (1) The Director of Central Intelligence shall
18 designate one of the two Deputy Directors of
19 Central Intelligence to act for, and exercise the pow-
20 ers of, the Director during the Director's absence or
21 disability.

22 (2) In the event of a vacancy in the office of
23 Director of Central Intelligence, the President shall
24 designate one of the two Deputy Directors of

1 Central Intelligence to act as, and exercise the pow-
2 ers of, the Director during the vacancy.

3 **SEC. 102. GENERAL INTELLIGENCE RESPONSIBILITIES OF**
4 **THE DIRECTOR.**

5 (a) PROVISION OF INTELLIGENCE TO THE PRESI-
6 DENT.—Under the direction of the National Security
7 Council, the Director of Central Intelligence shall be re-
8 sponsible for providing intelligence to the President.

9 (b) PROVISION OF INTELLIGENCE TO OTHERS.—
10 Under the direction of the National Security Council, the
11 Director of Central Intelligence shall be responsible for
12 providing intelligence—

13 (1) to the heads of departments and agencies of
14 the executive branch;

15 (2) to the Chairman of the Joint Chiefs of
16 Staff, to the commanders of the unified combatant
17 commands, and to other senior military command-
18 ers; and

19 (3) to the Senate and House of Representatives
20 and the appropriate committees thereof.

21 (c) INTELLIGENCE TO BE OBJECTIVE AND TIME-
22 LY.—Intelligence provided by the Director pursuant to
23 this section should be timely and objective and shall be
24 provided independent of political considerations or bias

1 and based upon all sources available to the Intelligence
2 Community.

3 **SEC. 103. PREPARATION OF ANNUAL BUDGET FOR NA-**
4 **TIONAL FOREIGN INTELLIGENCE PROGRAM.**

5 The Director of Central Intelligence shall develop (in
6 accordance with subtitle B of title II) and present to the
7 President an annual budget for the National Foreign In-
8 telligence Program of the United States.

9 **SEC. 104. FOREIGN INTELLIGENCE COLLECTION.**

10 The Director of Central Intelligence shall establish
11 the requirements and priorities to govern the collection of
12 national intelligence by elements of the Intelligence Com-
13 munity and shall manage the collection capabilities of the
14 Intelligence Community to ensure that national require-
15 ments are met.

16 **SEC. 105. PROTECTION OF SOURCES AND METHODS.**

17 The Director of Central Intelligence shall protect in-
18 telligence sources and methods from unauthorized dislo-
19 sure.

20 **SEC. 106. PROMOTION AND EVALUATION OF THE USEFUL-**
21 **NESS OF INTELLIGENCE TO CONSUMERS.**

22 The Director of Central Intelligence shall promote
23 and evaluate the quality and usefulness of national intel-
24 ligence to consumers within the Government.

1 **SEC. 107. ELIMINATION OF WASTE AND UNNECESSARY DU-**
2 **PLICATION.**

3 The Director of Central Intelligence, in cooperation
4 with the heads of the elements of the Intelligence Commu-
5 nity shall eliminate waste and unnecessary duplication
6 within the Intelligence Community.

7 **SEC. 108. OTHER FUNCTIONS.**

8 The Director of Central Intelligence shall perform
9 such other functions as the President or the National Se-
10 curity Council may direct.

11 **SEC. 109. PROHIBITION ON LAW ENFORCEMENT POWERS**
12 **AND INTERNAL SECURITY FUNCTIONS.**

13 The Director of Central Intelligence shall have no po-
14 lice, subpoena, or law enforcement powers or internal se-
15 curity functions.

16 **SEC. 110. ACCESS TO INTELLIGENCE.**

17 To the extent recommended by the National Security
18 Council and approved by the President, the Director of
19 Central Intelligence shall have access to all intelligence re-
20 lated to the national security which is collected by any de-
21 partment, agency, or other entity of the United States.

22 **SEC. 111. COORDINATION WITH FOREIGN GOVERNMENTS.**

23 Under the direction of the National Security Council
24 and in a manner consistent with section 207 of the For-
25 eign Service Act of 1980 (22 U.S.C. 3927), the Director
26 shall coordinate the relationships between elements of the

1 Intelligence Community and the intelligence or security
2 services of foreign governments on all matters involving
3 intelligence related to the national security or involving in-
4 telligence acquired through clandestine means.

5 **Subtitle B—Deputy Directors of**
6 **Central Intelligence**

7 **SEC. 121. DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.**

8 (a) POSITIONS.—There is a Deputy Director of
9 Central Intelligence for the Central Intelligence Agency,
10 and there is a Deputy Director of Central Intelligence for
11 Community Management.

12 (b) APPOINTMENT.—Each Deputy Director shall be
13 appointed by the President, by and with the advice and
14 consent of the Senate.

15 (c) QUALIFICATIONS.—Each Deputy Director shall
16 have extensive national security experience.

17 **SEC. 122. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE**
18 **FOR THE CENTRAL INTELLIGENCE AGENCY.**

19 (a) DAILY OPERATIONS OF THE CENTRAL INTEL-
20 LIGENCE AGENCY.—Subject to the direction of the Direc-
21 tor of Central Intelligence, the Deputy Director of Central
22 Intelligence for the Central Intelligence Agency shall be
23 responsible for conducting the daily operations of the
24 Central Intelligence Agency.

1 (b) ANALYSIS AND DISSEMINATION.—The Deputy
2 Director of Central Intelligence for the Central Intel-
3 ligence Agency shall be responsible to the Director of
4 Central Intelligence for the following:

5 (1) Correlating and evaluating intelligence re-
6 lated to the national security collected from all
7 sources available throughout the Intelligence Com-
8 munity and providing appropriate dissemination of
9 such intelligence.

10 (2) Coordinating analysis conducted by the In-
11 telligence Community, including determining when
12 and for what competitive analysis is justified.

13 (3) Producing national intelligence estimates.

14 **SEC. 123. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE**
15 **FOR COMMUNITY MANAGEMENT.**

16 Subject to the direction of the Director of Central In-
17 telligence, the Deputy Director of Central Intelligence for
18 Community Management shall be responsible for the fol-
19 lowing:

20 (1) Directing the operations of the Community
21 Management Staff.

22 (2) Directing the operations of the Infrastruc-
23 ture Support Office.

1 (3) Performing community-wide management
2 functions, including the management of personnel,
3 resources, and requirements.

4 (4) Managing research and development.

5 **SEC. 124. CIVILIAN AND MILITARY STATUS OF DIRECTOR**
6 **OF CENTRAL INTELLIGENCE AND DEPUTIES.**

7 (a) **LIMITATION ON ACTIVE DUTY STATUS.**—Not
8 more than one individual serving in the following positions
9 may be on active duty in the Armed Forces while serving
10 in that position:

11 (1) The Director of Central Intelligence.

12 (2) The two Deputy Directors of Central Intel-
13 ligence.

14 (b) **APPOINTMENT AND RANK.**—An individual serv-
15 ing in a position specified in paragraph (1) or (2) of sub-
16 section (a) who is on active duty in the Armed Forces shall
17 be appointed from among the officers of the Armed Forces
18 on the active-duty list. The Director of Central Intel-
19 ligence may hold the grade of general or admiral while
20 so serving and a Deputy Director of Central Intelligence
21 may hold the rank of lieutenant general or vice admiral
22 while so serving.

23 (c) **ROLE AS OFFICER OF ARMED FORCES.**—A com-
24 missioned officer of the Armed Forces, while serving in

1 a position specified in paragraph (1) or (2) of subsection
2 (a)—

3 (1) shall not be subject to supervision or control
4 by the Secretary of Defense or by any officer or em-
5 ployee of the Department of Defense;

6 (2) shall not exercise, by reason of the officer's
7 status as a commissioned officer, any supervision or
8 control with respect to any of the military or civilian
9 personnel of the Department of Defense except as
10 authorized by this title; and

11 (3) shall not be counted against the numbers
12 and percentages of commissioned officers of the rank
13 and grade of such officer authorized for the military
14 department of that officer.

15 (d) MILITARY BENEFITS.—Except as provided in
16 paragraph (1) or (2) of subsection (c), the appointment
17 of an officer of the Armed Forces to a position specified
18 in paragraph (1) or (2) of subsection (a) shall not affect
19 the status, position, rank, or grade of such officer in the
20 Armed Forces, or any emolument, perquisite, right, privi-
21 lege, or benefit incident to or arising out of any such sta-
22 tus, position, rank, or grade.

23 (e) PAY.—An officer of the Armed Forces appointed
24 to a position specified in paragraph (1) or (2) of sub-
25 section (a), while serving in such position, shall continue

1 to receive military pay and allowances payable to a com-
2 missioned officer of that officer's grade and length of serv-
3 ice for which the appropriate military department shall be
4 reimbursed from funds available to the Director of Central
5 Intelligence. In addition to any pay or allowance payable
6 under this subsection, such officer shall also receive, out
7 of funds available to the Director of Central Intelligence,
8 annual compensation in an amount by which the annual
9 rate of compensation payable for such position exceeds the
10 total of that officer's annual rate of military pay and al-
11 lowances.

12 **Subtitle C—The Intelligence** 13 **Community**

14 **SEC. 131. ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

15 The Intelligence Community of the United States
16 Government consists of the following:

17 (1) The Office of the Director of Central Intel-
18 ligence, which shall include the Offices of the Deputy
19 Directors of Central Intelligence and such other of-
20 fices as the Director may designate.

21 (2) The Community Management Staff.

22 (3) The National Intelligence Evaluation Coun-
23 cil.

24 (4) The Central Intelligence Agency.

25 (5) The Clandestine Service.

1 (6) The Defense Intelligence Agency.

2 (7) The Technical Collection Agency.

3 (8) The Technology Development Office.

4 (9) The Infrastructure Support Office.

5 (10) The intelligence elements of the Army, the
6 Navy, the Air Force, the Marine Corps, and the
7 Coast Guard.

8 (11) The intelligence elements of the Federal
9 Bureau of Investigation, the Department of the
10 Treasury, the Department of Energy, and the Drug
11 Enforcement Administration.

12 (12) The Bureau of Intelligence and Research
13 of the Department of State.

14 (13) Such other offices and entities as are es-
15 tablished by law under the authority of the Director
16 of Central Intelligence or as may be provided by law
17 or by the President to be a component of the Intel-
18 ligence Community.

19 **SEC. 132. INSPECTOR GENERAL FOR THE INTELLIGENCE**
20 **COMMUNITY.**

21 (a) IN GENERAL.—There is an Inspector General for
22 the Intelligence Community. The Inspector General is ap-
23 pointed in accordance with, and performs the duties, has
24 the responsibilities, and exercises the powers specified in,

1 section 17 of the Central Intelligence Agency Act of 1949
2 (50 U.S.C. 403q).

3 (b) COORDINATION WITH INSPECTOR GENERAL OF
4 THE DEPARTMENT OF DEFENSE.—With respect to any
5 audit, inspection, or investigation of any element of the
6 Intelligence Community that is within the Department of
7 Defense, the role of the Inspector General for the Intel-
8 ligence Community shall be determined based upon con-
9 sultations between the Director of Central Intelligence and
10 the Secretary of Defense.

11 **Subtitle D—Annual Reports**

12 **SEC. 141. ANNUAL REPORT ON INTELLIGENCE COMMUNITY** 13 **ACTIVITIES.**

14 (a) IN GENERAL.—The Director of Central Intel-
15 ligence shall submit to Congress an annual report on the
16 activities of the Intelligence Community. The annual re-
17 port shall be unclassified.

18 (b) MATTERS TO BE COVERED IN ANNUAL RE-
19 PORT.—Each report under this section shall describe—

20 (1) the activities of the Intelligence Community
21 during the preceding fiscal year, including signifi-
22 cant successes and failures that can be described in
23 an unclassified manner; and

24 (2) the areas of the world and the issues that
25 the Director expects will require increased or un-

1 usual attention from the Intelligence Community
2 during the next fiscal year.

3 (c) TIME FOR SUBMISSION.—The report under this
4 section for any year shall be submitted at the same time
5 that the President submits the budget for the next fiscal
6 year pursuant to section 1105 of title 31, United States
7 Code.

8 **TITLE II—INTELLIGENCE**
9 **COMMUNITY MANAGEMENT**
10 **Subtitle A—Intelligence**
11 **Community Functions**

12 **SEC. 201. COMMUNITY MANAGEMENT STAFF.**

13 There is a Community Management Staff.

14 **SEC. 202. FUNCTIONS OF THE COMMUNITY MANAGEMENT**
15 **STAFF.**

16 (a) IN GENERAL.—The Deputy Director of Central
17 Intelligence for Community Management, acting through
18 the Community Management Staff, shall provide corporate
19 management of the following Intelligence Community-wide
20 functions:

21 (1) Requirements and collection management.

22 (2) Planning, programming, budgeting, and ac-
23 counting for the National Foreign Intelligence Pro-
24 gram.

25 (3) Research and development activities.

1 (b) COORDINATION WITH THE DMI STAFF.—The
2 Deputy Director of Central Intelligence for Community
3 Management shall coordinate the functions referred to in
4 paragraphs (1) through (3) of subsection (a) with the Di-
5 rector of Military Intelligence.

6 **Subtitle B—National Foreign**
7 **Intelligence Program**

8 **SEC. 221. BUDGETS.**

9 (a) PREPARATION.—The Deputy Director of Central
10 Intelligence for Community Management, in consultation
11 with the elements of the Intelligence Community, shall
12 prepare the annual budgets of the National Foreign Intel-
13 ligence Program.

14 (b) APPROVAL OF BUDGETS.—The Director of
15 Central Intelligence shall approve the budgets prepared
16 under subsection (a) before their incorporation in the Na-
17 tional Foreign Intelligence Program.

18 (c) ACCOUNTING.—The Director of Central Intel-
19 ligence, acting through the Deputy Director of Central In-
20 telligence for Community Management, shall budget and
21 account for financial resources on a community-wide basis
22 by the functional categories of collection, processing, ex-
23 ploitation, analysis, dissemination, and infrastructure.

24 (d) IDENTIFICATION OF CONSTITUENT COMPONENTS
25 OF BASE INTELLIGENCE BUDGET.—The Director of

1 Central Intelligence shall include in the congressional
2 budget justification materials provided to the congres-
3 sional intelligence committees in connection with the an-
4 nual submission of the National Foreign Intelligence Pro-
5 gram for a fiscal year the same level of budgetary detail
6 for that part of the National Foreign Intelligence Program
7 budget identified as the Base Budget that is provided for
8 that part of such budget identified as Ongoing Initiatives
9 and New Initiatives.

10 **SEC. 222. COMPTROLLER FUNCTIONS OF COMMUNITY MAN-**
11 **AGEMENT STAFF.**

12 (a) EXECUTION REVIEW.—The Community Manage-
13 ment Staff shall perform budget execution review of ele-
14 ments of the Intelligence Community and shall have the
15 authority to recommend to the comptroller of the Depart-
16 ment of Defense that authorized and appropriated intel-
17 ligence funds be withheld in those instances in which ele-
18 ments of the Intelligence Community within the Depart-
19 ment of Defense are not complying with guidance from
20 the Director of Central Intelligence or applicable law.

21 (b) ACCOUNTING SYSTEM.—The Deputy Director of
22 Central Intelligence for Community Management shall es-
23 tablish and maintain an Intelligence Community-wide
24 automated system for programming, budgeting, account-

1 ing, and execution review of the National Foreign Intel-
2 ligence Program.

3 **SEC. 223. LIMITATIONS ON TRANSFERS AND**
4 **REPROGRAMMING.**

5 (a) LIMITATION ON NEW USE OF FUNDS AVAILABLE
6 FOR INTELLIGENCE ACTIVITIES.—Funds may not be
7 made available through transfer, reprogramming, or other
8 means between the Central Intelligence Agency or the
9 Clandestine Service and the Department of Defense for
10 any intelligence or special activity different from that pre-
11 viously justified to the Congress unless the Director of
12 Central Intelligence or the Secretary of Defense notifies
13 in advance the Permanent Select Committee on Intel-
14 ligence of the House of Representatives, the Select Com-
15 mittee on Intelligence of the Senate, and the Committees
16 on Appropriations of the Senate and House of Representa-
17 tives of the intent to make such funds available for such
18 activity.

19 (b) LIMITATION ON AMOUNTS TRANSFERRED.—The
20 amount that may be transferred from any account of an
21 element of the Intelligence Community for any fiscal year
22 may not exceed five percent of the aggregate portion of
23 the National Foreign Intelligence Program budget of that
24 element for that fiscal year.

1 (c) LIMITATION ON TRANSFER OF FUNDS AVAIL-
2 ABLE FOR DRUG INTERDICTION OR COUNTER-DRUG PUR-
3 POSES.—None of the funds available to the Central Intel-
4 ligence Agency or the Clandestine Service for any fiscal
5 year for drug interdiction and counter-drug activities may
6 be transferred to any other department or agency of the
7 United States except as specifically provided in an appro-
8 priations law.

9 **SEC. 224. TRANSFER OF FUNDS OR PERSONNEL WITHIN**
10 **THE NATIONAL FOREIGN INTELLIGENCE**
11 **PROGRAM.**

12 (a) GENERAL AUTHORITY.—In addition to any other
13 authorities available under law for such purposes, the Di-
14 rector of Central Intelligence, with the approval of the Di-
15 rector of the Office of Management and Budget, may
16 transfer funds appropriated for a program within the Na-
17 tional Foreign Intelligence Program to another such pro-
18 gram and, in accordance with procedures to be developed
19 by the Director and the heads of affected departments and
20 agencies, may transfer personnel authorized for an ele-
21 ment of the Intelligence Community to another such ele-
22 ment for periods up to a year.

23 (b) CONDITIONS.—A transfer of funds or personnel
24 may be made under this section only if—

1 (1) the funds or personnel are being transferred
2 to an activity that is a higher priority intelligence
3 activity;

4 (2) the need for funds or personnel for such ac-
5 tivity is based on unforeseen requirements;

6 (3) the transfer does not involve a transfer of
7 funds to the Reserve for Contingencies of the Direc-
8 tor of Central Intelligence; and

9 (4) the transfer does not involve a transfer of
10 funds or personnel from the Federal Bureau of In-
11 vestigation.

12 (c) AVAILABILITY OF TRANSFERRED FUNDS.—
13 Funds transferred under this subsection shall remain
14 available for the same period as the appropriations ac-
15 count to which such funds are transferred.

16 (d) NOTIFICATION OF CONGRESS.—Any transfer of
17 funds under this section shall be carried out in accordance
18 with existing procedures applicable to reprogramming no-
19 tifications for the appropriate congressional committees.
20 Any proposed transfer for which notice is given to the ap-
21 propriate congressional committees shall be accompanied
22 by a report explaining the nature of the proposed transfer
23 and how it satisfies the requirements of this subsection.
24 In addition, the congressional intelligence committees shall
25 be promptly notified of any transfer of funds made pursu-

1 ant to this subsection in any case in which the transfer
2 would not have otherwise required reprogramming notifi-
3 cation under procedures in effect as of October 24, 1992.

4 (e) REPORT ON PERSONNEL TRANSFERS.—The Di-
5 rector shall promptly submit to the congressional intel-
6 ligence committees and, in the case of the transfer of per-
7 sonnel to or from the Department of Defense, the Commit-
8 tee on Armed Services of the Senate and the Committee
9 on National Security of the House of Representatives, a
10 report on any transfer of personnel made pursuant to this
11 section. The Director shall include in any such report an
12 explanation of the nature of the transfer and how it satis-
13 fies the requirements of this subsection.

14 **SEC. 225. LIMITATION ON REPROGRAMMING.**

15 No funds made available under the National Foreign
16 Intelligence Program may be reprogrammed by any ele-
17 ment of the Intelligence Community without the prior ap-
18 proval of the Director of Central Intelligence except in ac-
19 cordance with procedures issued by the Director.

20 **Subtitle C—Personnel**

21 **SEC. 231. USE OF PERSONNEL.**

22 The Director of Central Intelligence shall, in coordi-
23 nation with the heads of departments and agencies with
24 elements in the Intelligence Community, institute policies
25 and programs within the Intelligence Community—

1 (1) to provide for the rotation of personnel be-
2 tween the elements of the Intelligence Community,
3 where appropriate, and to make such rotated service
4 a factor to be considered for promotion to senior po-
5 sitions;

6 (2) to consolidate, wherever possible, personnel,
7 administrative, and security programs to reduce the
8 overall costs of these activities within the Intel-
9 ligence Community;

10 (3) to ensure the maintenance of effective per-
11 formance evaluation systems with common standards
12 throughout the national Intelligence Community;
13 and

14 (4) to develop a community-wide career develop-
15 ment program that emphasizes corporate manage-
16 ment skills.

17 **SEC. 232. AUTHORITY TO TERMINATE EMPLOYMENT OF**
18 **CERTAIN EMPLOYEES.**

19 (a) IN GENERAL.—The Director of Central Intel-
20 ligence may, in the Director’s discretion, terminate the
21 employment of any officer or employee of the Central In-
22 telligence Agency, the Clandestine Service, or the Commu-
23 nity Management Staff whenever the Director considers
24 such termination to be necessary or advisable in the inter-
25 ests of the United States.

1 (b) OTHER EMPLOYMENT IN THE GOVERNMENT.—
2 Any such termination does not affect the right of the indi-
3 vidual whose employment is so terminated to seek or ac-
4 cept employment in any other department or agency of
5 the Government if declared eligible for such employment
6 by the Office of Personnel Management.

7 **SEC. 233. INTELLIGENCE COMMUNITY RESERVE.**

8 (a) ESTABLISHMENT.—The Director of Central Intel-
9 ligence shall establish an Intelligence Community Reserve.

10 (b) MEMBERS.—The Intelligence Community Reserve
11 may consist of former or retired personnel of elements of
12 the Intelligence Community and of other qualified individ-
13 uals, as determined by the Director of Central Intelligence.
14 Each member of the Intelligence Community Reserve shall
15 agree that, during any period of emergency (as determined
16 by the Director), the member shall return to active civilian
17 status within the Intelligence Community and shall per-
18 form such duties as the Director may assign.

19 (c) MONETARY INCENTIVES.—In order to attract in-
20 dividuals to become members of the Intelligence Commu-
21 nity Reserve, the Director, without regard to subchapter
22 IV of chapter 55 of title 5, United States Code, may pro-
23 vide special monetary incentives to individuals eligible to
24 become members of the Reserve who agree to become
25 members of the Intelligence Community Reserve and to

1 acquire or retain proficiency in such skills as the Director
2 shall specify.

3 (d) TRAINING AND SUPPORT.—In order to provide
4 training and support for members of the Intelligence Com-
5 munity Reserve, the Director—

6 (1) may pay all or part of the expenses related
7 to the training of individuals in the Intelligence
8 Community Reserve; and

9 (2) may pay benefits and allowances in accord-
10 ance with chapters 57 and 59 of title 5, United
11 States Code, to individuals in the Intelligence Com-
12 munity Reserve who are assigned to training at sites
13 away from their homes or regular places of business.

14 (e) SERVICE AGREEMENTS.—

15 (1) The Director, before providing training
16 under this section to any individual, may obtain an
17 agreement with that individual that—

18 (A) in the case of current employees, per-
19 tains to continuation of service of the employee,
20 and repayment of the expenses of such training
21 for failure to fulfill the agreement, consistent
22 with the provisions of section 4108 of title 5,
23 United States Code; and

24 (B) in the case of individuals accepted for
25 membership in the Intelligence Community Re-

1 serve, pertains to return to service when re-
2 requested, and repayment of the expenses of such
3 training for failure to fulfill the agreement, con-
4 sistent with the provisions of section 4108 of
5 title 5, United States Code.

6 (2) The Director, under regulations prescribed
7 under this section, may waive, in whole or in part,
8 a right of recovery under an agreement made under
9 this subsection if it is shown that the recovery would
10 be against equity and good conscience or against the
11 public interest.

12 (f) **APPLICABILITY OF VOLUNTARY SEPARATION PAY**
13 **ACT.—**

14 (1) Participation in the Intelligence Community
15 Reserve through the receipt of monetary incentives
16 under subsection (c) does not constitute employment
17 with the Government of the United States for pur-
18 poses of the Central Intelligence Agency Voluntary
19 Separation Pay Act (50 U.S.C. 403–4).

20 (2) Performing service in an active duty status
21 under subsection (d) does constitute employment
22 with the Government of the United States for pur-
23 poses of the Central Intelligence Agency Voluntary
24 Separation Pay Act (50 U.S.C. 403–4), and the re-
25 payment requirement of section 2(b) of that Act ap-

1 plies unless waived in accordance with such section
2 2(b).

3 **Subtitle D—Infrastructure Support** 4 **Office**

5 **SEC. 241. ESTABLISHMENT OF INFRASTRUCTURE SUPPORT** 6 **OFFICE.**

7 (a) ESTABLISHMENT.—There is within the Intel-
8 ligence Community the Infrastructure Support Office.

9 (b) DIRECTOR.—The Office shall be headed by a Di-
10 rector, who shall be appointed by the Director of Central
11 Intelligence.

12 **SEC. 242. RESPONSIBILITIES OF DIRECTOR OF THE INFRA-** 13 **STRUCTURE SUPPORT OFFICE.**

14 (a) IN GENERAL.—Under the direction of the Deputy
15 Director of Central Intelligence for Community Manage-
16 ment, the Director of the Infrastructure Support Office
17 shall be responsible for administrative and logistical func-
18 tions relating to infrastructure and services of common
19 concern to elements of the Intelligence Community. Such
20 functions shall include the following:

- 21 (1) Personnel management.
- 22 (2) Security.
- 23 (3) Community-level training.
- 24 (4) Communications.
- 25 (5) Automation.

1 (6) Such additional functions as may be as-
2 signed by the Director of Central Intelligence.

3 (b) AUTOMATION EQUIPMENT.—The Director of the
4 Infrastructure Support Office shall establish standards
5 and information architectures for automation equipment
6 throughout the Intelligence Community. The Director
7 shall be responsible for life-cycle management, replace-
8 ment, and upgrading of such equipment.

9 **Subtitle E—Intelligence**
10 **Community Administration**

11 **SEC. 251. SECRECY AGREEMENTS USED IN INTELLIGENCE**
12 **ACTIVITIES.**

13 Notwithstanding any other provision of law not spe-
14 cifically referencing this section, a nondisclosure policy
15 form or agreement that is to be executed by a person con-
16 nected with the conduct of an intelligence or intelligence-
17 related activity, other than an employee or officer of the
18 United States Government, may contain provisions appro-
19 priate to the particular activity for which such document
20 is to be used. Such form or agreement shall, at a mini-
21 mum—

22 (1) require that the person will not disclose any
23 classified information received in the course of such
24 activity unless specifically authorized to do so by the
25 United States Government; and

1 (2) provide that the form or agreement does not
2 bar—

3 (A) disclosures to Congress; or

4 (B) disclosures to an authorized official of
5 an executive agency that are considered essen-
6 tial to reporting a violation of United States
7 law.

8 **SEC. 252. COORDINATION OF COUNTERINTELLIGENCE**
9 **MATTERS WITH THE FEDERAL BUREAU OF**
10 **INVESTIGATION.**

11 (a) COORDINATION BY OTHER AGENCIES WITH
12 FBI.—

13 (1) The head of each department or agency
14 within the executive branch shall ensure that the Di-
15 rector of the Federal Bureau of Investigation is in-
16 formed immediately of any information, regardless
17 of its origin, which indicates that classified informa-
18 tion is being, or may have been, disclosed in an un-
19 authorized manner to a foreign power or an agent
20 of a foreign power.

21 (2) Following the making of a report under
22 paragraph (1), the head of the department or agency
23 making the report shall ensure that the Director of
24 the Federal Bureau of Investigation is consulted
25 with respect to all subsequent actions that may be

1 undertaken by the department or agency to deter-
2 mine the source of such unauthorized disclosure.

3 (3) When, after appropriate consultation with
4 the head of the department or agency concerned, the
5 Director of the Federal Bureau of Investigation un-
6 dertakes investigative activities to determine the
7 source of the unauthorized disclosure, the head of
8 the department or agency concerned shall ensure
9 that the Director is given complete and timely access
10 to the employees and records of that department or
11 agency for purposes of such investigative activities.

12 (b) COORDINATION BY FBI WITH OTHER AGEN-
13 CIES.—

14 (1) The Director of the Federal Bureau of In-
15 vestigation shall ensure that when the Bureau ob-
16 tains espionage information pertaining to the per-
17 sonnel, operations, or information of another depart-
18 ment or agency of the executive branch, such infor-
19 mation is provided through appropriate channels to
20 the head of that department or agency.

21 (2) The Director shall ensure that when the
22 Bureau undertakes an espionage investigation which
23 involves the personnel, operations, or information of
24 another department or agency of the executive
25 branch after a report is provided pursuant to sub-

1 section (a)(1), the head of that department or agen-
2 cy is consulted with respect to that investigation.

3 (c) PRESIDENTIAL WAIVER AUTHORITY.—

4 (1) When essential to meet extraordinary cir-
5 cumstances affecting vital national security interests
6 of the United States as determined by the President,
7 the President may, on a case-by-case basis, waive
8 the requirements of subsection (a) or (b), as they
9 apply to the head of a particular department or
10 agency or to the Director of the Federal Bureau of
11 Investigation.

12 (2) Such a waiver shall be in writing and shall
13 fully state the justification for the waiver.

14 (3) Within 30 days after issuing such a waiver,
15 the President shall notify the congressional intel-
16 ligence committees that the waiver has been issued
17 and, at that time or as soon thereafter as national
18 security considerations permit, shall provide those
19 committees with a complete explanation of the cir-
20 cumstances which necessitated the waiver.

21 (d) ANNUAL REPORT.—The Director of the Federal
22 Bureau of Investigation shall, not later than February 1
23 of each year, submit to the congressional intelligence com-
24 mittees and, in accordance with applicable security proce-
25 dures, the Committees on the Judiciary of the Senate and

1 House of Representatives a report with respect to compli-
2 ance with subsections (a) and (b) during the previous cal-
3 endar year. Each such report shall be prepared in con-
4 sultation with the Director of Central Intelligence and the
5 Secretary of Defense.

6 (e) RELATIONSHIP TO DEPARTMENT OF DEFENSE
7 AUTHORITY OVER PERSONS SUBJECT TO UCMJ.—Noth-
8 ing in this section may be construed to—

9 (1) alter the jurisdictional arrangements in ef-
10 fect as of October 14, 1994, between the Federal
11 Bureau of Investigation and the Department of De-
12 fense with respect to investigations of persons sub-
13 ject to the Uniform Code of Military Justice (chap-
14 ter 47 of title 10, United States Code); or

15 (2) impose reporting requirements upon the De-
16 partment of Defense with respect to such investiga-
17 tions beyond those required by law and executive
18 branch policy as of October 14, 1994.

19 (f) DEFINITIONS.—As used in this section, the terms
20 “foreign power” and “agent of a foreign power” have the
21 meanings set forth in sections 101(a) and 101(b), respec-
22 tively, of the Foreign Intelligence Surveillance Act of 1978
23 (50 U.S.C. 1801).

1 **SEC. 253. INTELLIGENCE COMMUNITY CONTRACTING.**

2 The Director of Central Intelligence shall direct that
3 elements of the Intelligence Community, whenever com-
4 patible with the national security interests of the United
5 States and consistent with the operational and security
6 concerns related to the conduct of intelligence activities,
7 and where fiscally sound, shall award contracts in a man-
8 ner that would maximize the procurement of products in
9 the United States.

10 **TITLE III—INTELLIGENCE**
11 **COMMUNITY AGENCIES**
12 **Subtitle A—Central Intelligence**
13 **Agency**

14 **SEC. 301. CENTRAL INTELLIGENCE AGENCY.**

15 There is a Central Intelligence Agency. The Central
16 Intelligence Agency is the principal all-source national in-
17 telligence analytical agency. The Director of Central Intel-
18 ligence is the head of the Central Intelligence Agency and
19 shall carry out the functions of the Central Intelligence
20 Agency through the Deputy Director of Central Intel-
21 ligence for the Central Intelligence Agency.

22 **SEC. 302. DUTIES OF DIRECTOR OF CENTRAL INTEL-**
23 **LIGENCE WITH REGARD TO THE CENTRAL IN-**
24 **TELLIGENCE AGENCY.**

25 The Director of Central Intelligence, as head of the
26 Central Intelligence Agency, shall—

1 **Subtitle B—The Clandestine** 2 **Service**

3 **SEC. 321. THE CLANDESTINE SERVICE.**

4 (a) ESTABLISHMENT.—There is within the executive
5 branch of Government an independent entity designated
6 as the Clandestine Service. The Director of Central Intel-
7 ligence is the head of the Clandestine Service.

8 (b) DIRECTOR.—The Clandestine Service shall be ad-
9 ministered by a Director, who shall report directly to the
10 Director of Central Intelligence. The Director of the Clan-
11 destine Service shall be appointed from among intelligence
12 professionals and shall have extensive current or prior ex-
13 perience within the Intelligence Community. The Director
14 of the Clandestine Service may not be an active-duty mem-
15 ber of the Armed Forces.

16 (c) DEPUTY DIRECTORS.—

17 (1) There shall be such deputy directors of the
18 Clandestine Service as the Director of Central Intel-
19 ligence may designate.

20 (2)(A) One of the deputy directors shall be a
21 Deputy Director for Clandestine Military Activities
22 and Support.

23 (B) The Deputy Director for Clandestine Mili-
24 tary Activities and Support shall be responsible for
25 coordination between the Clandestine Service and

1 the various military and defense elements of the In-
2 telligence Community.

3 (C) The Deputy Director for Clandestine Mili-
4 tary Activities and Support shall be responsible for
5 the functions of the Clandestine Service carried out
6 through elements of the Department of Defense.

7 (D) The Deputy Director for Clandestine Mili-
8 tary Activities and Support shall be selected from
9 active duty professional military intelligence officers
10 in the grade of major general or rear admiral.

11 **SEC. 322. FUNCTIONS OF THE CLANDESTINE SERVICE.**

12 (a) IN GENERAL.—The functions to be carried out
13 through the Director of the Clandestine Service are the
14 following:

15 (1) Collecting national intelligence clandestinely
16 through human sources and by other appropriate
17 means, using the elements of the Intelligence Com-
18 munity authorized to undertake such collection.

19 (2) Ensuring that the most effective use is
20 made of resources authorized for the purposes of
21 paragraph (1) and minimizing the risks to the Unit-
22 ed States inherent in clandestine collection oper-
23 ations.

24 (3) Managing the administrative and technical
25 support activities of the Intelligence Community nec-

1 essary to carrying out clandestine collection and ex-
2 isting principally to support the activities of the
3 Clandestine Service.

4 (4) Performing such other functions as the Di-
5 rector of Central Intelligence may direct.

6 (b) CLANDESTINE HUMAN INTELLIGENCE COLLEC-
7 TION.—All national clandestine human intelligence collec-
8 tion activities are subject to the authority of the Director
9 of the Clandestine Service, including clandestine human
10 intelligence collection activities of the Department of De-
11 fense.

12 **SEC. 323. APPLICABLE STATUTES.**

13 Any reference as of the date of the enactment of this
14 Act to the Central Intelligence Agency in any provision
15 of law, or in any directive, rule, regulation, order, or other
16 document of the United States, shall be treated for all pur-
17 poses as including a reference to the Clandestine Service.

18 **Subtitle C—The National**
19 **Intelligence Evaluation Council**

20 **SEC. 331. NATIONAL INTELLIGENCE EVALUATION COUNCIL.**

21 (a) ESTABLISHMENT.—There is within the Intel-
22 ligence Community the National Intelligence Evaluation
23 Council.

24 (b) MEMBERS.—The National Intelligence Evalua-
25 tion Council shall be composed of senior analysts within

1 the Intelligence Community and may include substantive
2 experts from the public and private sector. Members of
3 the Council shall be appointed by, report to, and serve at
4 the pleasure of, the Director of Central Intelligence. The
5 Director of Central Intelligence shall appoint the head of
6 the Council from among its members, who shall report di-
7 rectly to the Director of Central Intelligence.

8 (c) SECURITY REQUIREMENTS.—The Director of
9 Central Intelligence shall prescribe appropriate security
10 requirements for personnel appointed from the private sec-
11 tor as a condition of service on the Council to ensure the
12 protection of intelligence sources and methods while avoid-
13 ing, wherever possible, unduly intrusive requirements
14 which the Director considers to be unnecessary for this
15 purpose.

16 **SEC. 332. FUNCTIONS OF THE NATIONAL INTELLIGENCE**
17 **EVALUATION COUNCIL.**

18 The National Intelligence Evaluation Council shall
19 evaluate Intelligence Community-wide collection and pro-
20 duction of intelligence, as well as the requirements and
21 resources for such collection and production. Such evalua-
22 tion shall be performed in consultation with both Deputy
23 Directors of Central Intelligence and with the Director of
24 Military Intelligence.

1 **SEC. 333. STAFFING OF THE NATIONAL INTELLIGENCE**
2 **EVALUATION COUNCIL.**

3 The Director of Central Intelligence shall make avail-
4 able to the National Intelligence Evaluation Council such
5 staff as may be necessary to permit the Council to carry
6 out its responsibilities under this subtitle and shall take
7 appropriate measures to ensure that the Council and its
8 staff satisfy the needs of policymaking officials and other
9 consumers of intelligence.

10 **TITLE IV—DEPARTMENT OF DE-**
11 **FENSE FUNCTIONS IN THE IN-**
12 **TELLIGENCE COMMUNITY**

13 **Subtitle A—Secretary of Defense**

14 **SEC. 401. OVERALL SECRETARY OF DEFENSE FUNCTIONS.**

15 The Secretary of Defense shall perform such intel-
16 ligence functions as may be directed by the President by
17 Executive order or otherwise.

18 **SEC. 402. REQUIREMENT THAT BUDGETS FOR INTEL-**
19 **LIGENCE COMPONENTS BE ADEQUATE.**

20 The Secretary of Defense shall ensure that the budg-
21 ets of the elements of the Intelligence Community within
22 the Department of Defense for any fiscal year are ade-
23 quate to satisfy the overall intelligence needs of the De-
24 partment of Defense, including—

25 (1) the needs of the chairman of the Joint
26 Chiefs of Staff;

1 (2) the needs of the commanders of the unified
2 and specified commands; and

3 (3) the needs of other departments and agen-
4 cies, as appropriate.

5 **SEC. 403. IMPLEMENTATION OF DIRECTOR OF CENTRAL IN-**
6 **TELLIGENCE POLICIES AND RESOURCE DECI-**
7 **SIONS.**

8 The Secretary of Defense shall ensure appropriate
9 implementation of the policies and resource decisions of
10 the Director of Central Intelligence by elements of the De-
11 partment of Defense within the National Foreign Intel-
12 ligence Program.

13 **SEC. 404. RELATIONSHIP OF NFIP ACTIVITIES TO TACTICAL**
14 **INTELLIGENCE ACTIVITIES.**

15 The Secretary of Defense shall ensure that the tac-
16 tical intelligence activities of the Department of Defense
17 complement, and are compatible with, intelligence activi-
18 ties under the National Foreign Intelligence Program. The
19 Secretary shall carry out this section through the Director
20 of Military Intelligence.

21 **SEC. 405. RESPONSIVENESS TO OPERATIONAL MILITARY**
22 **FORCES.**

23 The Secretary of Defense shall ensure that the ele-
24 ments of the Intelligence Community within the Depart-

1 ment of Defense are responsive and timely with respect
2 to satisfying the needs of operational military forces.

3 **SEC. 406. ELIMINATION OF WASTE AND UNNECESSARY DU-**
4 **PLICATION.**

5 The Secretary of Defense shall eliminate waste and
6 unnecessary duplication among the intelligence activities
7 of the Department of Defense.

8 **SEC. 407. JOINT AND CORPORATE CONDUCT OF DEFENSE**
9 **INTELLIGENCE ACTIVITIES.**

10 The Secretary of Defense shall ensure that, when ap-
11 propriate, intelligence activities of the Department of De-
12 fense are conducted (1) jointly, and (2) cooperatively with
13 elements of the Intelligence Community outside the De-
14 partment of Defense.

15 **SEC. 408. USE OF ELEMENTS OF DEPARTMENT OF DE-**
16 **FENSE.**

17 The Secretary of Defense, in carrying out the func-
18 tions of the Secretary under this Act, may use such ele-
19 ments of the Department of Defense as may be appro-
20 priate for the execution of those functions, in addition to,
21 or in lieu of, the elements specifically identified in this Act
22 for the performance of those functions.

1 **Subtitle B—Director of Military**
2 **Intelligence**

3 **SEC. 421. DIRECTOR OF MILITARY INTELLIGENCE.**

4 (a) ESTABLISHMENT OF POSITION.—There is a Di-
5 rector of Military Intelligence, appointed by the President,
6 by and with the advice and consent of the Senate, from
7 the officers of the regular components of the Armed
8 Forces on active duty. The Director, while so serving,
9 holds the grade of lieutenant general or vice admiral.

10 (b) NOMINATION.—A recommendation by the Sec-
11 retary of Defense to the President for appointment of an
12 officer as Director of Military Intelligence may be made
13 only with the concurrence of the Director of Central Intel-
14 ligence.

15 **SEC. 422. FUNCTIONS OF THE DIRECTOR OF MILITARY IN-**
16 **TELLIGENCE.**

17 (a) SENIOR MILITARY INTELLIGENCE ADVISER.—
18 The Director of Military Intelligence is the senior military
19 intelligence adviser to the Secretary of Defense.

20 (b) DIRECTOR OF DIA.—The Director of Military In-
21 telligence is the Director of the Defense Intelligence Agen-
22 cy.

23 (c) PROGRAM MANAGER FOR JMIP.—The Director
24 of Military Intelligence is the program manager for the

1 Joint Military Intelligence Program (or any successor pro-
2 gram).

3 (d) PROGRAM COORDINATOR FOR TIARA.—The Di-
4 rector of Military Intelligence is the program coordinator
5 for the activities in the Department of Defense known as
6 Tactical Intelligence and Related Activities (TIARA).

7 **SEC. 423. ROLE OF DIRECTOR OF MILITARY INTELLIGENCE**
8 **IN THE INTELLIGENCE COMMUNITY.**

9 (a) NATIONAL INTELLIGENCE.—The Director of
10 Military Intelligence, as director of the Defense Intel-
11 ligence Agency, is accountable to the Director of Central
12 Intelligence in matters relative to the collection and pros-
13 ecution of national intelligence.

14 (b) INTELLIGENCE REQUIREMENTS OF THE SEC-
15 RETARY OF DEFENSE AND THE JOINT CHIEFS OF
16 STAFF.—The Director of Military Intelligence shall be re-
17 sponsible for ensuring that the intelligence requirements
18 of the Secretary of Defense and the Joint Chiefs of Staff
19 are met.

20 **SEC. 424. PLANNING AND BUDGET FUNCTIONS.**

21 (a) JMIP RESPONSIBILITY.—The Director of Mili-
22 tary Intelligence is responsible within the Department of
23 Defense for development and submission of the Joint Mili-
24 tary Intelligence Program for any fiscal year.

1 (b) TIARA RESPONSIBILITY.—The Director is re-
2 sponsible within the Department of Defense for coordina-
3 tion of the development and submission of the budget for
4 any fiscal year for programs, projects, and activities in-
5 cluded within Tactical Intelligence and Related Activities.

6 (c) OVERALL BUDGET COORDINATION.—The Direc-
7 tor is the central point of contact in the Department of
8 Defense for budget coordination with the Deputy Director
9 of Central Intelligence for Community Management relat-
10 ing to the development and submission of the National
11 Foreign Intelligence Program for any fiscal year.

12 **SEC. 425. STAFF.**

13 The Director of Military Intelligence shall have a
14 staff sufficient to enable the Director to carry out the
15 functions of the Director, including responsibilities with
16 respect to budget development, planning, programming,
17 and coordination. The Director shall ensure that the staff
18 acts in a coordinated and corporate way with the Commu-
19 nity Management Staff and the Infrastructure Support
20 Office.

1 **Subtitle C—The Military**
2 **Departments**

3 **SEC. 441. INTELLIGENCE CAPABILITIES OF THE MILITARY**
4 **DEPARTMENTS.**

5 (a) REQUIREMENT FOR MAINTENANCE OF CAPABILI-
6 TIES.—Under the direction of the Secretary of Defense,
7 the Secretaries of the military departments shall maintain
8 sufficient capabilities to collect and produce intelligence to
9 meet—

10 (1) the requirements of the Director of Central
11 Intelligence;

12 (2) the requirements of the Secretary of De-
13 fense or the Chairman of the Joint Chiefs of Staff;
14 and

15 (3) the specialized requirements of the military
16 departments for intelligence necessary to support—

17 (A) tactical commanders;

18 (B) military planners;

19 (C) the research and development process;

20 (D) the acquisition of military equipment;

21 and

22 (E) training and doctrine.

23 (b) LEVEL AND FORM OF CAPABILITIES TO BE
24 MAINTAINED.—The Secretaries of the military depart-
25 ments shall ensure that the capabilities maintained pursu-

1 ant to subsection (a) do not exceed that which is necessary
2 to satisfy the requirements of their respective depart-
3 ments. To the extent feasible, the Secretaries shall provide
4 for such capabilities to be maintained jointly and in the
5 most efficient and cost-effective form.

6 **Subtitle D—Planning and**
7 **Budgeting**

8 **SEC. 451. JOINT MILITARY INTELLIGENCE PROGRAM.**

9 (a) IN GENERAL.—The Joint Military Intelligence
10 Program consists of those programs, projects, and activi-
11 ties of the Department of Defense that are intended to
12 provide intelligence, surveillance, and reconnaissance ca-
13 pabilities that support multiple defense-wide or joint thea-
14 ter-level consumers.

15 (b) COMPONENTS.—The Joint Military Intelligence
16 Program includes the programs, projects, and activities
17 that as of the date of the enactment of this Act are des-
18 ignated as follows:

19 (1) The Defense Imagery Program.

20 (2) The Defense Cryptologic Program.

21 (3) The Defense Mapping, Charting, and Geod-
22 esy Program.

23 (4) The Defense General Intelligence Applica-
24 tions Program, including—

1 (A) the Defense Airborne Reconnaissance
2 Program;

3 (B) the Defense Space Reconnaissance
4 Program;

5 (C) the Defense Intelligence Counterdrug
6 Program;

7 (D) the Defense Intelligence Tactical Pro-
8 gram; and

9 (E) the Defense Intelligence Special Tech-
10 nologies Program.

11 (c) ADDITIONAL COMPONENTS.—The Joint Military
12 Intelligence Program includes such additional programs,
13 projects, and activities as are specified by law or are des-
14 ignated by the Secretary of Defense.

15 **SEC. 452. TACTICAL INTELLIGENCE AND RELATED ACTIVI-**
16 **TIES (TIARA).**

17 (a) IN GENERAL.—The set of programs, projects,
18 and activities in the Department of Defense referred to
19 as Tactical Intelligence and Related Activities are those
20 programs, projects, and activities of the Department of
21 Defense that—

22 (1) provide intelligence, surveillance, and recon-
23 naissance capabilities that are unique to one of the
24 military services; and

1 (2) are part of a force structure organic to one
2 of the military services at the component level and
3 below.

4 (b) INCLUDED PERSONNEL ACTIVITIES.—Those ac-
5 tivities include activities that train personnel for intel-
6 ligence duties or provide an intelligence reserve.

7 (c) CERTAIN WEAPONS TARGETING PROGRAMS EX-
8 CLUDED.—Those activities do not include programs that
9 are so closely integrated with a weapons system that their
10 primary function is to provide immediate-use targeting
11 data.

12 **SEC. 453. NOTICE TO CONGRESS OF CHANGES IN JMIP AND**
13 **TIARA.**

14 The Secretary of Defense may not add to or remove
15 program elements from (other than a change provided by
16 law) the Joint Military Intelligence Program or the Tac-
17 tical Intelligence and Related Activities aggregation for
18 any fiscal year unless the Secretary included notice of the
19 proposed change with the budget justification materials
20 submitted to the congressional intelligence committees for
21 the preceding fiscal year. The Secretary shall include with
22 any such notice a statement providing an explanation and
23 justification for the proposed change.

1 **TITLE V—DEPARTMENT OF DE-**
2 **FENSE AGENCIES IN THE IN-**
3 **TELLIGENCE COMMUNITY**
4 **Subtitle A—Defense Intelligence**
5 **Agency**

6 **SEC. 501. DEFENSE INTELLIGENCE AGENCY GENERALLY.**

7 (a) IN GENERAL.—There is within the Department
8 of Defense a Defense Agency designated as the Defense
9 Intelligence Agency. The Director of Military Intelligence
10 is the head of the Defense Intelligence Agency.

11 (b) SUPERVISION.—The Director of Military Intel-
12 ligence shall carry out the Director’s responsibilities as
13 head of the Defense Intelligence Agency under the direc-
14 tion of the Secretary of Defense and subject to the author-
15 ity and guidance of the Director of Central Intelligence
16 for those activities that support national intelligence re-
17 quirements.

18 **SEC. 502. FUNCTIONS OF THE DEFENSE INTELLIGENCE**
19 **AGENCY.**

20 (a) PRODUCTION.—The Director of Military Intel-
21 ligence, in the Director’s capacity as head of the Defense
22 Intelligence Agency, shall produce timely, objective mili-
23 tary and military-related intelligence, independent of polit-
24 ical considerations or bias and based upon all sources
25 available to the Intelligence Community.

1 (b) DISSEMINATION OF INTELLIGENCE.—The Direc-
2 tor shall ensure the appropriate dissemination of intel-
3 ligence produced pursuant to subsection (a) to authorized
4 recipients.

5 (c) MANAGEMENT OF JOINT INTELLIGENCE CEN-
6 TER.—The Director shall manage the Joint Intelligence
7 Center as provided by section 923 of Public Law 102-
8 190 (10 U.S.C. 201 note; 105 Stat. 1453).

9 (d) COORDINATION.—The Director shall coordinate
10 the exercise pursuant to section 924 of Public Law 102-
11 190 (10 U.S.C. 113 note; 105 Stat. 1454) of national in-
12 telligence collections systems and exploitation organiza-
13 tions that would be used to provide intelligence support,
14 including support of the combatant commands, during a
15 crisis or conflict.

16 (e) DEFENSE ATTACHE SYSTEM.—The Director shall
17 manage the Defense Attache system.

18 (f) ADDITIONAL FUNCTIONS.—The Director shall
19 perform such additional services of common concern to the
20 intelligence elements of the Department of Defense as the
21 Secretary of Defense determines can be more efficiently
22 accomplished centrally.

1 **Subtitle B—Technical Collection**
2 **Agency**

3 **SEC. 521. ESTABLISHMENT OF TECHNICAL COLLECTION**
4 **AGENCY.**

5 (a) ESTABLISHMENT OF AGENCY.—There is within
6 the Department of Defense a Defense Agency designated
7 as the Technical Collection Agency. The mission of the
8 Technical Collection Agency is to collect, and to carry out
9 exploitation of, all forms of intelligence other than human
10 intelligence and open-source intelligence, including the fol-
11 lowing:

12 (1) SIGINT.—Signals Intelligence.

13 (2) IMINT.—Imagery Intelligence.

14 (3) MASINT.—Measurement and Signatures In-
15 telligence.

16 (b) DIRECTOR.—The Director of the Technical Col-
17 lection Agency may be a civilian employee of the Depart-
18 ment of Defense or an officer of the Armed Forces on
19 active duty. If the Director is a civilian, or an officer of
20 the Armed Forces in a grade below lieutenant general or
21 vice admiral, the Director shall be appointed by the Sec-
22 retary of Defense, with the concurrence of the Director
23 of Central Intelligence. If the Director is an officer of the
24 Armed Forces to be appointed by the President under sec-
25 tion 601 of title 10, United States Code, to serve as Direc-

1 tor in the grade of lieutenant general or vice admiral (or
2 above), the Secretary of Defense may submit a rec-
3 ommendation to the President for such appointment only
4 with the concurrence of the Director of Central Intel-
5 ligence.

6 (c) SUPERVISION OF DIRECTOR.—The Director car-
7 ries out the Director’s duties under the direction of the
8 Secretary of Defense. The Director’s duties include sup-
9 porting requirements for national intelligence, and the Di-
10 rector shall carry out those duties subject to tasking by
11 the Director of Central Intelligence.

12 **SEC. 522. SIGINT, IMINT, AND MASINT FUNCTIONS.**

13 The Director of the Technical Collection Agency shall
14 be responsible for—

15 (1) the establishing and giving direction for the
16 conduct of technical collection intelligence activities,
17 including signals intelligence (SIGINT), imagery in-
18 telligence (IMINT), and measurement and signa-
19 tures intelligence (MASINT);

20 (2) the first-phase (or initial) exploitation of the
21 results of such collection;

22 (3) the dissemination of the product of such
23 collection in a timely manner to authorized recipi-
24 ents within the Government; and

1 (4) the development of processing and exploi-
2 tation technologies to support these functions.

3 **SEC. 523. RECONNAISSANCE SYSTEMS.**

4 The Director of the Technical Collection Agency shall
5 serve as the sole agent within the Intelligence Community
6 for—

7 (1) the specification of technical requirements
8 for such reconnaissance systems as may be needed
9 to meet the signals intelligence, imagery intelligence,
10 and measurement and signatures intelligence collec-
11 tion requirements of the Intelligence Community;
12 and

13 (2) the operation and final disposition of such
14 systems.

15 **SEC. 524. APPLICABLE STATUTES.**

16 Any reference to the National Security Agency in any
17 provision of law, or in any directive, rule, regulation,
18 order, or other document of the United States, shall be
19 treated for all purposes as referring to the Technical Col-
20 lection Agency.

1 **Subtitle C—Technology**
2 **Development Office**

3 **SEC. 531. ESTABLISHMENT OF THE TECHNOLOGY DEVEL-**
4 **OPMENT OFFICE.**

5 (a) ESTABLISHMENT.—There is within the Depart-
6 ment of Defense a Technology Development Office, which
7 shall be headed by a Director.

8 (b) DIRECTOR.—The Director of the Technology De-
9 velopment Office may be a civilian employee of the Depart-
10 ment of Defense or an officer of the Armed Forces on
11 active duty. If the Director is a civilian, or an officer of
12 the Armed Forces in a grade below lieutenant general or
13 vice admiral, the Director shall be appointed by the Sec-
14 retary of Defense, with the concurrence of the Director
15 of Central Intelligence. If the Director is an officer of the
16 Armed Forces to be appointed by the President under sec-
17 tion 601 of title 10, United States Code, to serve as Direc-
18 tor in the grade of lieutenant general or vice admiral (or
19 above), the Secretary of Defense may submit a rec-
20 ommendation to the President for such appointment only
21 with the concurrence of the Director of Central Intel-
22 ligence.

23 (c) MILITARY OFFICER SERVING AS DIRECTOR.—If
24 the position of Director of the Technology Development
25 Office is held by an officer of the Armed Forces on the

1 active-duty list, the officer while so serving shall hold the
2 grade of lieutenant general or vice admiral.

3 (d) SUPERVISION.—The Director of the Technology
4 Development Office carries out the Director’s duties sub-
5 ject to the direction of the Secretary of Defense. The Di-
6 rector shall carry out those duties to support the needs
7 for national intelligence and is subject to tasking by the
8 Director of Central Intelligence.

9 **SEC. 532. RESPONSIBILITIES FOR SATELLITE RECONNAIS-**
10 **SANCE SYSTEMS.**

11 The Director of the Technology Development Office
12 shall serve as the sole agent within the Intelligence Com-
13 munity for the conduct of research, development, test, and
14 evaluation, for procurement, and for launch of satellite re-
15 connaissance systems that may be required to satisfy the
16 intelligence collection requirements of the Intelligence
17 Community.

18 **SEC. 533. ACQUISITION AND OPERATION OF OTHER RECON-**
19 **NAISSANCE AND SENSOR SYSTEMS.**

20 The Director of the Technology Development Office
21 shall function as the primary agent within the Intelligence
22 Community for the conduct of research, development, test,
23 evaluation and for procurement of reconnaissance, surveil-
24 lance, and sensor systems, including airborne and mari-
25 time reconnaissance capabilities within the National For-

1 eign Intelligence Program and the Joint Military Intel-
2 ligence Program.

3 **SEC. 534. APPLICABLE LAWS.**

4 The provisions of section 8 of the Central Intelligence
5 Agency Act of 1949 (50 U.S.C. 403j) shall apply to the
6 funds appropriated for the Technology Development Of-
7 fice through the National Foreign Intelligence Program in
8 the same manner as those provisions apply to funds appro-
9 priated for the Central Intelligence Agency.

10 **TITLE VI—NATIONAL SECURITY**
11 **COUNCIL AND RELATED**
12 **BOARDS AND COMMITTEES**

13 **SEC. 601. RECODIFICATION OF LAWS RELATING TO NA-**
14 **TIONAL SECURITY COUNCIL AND RELATED**
15 **BOARDS AND COMMITTEES IN EXECUTIVE**
16 **OFFICE OF THE PRESIDENT.**

17 Title I of the National Security Act of 1947 is
18 amended by striking out the title heading and sections 101
19 through 107 and inserting in lieu thereof the following:

1 **“TITLE I—NATIONAL SECURITY**
2 **COUNCIL AND RELATED**
3 **BOARDS AND COMMITTEES**

4 **“SEC. 101. NATIONAL SECURITY COUNCIL.**

5 “(a) IN GENERAL.—There is in the Executive Office
6 of the President the National Security Council. The Coun-
7 cil is composed of the following:

8 “(1) The President.

9 “(2) The Vice President.

10 “(3) The Secretary of State.

11 “(4) The Secretary of Defense.

12 “(b) ADDITIONAL PARTICIPANTS.—Subject to the di-
13 rection of the President, the following officers may attend
14 and participate in meetings of the National Security Coun-
15 cil:

16 “(1) DIRECTOR OF CENTRAL INTELLIGENCE.—
17 The Director of Central Intelligence (or, in the Di-
18 rector’s absence, a Deputy Director of Central Intel-
19 ligence), in the performance of the Director’s duties
20 under this Act and the Intelligence Community Act.

21 “(2) CHAIRMAN OF THE JOINT CHIEFS OF
22 STAFF.—The Chairman (or, in the Chairman’s ab-
23 sence, the Vice Chairman) of the Joint Chiefs of
24 Staff, in the Chairman’s role as principal military
25 adviser to the National Security Council.

1 “(3) DIRECTOR OF NATIONAL DRUG CONTROL
2 POLICY.—The Director of National Drug Control
3 Policy, in the Director’s role as principal adviser to
4 the National Security Council on national drug con-
5 trol policy, but only through the date specified in
6 section 1009 of the National Narcotics Leadership
7 Act of 1988 (21 U.S.C. 1506).

8 “(4) OTHERS DESIGNATED BY THE PRESI-
9 DENT.—Such additional officers as may be des-
10 igned by the President.

11 “(c) FUNCTIONS.—The function of the Council shall
12 be to advise the President with respect to the integration
13 of domestic, foreign, and military policies relating to the
14 national security so as to enable the military services and
15 the other departments and agencies of the Government to
16 cooperate more effectively in matters involving the na-
17 tional security. In addition to performing such other func-
18 tions as the President may direct, the Council (subject to
19 the direction of the President) shall, for the purpose of
20 more effectively coordinating the policies and functions of
21 the departments and agencies of the Government relating
22 to the national security—

23 “(1) assess and appraise the objectives, commit-
24 ments, and risks of the United States in relation to
25 our actual and potential military power, in the inter-

1 est of national security, for the purpose of making
2 recommendations to the President in connection
3 therewith; and

4 “(2) consider policies on matters of common in-
5 terest to the departments and agencies of the Gov-
6 ernment concerned with the national security and
7 make recommendations to the President in connec-
8 tion therewith.

9 “(d) RECOMMENDATIONS AND REPORTS.—The
10 Council shall, from time to time, make such recommenda-
11 tions and such other reports to the President as it consid-
12 ers appropriate or as the President may require.

13 “(e) STAFF.—The Council shall have a staff to be
14 headed by a civilian executive secretary who shall be ap-
15 pointed by the President. The executive secretary, subject
16 to the direction of the Council, may subject to the civil-
17 service laws, appoint and fix the compensation of such per-
18 sonnel as may be necessary to perform such duties as may
19 be prescribed by the Council in connection with the per-
20 formance of its functions.

21 **“SEC. 104. BOARD FOR LOW INTENSITY CONFLICT.**

22 “(a) ESTABLISHMENT OF BOARD.—The President
23 shall establish within the National Security Council a
24 board to be known as the ‘Board for Low Intensity Con-
25 flict’.

1 “(b) FUNCTION.—The principal function of the board
2 shall be to coordinate the policies of the United States for
3 low intensity conflict.

4 **“SEC. 105. NATIONAL COUNTERINTELLIGENCE POLICY**
5 **BOARD.**

6 “(a) ESTABLISHMENT OF BOARD.—There is within
7 the executive branch of the Government a National Coun-
8 terintelligence Policy Board. The Board shall report to the
9 President through the National Security Council.

10 “(b) FUNCTION OF THE BOARD.—The Board shall
11 serve as the principal mechanism for—

12 “(1) developing policies and procedures for the
13 approval of the President to govern the conduct of
14 counterintelligence activities; and

15 “(2) resolving conflicts, as directed by the
16 President, which may arise between elements of the
17 Government which carry out such activities.”.

18 **SEC. 602. COMMITTEE ON FOREIGN INTELLIGENCE.**

19 Title I of the National Security Act of 1947, as
20 amended by section 601, is further amended by inserting
21 after section 101 the following new section 103:

22 **“SEC. 103. COMMITTEE ON FOREIGN INTELLIGENCE.**

23 “(a) ESTABLISHMENT OF COMMITTEE.—There is es-
24 tablished within the National Security Council a Commit-

1 tee on Foreign Intelligence. The Committee shall be com-
2 posed of the following:

3 “(1) The Assistant to the President for Na-
4 tional Security Affairs, who shall serve as chairman
5 of the Committee.

6 “(2) The following officers or their respective
7 deputies:

8 “(A) The Director of Central Intelligence.

9 “(B) The Secretary of State.

10 “(C) The Secretary of Defense.

11 “(D) The Attorney General.

12 “(E) The Chairman of the Joint Chiefs of
13 Staff.

14 “(3) Such other members as the President may
15 designate.

16 “(b) FUNCTION.—The function of the Committee on
17 Foreign Intelligence shall be—

18 “(1) to establish, consistent with the policy and
19 objectives of the President, the overall requirements
20 and priorities for the Intelligence Community; and

21 “(2) to assess regularly, on behalf of the Presi-
22 dent, how effectively the Intelligence Community has
23 performed its responsibilities under this Act and the
24 Intelligence Community Act.

1 “(c) SEMIANNUAL STRATEGIC INTELLIGENCE RE-
2 VIEW PROCESS WITH CONGRESS.—Not less often than
3 every six months, the Committee on Foreign Intelligence
4 shall convene a meeting with the members of the congress-
5 sional intelligence committees to conduct a comprehensive,
6 global strategic intelligence review. Each semiannual
7 meeting shall review significant strategic intelligence
8 trends, strategic intelligence reporting, and anticipated In-
9 telligence Community requirements for the following six
10 to twelve months.”.

11 **SEC. 603. PROHIBITION OF DIRECT PARTICIPATION BY NA-**
12 **TIONAL SECURITY COUNCIL STAFF IN EXECU-**
13 **TION OF INTELLIGENCE OPERATIONS.**

14 Title I of the National Security Act of 1947, as
15 amended by sections 601 and 602, is further amended by
16 inserting after section 101 the following new section 102:

17 **“SEC. 102. PROHIBITION OF DIRECT PARTICIPATION BY**
18 **NSC STAFF IN EXECUTION OF INTELLIGENCE**
19 **OPERATIONS.**

20 “An employee of, or an individual detailed or as-
21 signed to the staff of, the National Security Council may
22 not participate directly in the execution of an intelligence
23 operation.”.

1 **TITLE VII—TECHNICAL AND**
2 **CONFORMING AMENDMENTS**
3 **Subtitle A—Amendments Related**
4 **to Creation of Technical Collec-**
5 **tion Agency**

6 **SEC. 701. ROLE AS DEFENSE AGENCY.**

7 (a) OVERSIGHT OF DEFENSE AGENCIES BY SEC-
8 RETARY OF DEFENSE.—Section 192 of title 10, United
9 States Code, is amended by striking out “National Secu-
10 rity Agency” each place it appears in subsections(a)(3)
11 and (c)(2) and inserting in lieu thereof “Technical Collec-
12 tion Agency”.

13 (b) STATUS AS COMBAT SUPPORT AGENCY.—Section
14 193 of title 10, United States Code, is amended—

15 (1) by striking out “National Security Agency”
16 each place it appears and inserting in lieu thereof
17 “Technical Collection Agency”;

18 (2) by striking out “NATIONAL SECURITY
19 AGENCY” in the heading for subsection (d) and in-
20 serting in lieu thereof “TECHNICAL COLLECTION
21 AGENCY”; and

22 (3) by striking out “NSA” in the heading for
23 subsection (e) and inserting in lieu thereof “TCA”.

24 (c) APPLICABILITY OF PERSONNEL LIMITATIONS.—
25 Section 194(d) of title 10, United States Code, is amended

1 by striking out “EXCLUSION” and all that follows through
2 “shall” and inserting in lieu thereof “EXCLUSION OF
3 TCA.—The Technical Collection Agency shall”.

4 **SEC. 702. RESTATEMENT OF NATIONAL SECURITY AGENCY**

5 **ACT OF 1959.**

6 The National Security Agency Act of 1959 (50
7 U.S.C. 402 note) is amended to read as follows:

8 **“SECTION 1. SHORT TITLE.**

9 “This Act may be cited as the ‘Technical Collection
10 Agency Act of 1996’.

11 **“SEC. 2. GENERAL PERSONNEL AUTHORITY.**

12 “(a) **AUTHORITY TO ESTABLISH POSITIONS AND AP-**
13 **POINT EMPLOYEES.**—The Secretary of Defense—

14 “(1) may establish such positions in the Tech-
15 nical Collection Agency as may be necessary to carry
16 out the functions of such agency; and

17 “(2) may appoint thereto, without regard to the
18 civil service laws, officers and employees.

19 “(b) **PAY.**—The rates of basic pay for such positions
20 shall be fixed by the Secretary of Defense in relation to
21 the rates of basic pay provided for in subpart D of part
22 III of title 5, United States Code, for positions subject
23 to that title which have corresponding levels of duties and
24 responsibilities. Except as otherwise provided by law, no
25 officer or employee of the Technical Collection Agency

1 may be paid basic pay at a rate in excess of the maximum
2 rate payable under section 5376 of such title, and not
3 more than 70 such officers and employees may be paid
4 within the range of rates authorized in section 5376 of
5 such title.

6 **“SEC. 3. OTHER COMPENSATION, BENEFITS, INCENTIVES,**
7 **AND ALLOWANCES.**

8 “The Secretary of Defense may provide officers and
9 employees of the Technical Collection Agency compensa-
10 tion (in addition to basic pay), benefits, incentives, and
11 allowances which are consistent with, and do not exceed
12 the levels authorized for, such compensation, benefits, in-
13 centives, or allowances by title 5, United States Code.

14 **“SEC. 4. PROFESSIONAL ENGINEERING AND SCIENTIFIC**
15 **POSITIONS.**

16 “(a) **AUTHORITY TO ESTABLISH POSITIONS.**—The
17 Secretary of Defense may—

18 “(1) establish in the Technical Collection Agen-
19 cy (A) professional engineering positions primarily
20 concerned with research and development, and (B)
21 professional positions in the physical and natural
22 sciences, medicine, and cryptology; and

23 “(2) fix the respective rates of pay of such posi-
24 tions at rates equal to rates of basic pay contained
25 in grades 16, 17, and 18 of the General Schedule

1 set forth in section 5332 of title 5, United States
2 Code.

3 “(b) APPLICABILITY OF MAXIMUM NUMBER FOR
4 WHOM PAY RATES MAY BE PAID.—Officers and employ-
5 ees appointed to positions established under this section
6 shall be in addition to the number of officers and employ-
7 ees appointed to positions under section 2 of this Act who
8 may be paid at rates equal to rates of basic pay contained
9 in grades 16, 17, and 18 of the General Schedule.

10 **“SEC. 5. AUTHORITY FOR ADDITIONAL COMPENSATION**
11 **FOR CERTAIN EMPLOYEES.**

12 “Officers and employees of the Technical Collection
13 Agency who are citizens or nationals of the United States
14 may be granted additional compensation, in accordance
15 with regulations which shall be prescribed by the Secretary
16 of Defense, not in excess of additional compensation au-
17 thorized by section 5941 of title 5, United States Code,
18 for employees whose rates of basic compensation are fixed
19 by statute.

20 **“SEC. 6. PROTECTION OF IDENTITIES OF EMPLOYEES.**

21 “(a) NONDISCLOSURE OF ORGANIZATION, FUNC-
22 TIONS, OR PERSONNEL OF AGENCY.—Except as provided
23 in subsection (b), nothing in this Act or any other law
24 shall be construed to require the disclosure of the organi-
25 zation or any function of the Technical Collection Agency,

1 of any information with respect to the activities thereof,
2 or of the names, titles, salaries, or number of the persons
3 employed by such agency.

4 “(b) **APPLICABILITY OF CERTAIN REPORTING RE-**
5 **QUIREMENTS.**—The reporting requirements of section
6 1582 of title 10, United States Code, shall apply to posi-
7 tions established in the Technical Collection Agency in the
8 manner provided by section 4 of this Act.

9 **“SEC. 7. AUTHORITY TO LEASE REAL PROPERTY OUTSIDE**
10 **THE UNITED STATES.**

11 “(a) **AUTHORITY.**—Notwithstanding section 322 of
12 the Act of June 30, 1932 (40 U.S.C. 278a), section 5536
13 of title 5, United States Code, and section 2675 of title
14 10, United States Code, the Director of the Technical Col-
15 lection Agency, on behalf of the Secretary of Defense, may
16 lease real property outside the United States, for periods
17 not exceeding ten years, for the use of the Technical Col-
18 lection Agency for special cryptologic activities and for
19 housing for personnel assigned to such activities.

20 “(b) **LIMITATION TO APPROPRIATED FUNDS.**—The
21 authority of the Director of the Technical Collection Agen-
22 cy, on behalf of the Secretary of Defense, to make pay-
23 ments under subsection (a), and under contracts for leases
24 entered into under subsection (a), is effective for any fiscal

1 year only to the extent that appropriated funds are avail-
2 able for such purpose.

3 **“SEC. 8. BENEFITS FOR PERSONNEL ASSIGNED TO SPECIAL**
4 **CRYPTOLOGIC ACTIVITIES OUTSIDE THE**
5 **UNITED STATES.**

6 “(a) AUTHORITY TO PROVIDE CERTAIN BENE-
7 FITS.—The Director of the Technical Collection Agency,
8 on behalf of the Secretary of Defense, may provide to cer-
9 tain civilian and military personnel of the Department of
10 Defense who are assigned to special cryptologic activities
11 outside the United States and who are designated by the
12 Secretary of Defense for the purposes of this subsection
13 the following:

14 “(1) Allowances and benefits—

15 “(A) comparable to those provided by the
16 Secretary of State to members of the Foreign
17 Service under chapter 9 of title I of the Foreign
18 Service Act of 1980 (22 U.S.C. 4081 et seq.)
19 or any other provision of law; and

20 “(B) in the case of selected personnel serv-
21 ing in circumstances similar to those in which
22 personnel of the Central Intelligence Agency
23 serve, comparable to those provided by the Di-
24 rector of Central Intelligence to personnel of
25 the Central Intelligence Agency.

1 “(2) Housing (including heat, light, and house-
2 hold equipment) without cost to such personnel, if
3 the Director of the Technical Collection Agency, on
4 behalf of the Secretary of Defense, determines that
5 it would be in the public interest to provide such
6 housing.

7 “(3) Special retirement accrual in the same
8 manner provided in section 303 of the Central Intel-
9 ligence Agency Retirement Act (50 U.S.C. 2153)
10 and in section 18 of the Central Intelligence Agency
11 Act of 1949.

12 “(b) LIMITATION TO APPROPRIATED FUNDS.—The
13 authority of the Director of the Technical Collection Agen-
14 cy, on behalf of the Secretary of Defense, to make pay-
15 ments under subsection (a) is effective for any fiscal year
16 only to the extent that appropriated funds are available
17 for such purpose.

18 “(c) PROHIBITION OF DUPLICATION OF BENE-
19 FITS.—Members of the Armed Forces may not receive
20 benefits under both subsection (a)(1) and title 37, United
21 States Code, for the same purpose. The Secretary of De-
22 fense shall prescribe such regulations as may be necessary
23 to carry out this subsection.

24 “(d) REGULATIONS.—Regulations prescribed under
25 subsection (a)(1) shall be submitted to the Permanent Se-

1 lect Committee on Intelligence of the House of Represent-
2 atives and the Select Committee on Intelligence of the
3 Senate before such regulations take effect.

4 **“SEC. 9. LANGUAGE TRAINING FOR CRYPTOLOGIC PERSON-**
5 **NEL.**

6 “(a) LANGUAGE TRAINING PROGRAMS.—The Direc-
7 tor of the Technical Collection Agency shall arrange for,
8 and shall prescribe regulations concerning, language and
9 language-related training programs for military and civil-
10 ian cryptologic personnel. In establishing programs under
11 this section for language and language-related training,
12 the Director—

13 “(1) may provide for the training and instruc-
14 tion to be furnished, including functional and geo-
15 graphic area specializations;

16 “(2) may arrange for training and instruction
17 through other Government agencies and, in any case
18 in which appropriate training or instruction is un-
19 available through Government facilities, through
20 nongovernmental facilities that furnish training and
21 instruction useful in the fields of language and for-
22 eign affairs;

23 “(3) may support programs that furnish nec-
24 essary language and language-related skills, includ-
25 ing, in any case in which appropriate programs are

1 unavailable at Government facilities, support
2 through contracts, grants, or cooperation with non-
3 governmental educational institutions; and

4 “(4) may obtain by appointment or contract the
5 services of individuals to serve as language instruc-
6 tors, linguists, or special language project personnel.

7 “(b) FOREIGN LANGUAGE PROFICIENCY INCEN-
8 TIVES.—(1) In order to maintain necessary capability in
9 foreign language skills and related abilities needed by the
10 Technical Collection Agency, the Director, without regard
11 to subchapter IV of chapter 55 of title 5, United States
12 Code, may provide special monetary or other incentives to
13 encourage civilian cryptologic personnel of the Agency to
14 acquire or retain proficiency in foreign languages or spe-
15 cial related abilities needed by the Agency.

16 “(2) In order to provide linguistic training and sup-
17 port for cryptologic personnel, the Director—

18 “(A) may pay all or part of the tuition and
19 other expenses related to the training of personnel
20 who are assigned or detailed for language and lan-
21 guage-related training, orientation, or instruction;
22 and

23 “(B) may pay benefits and allowances to civil-
24 ian personnel in accordance with chapters 57 and 59
25 of title 5, United States Code, and to military per-

1 sonnel in accordance with chapter 7 of title 37,
2 United States Code, and applicable provisions of
3 title 10, United States Code, when such personnel
4 are assigned to training at sites away from their
5 designated duty station.

6 “(c) CRYPTOLOGIC LINGUIST RESERVE.—(1) To the
7 extent not inconsistent, in the opinion of the Secretary of
8 Defense, with the operation of military cryptologic reserve
9 units and in order to maintain necessary capability in for-
10 eign language skills and related abilities needed by the
11 Technical Collection Agency, the Director may establish
12 a Cryptologic Linguist Reserve.

13 “(2) The Cryptologic Linguist Reserve may consist
14 of former or retired civilian or military cryptologic person-
15 nel of the Technical Collection Agency and of other quali-
16 fied individuals, as determined by the Director of the
17 Agency. Each member of the Cryptologic Linguist Reserve
18 shall agree that, during any period of emergency (as deter-
19 mined by the Director), the member shall return to active
20 civilian status with the Technical Collection Agency and
21 shall perform such linguistic or linguistic-related duties as
22 the Director may assign.

23 “(3) In order to attract individuals to become mem-
24 bers of the Cryptologic Linguist Reserve, the Director,
25 without regard to subchapter IV of chapter 55 of title 5,

1 United States Code, may provide special monetary incen-
2 tives to individuals eligible to become members of the re-
3 serve who agree to become members of the cryptologic lin-
4 guist reserve and to acquire or retain proficiency in foreign
5 languages or special related abilities.

6 “(4) In order to provide training and support for
7 members of the Cryptologic Linguist Reserve, the Direc-
8 tor—

9 “(A) may pay all or part of the tuition and
10 other expenses related to the training of individuals
11 in the Cryptologic Linguist Reserve who are as-
12 signed or detailed for language and language-related
13 training, orientation, or instruction; and

14 “(B) may pay benefits and allowances in ac-
15 cordance with chapters 57 and 59 of title 5, United
16 States Code, to individuals in the Cryptologic Lin-
17 guist Reserve who are assigned to training at sites
18 away from their homes or regular places of business.

19 “(d) SERVICE AGREEMENTS.—(1) The Director, be-
20 fore providing training under this section to any individ-
21 ual, may obtain an agreement with that individual that—

22 “(A) in the case of current employees, pertains
23 to continuation of service of the employee, and re-
24 payment of the expenses of such training for failure
25 to fulfill the agreement, consistent with the provi-

1 sions of section 4108 of title 5, United States Code;
2 and

3 “(B) in the case of individuals accepted for
4 membership in the Cryptologic Linguist Reserve,
5 pertains to return to service when requested, and re-
6 payment of the expenses of such training for failure
7 to fulfill the agreement, consistent with the provi-
8 sions of section 4108 of title 5, United States Code.

9 “(2) The Director, under regulations prescribed
10 under this section, may waive, in whole or in part, a right
11 of recovery under an agreement made under this sub-
12 section if it is shown that the recovery would be against
13 equity and good conscience or against the public interest.

14 “(e) LANGUAGE TRAINING FOR FAMILY MEM-
15 BERS.—(1) Subject to paragraph (2), the Director may
16 provide to family members of military and civilian
17 cryptologic personnel assigned to representational duties
18 outside the United States, in anticipation of the assign-
19 ment of such personnel outside the United States or while
20 outside the United States, appropriate orientation and
21 language training that is directly related to the assign-
22 ment abroad.

23 “(2) Language training under paragraph (1) may not
24 be provided to any individual through payment of the ex-
25 penses of tuition or other cost of instruction at a non-

1 Government educational institution unless appropriate in-
2 struction is not available at a Government facility.

3 “(f) WAIVER AUTHORITY.—The Director may waive
4 the applicability of any provision of chapter 41 of title 5,
5 United States Code, to any provision of this section if he
6 finds that such waiver is important to the performance
7 of cryptologic functions.

8 “(g) LIMITATION TO APPROPRIATED FUNDS.—The
9 authority of the Director to enter into contracts or to
10 make grants under this section is effective for any fiscal
11 year only to the extent that appropriated funds are avail-
12 able for such purpose.

13 “(h) REGULATIONS.—Regulations prescribed under
14 this section shall be submitted to the Permanent Select
15 Committee on Intelligence of the House of Representatives
16 and the Select Committee on Intelligence of the Senate
17 before such regulations take effect.

18 “(i) TRAVEL AND TRANSPORTATION EXPENSES IN
19 CONNECTION WITH TRAINING OUTSIDE THE UNITED
20 STATES.—The Director of the Technical Collection Agen-
21 cy, on behalf of the Secretary of Defense, may, without
22 regard to section 4109(a)(2)(B) of title 5, United States
23 Code, pay travel, transportation, storage, and subsistence
24 expenses under chapter 57 of such title to civilian and
25 military personnel of the Department of Defense who are

1 assigned to duty outside the United States for a period
2 of one year or longer which involves cryptologic training,
3 language training, or related disciplines.

4 **“SEC. 10. PROTECTION OF FACILITIES BY GENERAL SERV-**
5 **ICES ADMINISTRATION.**

6 “The Administrator of General Services, upon the ap-
7 plication of the Director of the Technical Collection Agen-
8 cy, may provide for the protection in accordance with sec-
9 tion 3 of the Act of June 1, 1948 (40 U.S.C. 318b), of
10 certain facilities (as designated by the Director of such
11 Agency) which are under the administration and control
12 of, or are used by, the Technical Collection Agency in the
13 same manner as if such facilities were property of the
14 United States over which the United States has acquired
15 exclusive or concurrent criminal jurisdiction.

16 **“SEC. 11. SENIOR CRYPTOLOGIC EXECUTIVE SERVICE.**

17 “(a) AUTHORITY TO ESTABLISH SCES.—(1) The
18 Secretary of Defense (or his designee) may by regulation
19 establish a personnel system for senior civilian cryptologic
20 personnel in the Technical Collection Agency to be known
21 as the Senior Cryptologic Executive Service. The regula-
22 tions establishing the Senior Cryptologic Executive Service
23 shall do the following:

1 “(A) Meet the requirements set forth in section
2 3131 of title 5, United States Code, for the Senior
3 Executive Service.

4 “(B) Provide that positions in the Senior
5 Cryptologic Executive Service meet requirements
6 that are consistent with the provisions of section
7 3132(a)(2) of such title.

8 “(C) Provide, without regard to section 2, rates
9 of pay for the Senior Cryptologic Executive Service
10 that are not in excess of the maximum rate or less
11 than the minimum rate of basic pay established for
12 the Senior Executive Service under section 5382 of
13 such title, and that are adjusted at the same time
14 and to the same extent as rates of basic pay for the
15 Senior Executive Service are adjusted.

16 “(D) Provide a performance appraisal system
17 for the Senior Cryptologic Executive Service that
18 conforms to the provisions of subchapter II of chap-
19 ter 43 of such title.

20 “(E) Provide for removal consistent with sec-
21 tion 3592 of such title, and removal or suspension
22 consistent with subsections (a), (b), and (c) of sec-
23 tion 7543 of such title (except that any hearing or
24 appeal to which a member of the Senior Cryptologic
25 Executive Service is entitled shall be held or decided

1 pursuant to procedures established by regulations of
2 the Secretary of Defense).

3 “(F) Permit the payment of performance
4 awards to members of the Senior Cryptologic Execu-
5 tive Service consistent with the provisions applicable
6 to performance awards under section 5384 of such
7 title.

8 “(G) Provide that members of the Senior
9 Cryptologic Executive Service may be granted sab-
10 batical leaves consistent with the provisions of sec-
11 tion 3396(c) of such title.

12 “(H) Provide for the recertification of members
13 of the Senior Cryptologic Executive Service consist-
14 ent with the provisions of section 3393a of such
15 title.

16 “(2) Except as otherwise provided in subsection (a),
17 the Secretary of Defense may—

18 “(A) make applicable to the Senior Cryptologic
19 Executive Service any of the provisions of title 5,
20 United States Code, applicable to applicants for or
21 members of the Senior Executive Service; and

22 “(B) appoint, promote, and assign individuals
23 to positions established within the Senior
24 Cryptologic Executive Service without regard to the
25 provisions of title 5, United States Code, governing

1 appointments and other personnel actions in the
2 competitive service.

3 “(3) The President, based on the recommendations
4 of the Secretary of Defense, may award ranks to members
5 of the Senior Cryptologic Executive Service in a manner
6 consistent with the provisions of section 4507 of title 5,
7 United States Code.

8 “(4) Notwithstanding any other provision of this sec-
9 tion, the Director of the Technical Collection Agency may
10 detail or assign any member of the Senior Cryptologic Ex-
11 ecutive Service to serve in a position outside the Technical
12 Collection Agency in which the member’s expertise and ex-
13 perience may be of benefit to the Technical Collection
14 Agency or another Government agency. Any such member
15 shall not by reason of such detail or assignment lose any
16 entitlement or status associated with membership in the
17 Senior Cryptologic Executive Service.

18 “(b) MERIT PAY SYSTEM.—The Secretary of Defense
19 may by regulation establish a merit pay system for such
20 employees of the Technical Collection Agency as the Sec-
21 retary of Defense considers appropriate. The merit pay
22 system shall be designed to carry out purposes consistent
23 with those set forth in section 5401(a) of title 5, United
24 States Code.

1 “(c) LIMITATION ON TOTAL COMPENSATION.—Noth-
2 ing in this section shall be construed to allow the aggre-
3 gate amount payable to a member of the Senior
4 Cryptologic Executive Service under this section during
5 any fiscal year to exceed the annual rate payable for posi-
6 tions at level I of the Executive Schedule in effect at the
7 end of such year.

8 **“SEC. 12. GRANTS FOR CRYPTOLOGIC RESEARCH.**

9 “(a) GRANT AUTHORITY.—The Director of the Tech-
10 nical Collection Agency may make grants to private indi-
11 viduals and institutions for the conduct of cryptologic re-
12 search. An application for a grant under this section may
13 not be approved unless the Director determines that the
14 award of the grant would be clearly consistent with the
15 national security.

16 “(b) APPLICABLE LAW.—The grant program estab-
17 lished by subsection (a) shall be conducted in accordance
18 with the Federal Grant and Cooperative Agreement Act
19 of 1977 (41 U.S.C. 501 et seq.) to the extent that such
20 Act is consistent with and in accordance with section 6
21 of this Act.

22 “(c) LIMITATION TO APPROPRIATED FUNDS.—The
23 authority of the Director to make grants under this sec-
24 tion is effective for any fiscal year only to the extent that
25 appropriated funds are available for such purpose.

1 **“SEC. 13. AVAILABILITY OF CERTAIN APPROPRIATIONS.**

2 “Funds appropriated to an entity of the Federal Gov-
3 ernment other than an element of the Department of De-
4 fense that have been specifically appropriated for the pur-
5 chase of cryptologic equipment, materials, or services with
6 respect to which the Technical Collection Agency has been
7 designated as the central source of procurement for the
8 Government shall remain available for a period of three
9 fiscal years.

10 **“SEC. 14. PROTECTION OF AGENCY NAME FROM UNAU-**
11 **THORIZED USE.**

12 “(a) PROHIBITION ON UNAUTHORIZED USE.—No
13 person may, except with the written permission of the Di-
14 rector of the Technical Collection Agency, knowingly use
15 the words ‘Technical Collection Agency’, the initials
16 ‘TCA’, the seal of the Technical Collection Agency, or any
17 colorable imitation of such words, initials, or seal in con-
18 nection with any merchandise, impersonation, solicitation,
19 or commercial activity in a manner reasonably calculated
20 to convey the impression that such use is approved, en-
21 dorsed, or authorized by the Technical Collection Agency.

22 “(b) ENFORCEMENT.—Whenever it appears to the
23 Attorney General that any person is engaged or is about
24 to engage in an act or practice which constitutes or will
25 constitute conduct prohibited by subsection (a), the Attor-
26 ney General may initiate a civil proceeding in a district

1 court of the United States to enjoin such act or practice.
2 Such court shall proceed as soon as practicable to the
3 hearing and determination of such action and may, at any
4 time before final determination, enter such restraining or-
5 ders or prohibitions, or take such other action as is war-
6 ranted, to prevent injury to the United States or to any
7 person or class of persons for whose protection the action
8 is brought.

9 **“SEC. 15. RECRUITMENT OF QUALIFIED PERSONNEL.**

10 “(a) PURPOSE.—The purpose of this section is to es-
11 tablish an undergraduate training program, which may
12 lead to the baccalaureate degree, to facilitate the recruit-
13 ment of individuals, particularly minority high school stu-
14 dents, with a demonstrated capability to develop skills crit-
15 ical to the mission of the Technical Collection Agency, in-
16 cluding mathematics, computer science, engineering, and
17 foreign languages.

18 “(b) ASSIGNMENT OF CIVILIAN EMPLOYEES.—The
19 Secretary of Defense may, in the Secretary’s discretion,
20 assign civilian employees of the Technical Collection Agen-
21 cy as students at accredited professional, technical, and
22 other institutions of higher learning for training at the un-
23 dergraduate level in skills critical to effective performance
24 of the mission of the Agency.

1 “(c) LIMITATION TO APPROPRIATED FUNDS.—The
2 Technical Collection Agency may pay, directly or by reim-
3 bursement to employees, expenses incident to assignments
4 under subsection (b), in any fiscal year only to the extent
5 that appropriated funds are available for such purpose.

6 “(d) EMPLOYEE AGREEMENT.—(1) To be eligible for
7 assignment under subsection (b), an employee of the
8 Agency must agree in writing to the following:

9 “(A) To continue in the service of the Agency
10 for the period of the assignment and to complete the
11 educational course of training for which the em-
12 ployee is assigned.

13 “(B) To continue in the service of the Agency
14 following completion of the assignment for a period
15 of one-and-a-half years for each year of the assign-
16 ment or part thereof.

17 “(C) To reimburse the United States for the
18 total cost of education (excluding the employee’s pay
19 and allowances) provided under this section to the
20 employee if, before the employee’s completing the
21 educational course of training for which the em-
22 ployee is assigned, the assignment or the employee’s
23 employment with the Agency is terminated either by
24 the Agency due to misconduct by the employee or by
25 the employee voluntarily.

1 “(D) To reimburse the United States if, after
2 completing the educational course of training for
3 which the employee is assigned, the employee’s em-
4 ployment with the Agency is terminated either by
5 the Agency due to misconduct by the employee or by
6 the employee voluntarily, before the employee’s com-
7 pletion of the service obligation period described in
8 subparagraph (B), in an amount that bears the
9 same ratio to the total cost of the education (exclud-
10 ing the employee’s pay and allowances) provided to
11 the employee as the unserved portion of the service
12 obligation period described in subparagraph (B)
13 bears to the total period of the service obligation de-
14 scribed in subparagraph (B).

15 “(2) Subject to paragraph (3), the obligation to reim-
16 burse the United States under an agreement described in
17 paragraph (1), including interest due on such obligation,
18 is for all purposes a debt owing the United States.

19 “(3)(A) A discharge in bankruptcy under title 11,
20 United States Code, shall not release a person from an
21 obligation to reimburse the United States required under
22 an agreement described in paragraph (1) if the final de-
23 cree of the discharge in bankruptcy is issued within five
24 years after the last day of the combined period of service

1 obligation described in subparagraphs (A) and (B) of
2 paragraph (1).

3 “(B) The Secretary of Defense may release a person,
4 in whole or in part, from the obligation to reimburse the
5 United States under an agreement described in paragraph
6 (1) when, in the Secretary’s discretion, the Secretary de-
7 termines that equity or the interests of the United States
8 so require.

9 “(C) The Secretary of Defense shall permit an em-
10 ployee assigned under this section who, before commenc-
11 ing a second academic year of such assignment, volun-
12 tarily terminates the assignment or the employee’s em-
13 ployment with the Agency, to satisfy his obligation under
14 an agreement described in paragraph (1) to reimburse the
15 United States by reimbursement according to a schedule
16 of monthly payments which results in completion of reim-
17 bursement by a date five years after the date of termi-
18 nation of the assignment or employment or earlier at the
19 option of the employee.

20 “(e) DISCLOSURE TO EDUCATIONAL INSTITUTION OF
21 AGENCY AFFILIATION OF EMPLOYEE.—(1) When an em-
22 ployee is assigned under this section to an institution, the
23 Agency shall disclose to the institution to which the em-
24 ployee is assigned that the Agency employs the employee
25 and that the Agency funds the employee’s education.

1 “(2) Agency efforts to recruit individuals at edu-
2 cational institutions for participation in the undergraduate
3 training program established by this section shall be made
4 openly and according to the common practices of univer-
5 sities and employers recruiting at such institutions.

6 “(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter
7 41 of title 5 and subsections (a) and (b) of section 3324
8 of title 31, United States Code, shall not apply with re-
9 spect to this section.

10 “(g) REGULATIONS.—The Secretary of Defense may
11 prescribe such regulations as may be necessary to imple-
12 ment this section.

13 **“SEC. 17. AUTHORITY TO PAY CERTAIN EXPENSES FOR EM-**
14 **PLOYEES DYING WHILE ON ROTATIONAL**
15 **TOUR OF DUTY IN THE UNITED STATES.**

16 “(a) AUTHORITY.—The Secretary of Defense may
17 pay the expenses referred to in section 5742(b) of title
18 5, United States Code, in the case of any employee of the
19 Technical Collection Agency who dies while on a rotational
20 tour of duty within the United States or while in transit
21 to or from such tour of duty.

22 “(b) DEFINITION.—For the purposes of this section,
23 the term ‘rotational tour of duty’, with respect to an em-
24 ployee, means a permanent change of station involving the
25 transfer of the employee from the Technical Collection

1 Agency headquarters to another post of duty for a fixed
2 period established by regulation to be followed at the end
3 of such period by a permanent change of station involving
4 a transfer of the employee back to such headquarters.”.

5 **Subtitle B—Amendments Related** 6 **to Creation of Clandestine Service**

7 **SEC. 711. CENTRAL INTELLIGENCE AGENCY ACT OF 1949.**

8 (a) DEFINITIONS.—Section 1(a) of the Central Intel-
9 ligence Agency Act of 1949 (50 U.S.C. 403a(a)) is amend-
10 ed by inserting “or the Clandestine Service” after
11 “Central Intelligence Agency”.

12 (b) SEAL.—Section 2 of such Act (50 U.S.C. 403b)
13 is amended by inserting “and the Clandestine Service”
14 after “Central Intelligence Agency”.

15 (c) PROCUREMENT AUTHORITIES.—Sections 3(a)
16 and 3(e) of such Act (50 U.S.C. 403c(a) and (e)) are
17 amended by striking “Central Intelligence Agency” and
18 inserting “Agency”.

19 (d) GENERAL AUTHORITIES.—Section 5 of such Act
20 (50 U.S.C. 403f) is amended by striking “Central Intel-
21 ligence Agency” and inserting “Agency”.

22 (e) MISUSE OF AGENCY NAME, INITIALS, OR SEAL.—
23 Section 13(a) of such Act (50 U.S.C. 403m(a)) is amend-
24 ed by striking “the words ‘Central Intelligence Agency’,
25 the initials ‘CIA’, the seal of the Central Intelligence

1 Agency” and inserting “the words ‘Central Intelligence
2 Agency’ or ‘the Clandestine Service’, the initials ‘CIA’ or
3 ‘CS’, the seal of the Central Intelligence Agency or the
4 Clandestine Service ”.

5 (f) DISABILITY RETIREMENT AND DEATH-IN-SERV-
6 ICE BENEFITS: CONFORMING AMENDMENTS AND TECH-
7 NICAL CORRECTION.—Section 19 of such Act (50 U.S.C.
8 403s) is amended—

9 (1) by striking “Central Intelligence Agency” in
10 the matter preceding subsection (a)(1) and inserting
11 “Agency”;

12 (2) by striking “Central Intelligence Agency” in
13 the matter preceding subsection (b)(1) and inserting
14 “Agency”; and

15 (3) by amending paragraph (4) of subsection
16 (b) to read as follows:

17 “(4) is survived by a surviving spouse, former
18 spouse, or child as defined in section 102 of the
19 Central Intelligence Agency Retirement Act, who
20 would otherwise be entitled to an annuity under sec-
21 tion 8341 of title 5, United States Code—”.

22 **SEC. 712. CENTRAL INTELLIGENCE AGENCY RETIREMENT**
23 **SYSTEM.**

24 (a) DEFINITION OF AGENCY.—Section 101(1) of the
25 Central Intelligence Agency Retirement Act (50 U.S.C.

1 2001(1)) is amended by inserting “or the Clandestine
2 Service” after “Agency”.

3 (b) CIARDS SYSTEM.—Section 201(a)(1) of such
4 Act (50 U.S.C. 2011(a)(1)) is amended by inserting “and
5 the Clandestine Service” after “Central Intelligence Agen-
6 cy” the first place it appears.

7 **SEC. 713. CENTRAL INTELLIGENCE AGENCY VOLUNTARY**
8 **SEPARATION PAY ACT.**

9 Section 2 of the Central Intelligence Agency Vol-
10 untary Separation Pay Act (50 U.S.C. 403–4) is amended
11 by inserting “or the Clandestine Service” after “Central
12 Intelligence Agency” each place it appears.

13 **SEC. 714. AMENDMENTS TO TITLE 5, UNITED STATES CODE.**

14 Title 5, United States Code, is amended as follows:

15 (1) Section 305(a) is amended by striking out
16 “or” at the end of paragraph (6) and by striking out
17 paragraph (7) and inserting in lieu thereof the fol-
18 lowing:

19 “(7) the Clandestine Service;

20 “(8) the Technical Collection Agency, Depart-
21 ment of Defense; or

22 “(9) the Technology Development Office, De-
23 partment of Defense.”.

1 (2) Section 306(f) is amended by inserting
2 “Clandestine Service,” after “Central Intelligence
3 Agency,”.

4 (3) Section 552a(j)(1) is amended by inserting
5 “or the Clandestine Service” after “Agency”.

6 (4) Sections 2302(a)(2)(C)(ii), 3102(a)(1)(B),
7 4301(1)(ii), 4701(a)(1)(B) are each amended by
8 striking out “the National Security Agency,” and in-
9 serting in lieu thereof “the Clandestine Service, the
10 Technical Collection Agency, the Technology Devel-
11 opment Office,”.

12 (5) Section 2305 is amended by striking out
13 “section 102 of the National Security Act of 1947
14 (61 Stat. 495; 50 U.S.C. 403),” and inserting in
15 lieu thereof “subtitle A of title I of the Intelligence
16 Community Act, **[Q: Other sections of the Intel-
17 ligence Community Act?]**”.

18 (6) Section 2953(b) is amended by striking out
19 “or” at the end of paragraph (2), by striking out the
20 period at the end of paragraph (3) and inserting in
21 lieu thereof “; or”, and by adding at the end the fol-
22 lowing:

23 “(4) the Clandestine Service.”.

24 (7) Section 3401(1) is amended by striking
25 “and” at the end of clause (vi), by striking out

1 clause (vii) and inserting in lieu thereof the follow-
2 ing:

3 “(vii) the Clandestine Service;

4 “(viii) the Technical Collection Agency;

5 and

6 “(ix) the Technology Development Office;

7 and”.

8 (8) Section 5102 is amended by striking out
9 clause (vii), by redesignating clauses (viii) and (x) as
10 clauses (vii) and (viii), respectively, and by adding
11 after clause (viii) (as so redesignated) the following:

12 “(ix) the Clandestine Service;

13 “(x) the Technical Collection Agency; and

14 “(xi) the Technology Development Office;”.

15 (9) Section 5342(a)(1) is amended by striking
16 out subparagraph (G), by redesignating subpara-
17 graphs (H), (I) and (K), as subparagraphs (G), (H)
18 and (I), respectively, by striking out “or” at the end
19 of subparagraph (H) (as so redesignated), and by
20 inserting after subparagraph (I) the following:

21 “(J) the Clandestine Service;

22 “(K) the Technical Collection Agency; or

23 “(L) the Technology Development Office;”.

24 (10) Section 5727(e)(1) is amended by striking
25 out “or” at the end of subparagraph (A), by striking

1 out the period at the end of subparagraph (B) and
2 inserting in lieu thereof “; or”, and by adding after
3 subparagraph (B) the following:

4 “(C) the Clandestine Service.”.

5 (11) Section 5948(g)(1) is amended—

6 (A) by inserting “and the Clandestine
7 Service” after “Central Intelligence Agency”
8 the second place it appears in subparagraph
9 (F); and

10 (B) by striking out “the National Security
11 Agency” and inserting in lieu thereof “the
12 Technical Collection Agency and the Technology
13 Development Office”.

14 (12)(A) Paragraph (1) of section 6339(a) is
15 amended by striking out subparagraph (C) and re-
16 designating subparagraph (D) as subparagraph (C),
17 by striking out “and” at the end of subparagraph
18 (C) (as so redesignated), by redesignating subpara-
19 graph (E) as subparagraph (G), and by inserting
20 after subparagraph (C) (as so redesignated) the fol-
21 lowing:

22 “(D) the Clandestine Service;

23 “(E) the Technical Collection Agency;

24 “(F) the Technology Development Office;

25 and”.

1 (B) Paragraph (2) of such section is amended
2 by striking out subparagraph (C) and redesignating
3 subparagraph (D) as subparagraph (C), by striking
4 out “and” at the end of subparagraph (C) (as so re-
5 designated), by redesignating subparagraph (E) as
6 subparagraph (G) and in that subparagraph by
7 striking out “(1)(E)” both places it appears and in-
8 serting in lieu thereof “(1)(G)”, and by inserting
9 after subparagraph (C) (as so redesignated) the fol-
10 lowing:

11 “(D) with respect to the Clandestine Serv-
12 ice, the Director of Central Intelligence;

13 “(E) with respect to the Technical Collec-
14 tion Agency, the Director of the Technical Col-
15 lection Agency;

16 “(F) with respect to the Technology Devel-
17 opment Office, the Director of the Technology
18 Development Office; and”.

19 (13) Section 7103(a)(3) is amended by striking
20 out subparagraph (D) and redesignating subpara-
21 graphs (E), (F), and (G) as subparagraphs (D), (E),
22 and (F), respectively, by striking out “or” at the end
23 of subparagraph (E) (as so redesignated), and by
24 adding after subparagraph (F) the following:

25 “(G) the Clandestine Service;

1 “(H) the Technical Collection Agency; or
2 “(I) the Technology Development Office;”.

3 (14) Section 7323(b)(2)(B)(i) is amended by
4 striking out subclause (VI), redesignating subclauses
5 (VII) through (XII) as subclauses (XI) through
6 (XVI), respectively, and by inserting after subclause
7 (V) the following:

8 “(VI) the Clandestine Service;

9 “(VII) the Technical Collection Agency;

10 “(VIII) the Technology Development Of-
11 fice;

12 “(IX) the Infrastructure Support Office;

13 “(X) the Community Management Staff;”.

14 (15) Section 7511(b) is amended—

15 (A) by inserting “, the Clandestine Serv-
16 ice,” after “Central Intelligence Agency” in
17 paragraph (7); and

18 (B) by striking out “the National Security
19 Agency,” and inserting in lieu thereof “the
20 Technical Collection Agency, the Technology
21 Development Office,”.

22 (16) Section 8347(n)(1)(A) is amended by in-
23 serting “or of the Clandestine Service” before the
24 semicolon at the end thereof.

1 (17) Section 8351(d) is amended by inserting
2 “or the Clandestine Service” after “Central Intel-
3 ligence Agency”.

4 (18) Section 8461 is amended—

5 (A) in subsection (j)(1)—

6 (i) by inserting “or of the Clandestine
7 Service” before the semicolon at the end of
8 subparagraph (A); and

9 (ii) by inserting “or of the Clandestine
10 Service” after “Central Intelligence Agen-
11 cy” in subparagraph (F);

12 (B) in subsection (k)—

13 (i) by inserting “or of the Clandestine
14 Service” before the semicolon at the end of
15 paragraph (1)(A);

16 (ii) by inserting “or of the Clandestine
17 Service” after “Central Intelligence Agen-
18 cy” in paragraph (1)(D); and

19 (iii) by inserting “or of the Clandes-
20 tine Service” after “Central Intelligence
21 Agency” in paragraph (2); and

22 (C) in subsection (l), by inserting “or of
23 the Clandestine Service” after “Central Intel-
24 ligence Agency”.

1 (19) Subsections (b)(1), (b)(3), and (c) of sec-
2 tion 9101 are amended by inserting “the Clandes-
3 tine Service,” after “Central Intelligence Agency,”
4 each place it appears.

5 **SEC. 715. AMENDMENTS TO LAWS CODIFIED IN THE APPEN-**
6 **DICES OF TITLE 5, UNITED STATES CODE.**

7 (a) **FEDERAL ADVISORY COMMITTEE ACT.**—Section
8 4(b) of the Federal Advisory Committee Act (5 U.S.C.
9 App.) is amended by striking out “or” at the end of para-
10 graph (1), by striking out the period at the end of para-
11 graph (2) and inserting in lieu thereof “; or”, and by add-
12 ing after paragraph (2) the following:

13 “(3) the Clandestine Service.”.

14 (b) **INSPECTOR GENERAL ACT.**—Section 8G(a)(1) of
15 the Inspector General Act (5 U.S.C. App.) is amended by
16 striking out “or” at the end of subparagraph (E), by in-
17 serting “or” at the end of subparagraph (F), and by add-
18 ing after subparagraph (F) the following:

19 “(G) the Clandestine Service;”.

20 (c) **ETHICS IN GOVERNMENT ACT.**—Section 105 of
21 the Ethics in Government Act of 1978 (5 U.S.C. App.)
22 is amended—

23 (1) by inserting “, the Clandestine Service,”
24 after “Central Intelligence Agency,”;

1 (2) by striking out “or the National Security
2 Agency,” and inserting in lieu thereof “the Tech-
3 nical Collection Agency, or the Technology Develop-
4 ment Office,”.

5 **SEC. 716. REPORT ON DETAILED PERSONNEL.**

6 Section 617 of Public Law 103–123 (107 Stat. 1263)
7 is amended—

8 (1) by striking out paragraph (2);

9 (2) by inserting after paragraph (1) the follow-
10 ing:

11 “(2) the Clandestine Service;”;

12 (3) by redesignating paragraphs (4) through
13 (7) as paragraphs (6) through (9), respectively; and

14 (4) by inserting after paragraph (3) the follow-
15 ing:

16 “(4) the Technical Collection Agency;

17 “(5) the Technology Development Office;”.

18 **Subtitle C—Amendments Related**
19 **to Inspector General for the In-**
20 **telligence Community**

21 **SEC. 721. INSPECTOR GENERAL FOR THE INTELLIGENCE**
22 **COMMUNITY.**

23 (a) EXPANSION OF ROLE OF INSPECTOR GENERAL
24 OF THE CIA.—Subsection (a) of section 17 of the Central

1 Intelligence Agency Act of 1949 (50 U.S.C. 403q) is
2 amended—

3 (1) in paragraph (1), by striking out “Agency”
4 and inserting in lieu thereof “Intelligence Commu-
5 nity”; and

6 (2) in the matter following paragraph (4), by
7 striking out “established in the Agency” and insert-
8 ing in lieu thereof “established within the Intel-
9 ligence Community”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 17 of such Act is further amend-
12 ed—

13 (A) in subsections (b), (c)(1), (d)(1)(A),
14 and (d)(1)(F), by striking out “Agency” and in-
15 serting in lieu thereof “Intelligence Commu-
16 nity”; and

17 (B) in paragraphs (2) and (3) of sub-
18 section (e), by striking out “Agency” and in-
19 serting in lieu thereof “element of the Intel-
20 ligence Community”.

21 (2) The heading of such section is amended to
22 read as follows:

1 **“SEC. 17. INSPECTOR GENERAL FOR THE INTELLIGENCE**
2 **COMMUNITY.”.**

3 (c) RATE OF PAY.—Section 5316 of title 5, United
4 States Code, is amended by striking out “Inspector Gen-
5 eral, Central Intelligence Agency” and inserting in lieu
6 thereof “Inspector General for the Intelligence Commu-
7 nity.”.

8 **Subtitle D—Repeals of Provisions**
9 **Recodified in New Act**

10 **SEC. 741. CONFORMING REPEALS.**

11 (a) FISCAL YEAR 1996 INTELLIGENCE AUTHORIZA-
12 TION ACT.—Section 306 of the Intelligence Authorization
13 Act for Fiscal Year 1996 (Public Law 104–93; 50 U.S.C.
14 435 note; 109 Stat. 966) is repealed.

15 (b) FISCAL YEAR 1995 INTELLIGENCE AUTHORIZA-
16 TION ACT.—The following provisions of the Intelligence
17 Authorization Act for Fiscal Year 1995 (Public Law 103–
18 359) are repealed:

19 (1) Section 603 (50 U.S.C. 403–3; 108 Stat.
20 3433).

21 (2) Section 811 (50 U.S.C. 402a; 108 Stat.
22 3455).

23 (c) FISCAL YEAR 1992 INTELLIGENCE AUTHORIZA-
24 TION ACT.—Section 403 of the Intelligence Authorization

1 Act for Fiscal Year 1992 (Public Law 102–183; 50 U.S.C.
2 403–2; 105 Stat. 1267) is repealed:

3 (d) NATIONAL SECURITY ACT OF 1947.—Section
4 109 of the National Security Act of 1947 (50 U.S.C.
5 404d) is repealed.

6 (e) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS
7 ACT.—The following provisions of the Department of De-
8 fense Appropriations Act, 1995 (Public Law 103–335),
9 are repealed:

10 (1) Section 8131 (50 U.S.C. 403–2a note; 108
11 Stat. 2653).

12 (2) Section 8154 (10 U.S.C. 384 note; 50
13 U.S.C. 403f note; 108 Stat. 2658).

14 (f) FISCAL YEAR 1994 DEFENSE APPROPRIATIONS
15 ACT.—The following provisions of the Department of De-
16 fense Appropriations Act, 1994 (Public Law 103–139),
17 are repealed:

18 (1) Section 8104 (50 U.S.C. 403j note; 107
19 Stat. 1463).

20 (2) Section 8107 (50 U.S.C. 414 note; 107
21 Stat. 1464).

22 (g) TITLE 10, UNITED STATES CODE.—Section 201
23 of title 10, United States Code, is repealed. The table of
24 sections at the beginning of subchapter II of chapter 8

1 of such title is amended by striking out the item relating
2 to section 201.

3 **Subtitle E—Other Amendments**

4 **SEC. 751. NATIONAL SECURITY ACT OF 1947.**

5 (a) TABLE OF CONTENTS.—The table of contents in
6 the first section of the National Security Act of 1947 is
7 amended—

8 (1) by inserting after the item relating to sec-
9 tion 2 the following new item:

“Sec. 3. Definitions.”;

10 (2) by striking out the items relating to the
11 heading for title I and sections 101 through 107 and
12 inserting in lieu thereof the following:

“TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES

“Sec. 101. National Security Council.

“Sec. 102. Committee on Foreign Intelligence.

“Sec. 103. Board for Low Intensity Conflict.

“Sec. 104. National Counterintelligence Policy Board.”;

13 (3) by striking out the item relating to section
14 109 and the item following that item (relating to
15 section 104); and

16 (4) by striking out the items relating to sections
17 202 through 204, 208 through 214, 301, 302, and
18 304 through 306.

19 (b) FORMAT AMENDMENTS.—Title IX of such Act is
20 amended—

1 (1) in section 904 (50 U.S.C. 441e), by striking
2 out “required to be imposed by” and all that follows
3 and inserting in lieu thereof “required to be imposed
4 by any of the following provisions of law:

5 “(1) The Chemical and Biological Weapons
6 Control and Warfare Elimination Act of 1991 (title
7 III of Public Law 102–182).

8 “(2) The Nuclear Proliferation Prevention Act
9 of 1994 (title VIII of Public Law 103–236).

10 “(3) Section 11B of the Export Administration
11 Act of 1979 (50 U.S.C. App. 2410b).

12 “(4) Chapter 7 of the Arms Export Control Act
13 (22 U.S.C. 2797 et seq.).

14 “(5) The Iran-Iraq Arms Non-Proliferation Act
15 of 1992 (title XVI of Public Law 102–484).

16 “(6) The following provisions of annual appro-
17 priations Acts:

18 “(A) Section 573 of the Foreign Oper-
19 ations, Export Financing, and Related Pro-
20 grams Appropriations Act, 1994 (Public Law
21 103–87; 107 Stat. 972).

22 “(B) Section 563 of the Foreign Oper-
23 ations, Export Financing, and Related Pro-
24 grams Appropriations Act, 1995 (Public Law
25 103–306; 108 Stat. 1649).

1 “(C) Section 552 of the Foreign Oper-
2 ations, Export Financing, and Related Pro-
3 grams Appropriations Act, 1996 (Public Law
4 104–107; 110 Stat. 741).

5 “(7) Comparable provisions.”; and

6 (2) in section 905 (50 U.S.C. 441d), by striking
7 out “on the date which is one year after the date of
8 the enactment of this title” and inserting in lieu
9 thereof “on January 6, 1997”.

10 **SEC. 752. TITLE 5, UNITED STATES CODE.**

11 Section 5324 of title 5, United States Code, is
12 amended by striking out “Deputy Director of Central In-
13 telligence” and inserting in lieu thereof “Deputy Directors
14 of Central Intelligence (2)”.

15 **TITLE VIII—TRANSFER OF FUNC-**
16 **TIONS, SAVINGS PROVISIONS,**
17 **AND EFFECTIVE DATE**

18 **Subtitle A—Transfers of Functions**
19 **to Intelligence Community**
20 **Agencies Other than Agencies in**
21 **Department of Defense**

22 **SEC. 801. TRANSFER OF FUNCTIONS TO CLANDESTINE**
23 **SERVICE.**

24 (a) TRANSFER.—The following functions, as in effect
25 on the day before the effective date of this title, are trans-

1 ferred to the Clandestine Service as of the effective date
2 of this title:

3 (1) Functions vested in the Central Intelligence
4 Agency or the Director of Central Intelligence which
5 were performed through the Deputy Director for Op-
6 erations.

7 (2) Such additional analytical and science and
8 technology functions of the Central Intelligence
9 Agency as the Director of Central Intelligence deter-
10 mines are related to the functions transferred under
11 paragraph (1).

12 (3) Functions relating to clandestine collection
13 activities vested in the Defense Human Intelligence
14 Service in the Department of Defense, as specified
15 jointly by the Secretary of Defense and Director of
16 Central Intelligence.

17 (b) ABOLITION OF DDO.—The Directorate of Oper-
18 ations of the Central Intelligence Agency is abolished.

19 (c) ABOLITION OF S&T DIRECTORATE.—The Direc-
20 torate of Science and Technology of the Central Intel-
21 ligence Agency is abolished.

22 (d) ABOLITION OF ADMINISTRATION DIREC-
23 TORATE.—The Directorate of Administration of the
24 Central Intelligence Agency is abolished.

1 **SEC. 802. ABOLITION OF NATIONAL INTELLIGENCE COUN-**
2 **CIL.**

3 The National Intelligence Council is abolished.

4 **Subtitle B—Transfers of Functions**
5 **to Intelligence Community**
6 **Agencies in Department of De-**
7 **fense**

8 **SEC. 811. TRANSFER OF FUNCTIONS TO TECHNICAL COL-**
9 **LECTION AGENCY.**

10 The following functions, as in effect on the day before
11 the effective date of this title, are transferred to the Direc-
12 tor of the Technical Collection Agency as of the effective
13 date of this title:

14 (1) NATIONAL SECURITY AGENCY FUNC-
15 TIONS.—Functions vested in the National Security
16 Agency or the Director of that Agency.

17 (2) NATIONAL RECONNAISSANCE OFFICE
18 FUNCTIONS.—Functions vested in the National Re-
19 connaisance Office or the Director of that Office, as
20 specified jointly by the Secretary of Defense and Di-
21 rector of Central Intelligence.

22 (3) CENTRAL IMAGERY OFFICE FUNCTIONS.—
23 Functions vested in the Central Imagery Office or
24 the Director of that Office.

1 **SEC. 812. TRANSFER OF FUNCTIONS TO TECHNICAL DEVELOP-**
2 **MENT OFFICE.**

3 The following functions, as in effect on the day before
4 the effective date of this title, are transferred to the Direc-
5 tor of the Technical Development Office as of the effective
6 date of this title:

7 (1) Functions of the National Reconnaissance
8 Office, as specified jointly by the Secretary of De-
9 fense and Director of Central Intelligence.

10 (2) Functions of the Defense Airborne Recon-
11 naissance Office, as specified jointly by the Sec-
12 retary of Defense and Director of Central Intel-
13 ligence.

14 (3) The Directorate of Science and Technology
15 of the Central Intelligence Agency, as specified joint-
16 ly by the Secretary of Defense and Director of
17 Central Intelligence.

18 **SEC. 813. ABOLITION OF PREVIOUS DEFENSE ELEMENTS**
19 **OF THE INTELLIGENCE COMMUNITY.**

20 (a) ABOLITION OF NATIONAL SECURITY AGENCY.—
21 The National Security Agency is abolished.

22 (b) ABOLITION OF NATIONAL RECONNAISSANCE OF-
23 FICE.—The National Reconnaissance Office is abolished.

24 (c) ABOLITION OF CENTRAL IMAGERY OFFICE.—The
25 Central Imagery Office is abolished.

1 **Subtitle C—General Transfer**
2 **Provisions**

3 **SEC. 821. TRANSFER OF FUNCTIONS.**

4 (a) IN GENERAL.—In order to carry out the transfers
5 made by subtitles A and B of this title, there are trans-
6 ferred to each transferee agency all functions which the
7 head of the transferor agency exercised on the day before
8 the effective date of this title (including all related func-
9 tions of any officer or employee of the transferor agency)
10 which the Director of Central Intelligence determines are
11 vested by this Act in the transferee agency or are other-
12 wise necessary for the performance of the functions of the
13 transferee agency.

14 (b) DEFINITIONS.—For purposes of this title:

15 (1) The term “transferee agency” means any
16 entity of the Intelligence Community established by
17 this Act.

18 (2) The term “transferor agency”, with respect
19 to a transferee agency, means any component of the
20 Intelligence Community which on the day before the
21 effective date of this Act performed functions vested
22 by this Act in the transferee agency, as determined
23 by the Director of Central Intelligence.

1 (3) The term “function” means any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program.

4 **SEC. 822. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
5 **TIONS AND PERSONNEL.**

6 (a) IN GENERAL.—Except as otherwise provided in
7 this title, the personnel employed in connection with, and
8 the assets, liabilities, contracts, property, records, and un-
9 expended balances of appropriations, authorizations, allo-
10 cations, and other funds employed, used, held, arising
11 from, available to, or to be made available in connection
12 with the functions transferred by this title, subject to sec-
13 tion 1531 of title 31, United States Code, shall be trans-
14 ferred to the transferee agency.

15 (b) LIMITATION ON USE OF FUNDS.—Unexpended
16 funds transferred pursuant to this section shall be used
17 only for the purposes for which the funds were originally
18 authorized and appropriated.

19 **SEC. 823. INCIDENTAL TRANSFERS.**

20 (a) INCIDENTAL TRANSFERS.—The Director of
21 Central Intelligence, at such time or times as the Director
22 shall provide, may—

23 (1) make such determinations as may be nec-
24 essary with regard to the functions transferred by
25 this title; and

1 (2) make such additional incidental dispositions
2 of personnel, assets, liabilities, grants, contracts,
3 property, records, and unexpended balances of ap-
4 propriations, authorizations, allocations, and other
5 funds held, used, arising from, available to, or to be
6 made available in connection with such functions, as
7 may be necessary to carry out the provisions of this
8 title.

9 (b) **TERMINATIONS.**—The Director of Central Intel-
10 ligence shall provide for the termination of the affairs of
11 all entities terminated by this title and for such further
12 measures and dispositions as may be necessary to effec-
13 tuate the purposes of this title.

14 **SEC. 824. EFFECT ON PERSONNEL.**

15 (a) **IN GENERAL.**—Except as otherwise provided by
16 this title, the transfer pursuant to this title of full-time
17 personnel (except special Government employees) and
18 part-time personnel holding permanent positions shall not
19 cause any such employee to be separated or reduced in
20 grade or compensation for one year after the date of trans-
21 fer of such employee under this title.

22 (b) **APPOINTMENTS.**—The head of the transferee
23 agency may appoint and fix the compensation of such offi-
24 cers and employees as may be necessary to carry out the
25 respective functions transferred under this title. Except as

1 otherwise provided by law, such officers and employees
2 shall be appointed in accordance with the civil service laws
3 and their compensation fixed in accordance with title 5,
4 United States Code.

5 (c) EXECUTIVE SCHEDULE POSITIONS.—Except as
6 otherwise provided in this title, any person who, on the
7 day preceding the effective date of this title, held a posi-
8 tion compensated in accordance with the Executive Sched-
9 ule prescribed in chapter 53 of title 5, United States Code,
10 and who, without a break in service, is appointed in the
11 transferee agency to a position having duties comparable
12 to the duties performed immediately preceding such ap-
13 pointment shall continue to be compensated in such new
14 position at not less than the rate provided for such pre-
15 vious position, for the duration of the service of such per-
16 son in such new position.

17 (d) EXPERTS AND CONSULTANTS.—The head of the
18 transferee agency may obtain the services of experts and
19 consultants in accordance with section 3109 of title 5,
20 United States Code, and compensate such experts and
21 consultants for each day (including traveltime) at rates
22 not in excess of the rate of pay for level IV of the Execu-
23 tive Schedule under section 5315 of such title. The head
24 of the transferee agency may pay experts and consultants
25 who are serving away from their homes or regular place

1 of business travel expenses and per diem in lieu of subsist-
2 ence at rates authorized by sections 5702 and 5703 of
3 such title for persons in Government service employed
4 intermittently.

5 (e) DETAIL OR ASSIGNMENT OF EXISTING PERSON-
6 NEL.—To carry out the reorganization required by this
7 Act, the Director of Central Intelligence may detail or as-
8 sign on a nonreimbursable basis individuals among ele-
9 ments of the Intelligence Community without regard to
10 limitations on the period of the detail or assignment. Any
11 such individual shall not by reason of such detail or as-
12 signment lose any entitlement or status associated with
13 the personnel system from which the individual was de-
14 tailed or assigned. This subsection applies to individuals
15 who, as of the effective date of this Act are employees of
16 an element of the intelligence community (as defined by
17 section 3(4) of the National Security Act of 1947 as in
18 effect on the day before the effective date of this Act).

19 **SEC. 825. DELEGATION AND ASSIGNMENT.**

20 Except where otherwise expressly prohibited by law
21 or otherwise provided by this title, the head of the trans-
22 feree agency may delegate any of the functions transferred
23 to the head of the transferee agency by this title and any
24 function transferred or granted to such head of the trans-
25 feree agency after the effective date of this title to such

1 officers and employees of the transferee agency as the
2 head of the transferee agency may designate, and may au-
3 thorize successive redelegations of such functions as may
4 be necessary or appropriate. No delegation of functions
5 by the head of the transferee agency under this section
6 or under any other provision of this title shall relieve such
7 head of the transferee agency of responsibility for the ad-
8 ministration of such functions.

9 **SEC. 826. REORGANIZATION.**

10 The Director of Central Intelligence may allocate or
11 reallocate any function transferred under this title among
12 the officers of the transferee agency and may establish,
13 consolidate, alter, or discontinue such organizational enti-
14 ties in the transferee agency as may be necessary or ap-
15 propriate.

16 **SEC. 827. RULES.**

17 The head of the transferee agency is authorized to
18 prescribe, in accordance with the provisions of chapters
19 5 and 6 of title 5, United States Code, such rules and
20 regulations as the head of the transferee agency deter-
21 mines necessary or appropriate to administer and manage
22 the functions of the transferee agency.

1 **Subtitle D—General Savings**
2 **Provisions**

3 **SEC. 831. CONTINUING EFFECT OF LEGAL DOCUMENTS.**

4 All orders, determinations, rules, regulations, per-
5 mits, agreements, grants, contracts, certificates, licenses,
6 registrations, privileges, and other administrative ac-
7 tions—

8 (1) which have been issued, made, granted, or
9 allowed to become effective by the President, any
10 Federal agency or official thereof, or by a court of
11 competent jurisdiction, in the performance of func-
12 tions which are transferred under this title; and

13 (2) which are in effect at the time this title
14 takes effect, or were final before the effective date
15 of this title and are to become effective on or after
16 the effective date of this title,

17 shall continue in effect according to their terms until
18 modified, terminated, superseded, set aside, or revoked in
19 accordance with law by the President, the head of the
20 transferee agency or other authorized official, a court of
21 competent jurisdiction, or by operation of law.

22 **SEC. 832. PROCEEDINGS NOT AFFECTED.**

23 The provisions of this title shall not affect any pro-
24 ceedings, including notices of proposed rulemaking, or any
25 application for any license, permit, certificate, or financial

1 assistance pending before the transferor agency at the
2 time this title takes effect, with respect to functions trans-
3 ferred by this title but such proceedings and applications
4 shall be continued. Orders shall be issued in such proceed-
5 ings, appeals shall be taken therefrom, and payments shall
6 be made pursuant to such orders, as if this title had not
7 been enacted, and orders issued in any such proceedings
8 shall continue in effect until modified, terminated, super-
9 seded, or revoked by a duly authorized official, by a court
10 of competent jurisdiction, or by operation of law. Nothing
11 in this section shall be deemed to prohibit the discontinu-
12 ance or modification of any such proceeding under the
13 same terms and conditions and to the same extent that
14 such proceeding could have been discontinued or modified
15 if this title had not been enacted.

16 **SEC. 833. SUITS NOT AFFECTED.**

17 The provisions of this title shall not affect suits com-
18 menced before the effective date of this title, and in all
19 such suits, proceedings shall be had, appeals taken, and
20 judgments rendered in the same manner and with the
21 same effect as if this title had not been enacted.

22 **SEC. 834. NONABATEMENT OF ACTIONS.**

23 No suit, action, or other proceeding commenced by
24 or against the transferor agency, or by or against any indi-
25 vidual in the official capacity of such individual as an offi-

1 cer of the transferor agency, shall abate by reason of the
2 enactment of this Act.

3 **SEC. 835. ADMINISTRATIVE ACTIONS RELATING TO PRO-**
4 **MULGATION OF REGULATIONS.**

5 Any administrative action relating to the preparation
6 or promulgation of a regulation by the transferor agency
7 relating to a function transferred under this title may be
8 continued by the transferee agency with the same effect
9 as if this title had not been enacted.

10 **SEC. 836. TRANSITION.**

11 The head of the transferee agency may use—

12 (1) the services of such officers, employees, and
13 other personnel of the transferor agency with respect
14 to functions transferred to the transferee agency by
15 this title; and

16 (2) funds appropriated to such functions for
17 such period of time as may reasonably be needed to
18 facilitate the orderly implementation of this title.

19 **SEC. 837. REFERENCES.**

20 Any reference in any other Federal law or in any Ex-
21 ecutive order, rule, regulation, or delegation of authority,
22 or any document of or relating to—

23 (1) the head of the transferor agency with re-
24 gard to functions transferred under this title, shall

1 be deemed to refer to the head of the transferee
2 agency; or

3 (2) the transferor agency with regard to func-
4 tions transferred under this title, shall be deemed to
5 refer to the transferee agency.

6 **Subtitle E—Effective Date**

7 **SEC. 851. EFFECTIVE DATE.**

8 Except as otherwise specifically provided in this Act,
9 this Act and the amendments made by this Act shall take
10 effect six months after the date of the enactment of this
11 Act, except that the President may prescribe an earlier
12 date. Any such date prescribed by the President shall be
13 published in the Federal Register.

○