

At the end of section 1103 of the amendment, add the following:

(c) INSPECTIONS.—The Under Secretary of Immigration Affairs shall assign officers, with expertise and training in immigration and nationality law, to major ports of entry in the United States to assist in the inspection of aliens. For other ports of entry, the Under Secretary shall take steps to ensure such officers participate in the inspections process.

(d) TRAINING FOR BORDER PATROL AND INSPECTORS.—The Under Secretary of Immigration Affairs, in consultation with the Under Secretary of Border and Transportation Protection, will provide training in immigration and nationality law to personnel performing the border patrol and inspections functions in the Border and Transportation Protection Directorate.

SA 4750. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XIII and insert the following:

TITLE XIII—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

SEC. 1301. ESTABLISHMENT.

(a) IN GENERAL.—There is within the Department of Justice the Executive Office for Immigration Review.

(b) STATUTORY CONSTRUCTION.—Nothing in title XI, or any amendment made by that title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by, the Executive Office for Immigration Review of the Department of Justice, or any officer, employee, or component thereof, immediately prior to the effective date of title XI.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) APPOINTMENT.—There shall be at the head of the Executive Office for Immigration Review a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) OFFICES.—The Director shall appoint a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as may be necessary to carry out this title.

(c) RESPONSIBILITIES.—The Director shall—

(1) administer the Executive Office for Immigration Review and be responsible for the promulgation of rules and regulations affecting the agency; and

(2) appoint and fix the compensation of attorneys, clerks, administrative assistants, and other personnel as may be necessary.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—The Board of Immigration Appeals (in this title referred to as the “Board”) shall perform the appellate functions of the Executive Office for Immigration Review. The Board shall consist of a Chair and not less than 14 other immigration appeals judges.

(b) APPOINTMENT.—Members of the Board shall be appointed by the Attorney General, in consultation with the Director and the Chair of the Board of Immigration Appeals.

(c) QUALIFICATIONS.—The Chair and each other Member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(d) JURISDICTION.—

(1) IN GENERAL.—The Board shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals (as in effect under the Executive Office of Immigration Review).

(2) DE NOVO REVIEW.—The Board shall have de novo review of any decision by an immi-

gration judge, including any final order of removal.

(e) INDEPENDENCE OF BOARD MEMBERS.—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

(f) REFERRAL OF CASES TO THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Board shall refer to the Attorney General for review of any case that—

(A) the Attorney General directs the Board to refer to the Attorney General;

(B) the Chairman or a majority of the Board believes should be referred to the Attorney General for review; or

(C) the Under Secretary of Homeland Security for Immigration Affairs requests be referred to the Attorney General for review.

(2) DECISION OF THE ATTORNEY GENERAL.—In any case in which the Attorney General reviews the decision of the Board, the decision of the Attorney General shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided by regulations.

SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) ESTABLISHMENT OF OFFICE.—There shall be within the Executive Office for Immigration Review the position of Chief Immigration Judge, who shall administer the immigration courts.

(b) DUTIES OF THE CHIEF IMMIGRATION JUDGE.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court dockets.

(c) APPOINTMENT OF IMMIGRATION JUDGES.—Immigration judges shall be appointed by the Attorney General, in consultation with the Director and the Chief Immigration Judge.

(d) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(e) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) INDEPENDENCE OF IMMIGRATION JUDGES.—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) ESTABLISHMENT OF POSITION.—There shall be within the Executive Office for Immigration Review the position of Chief Administrative Hearing Officer.

(b) DUTIES OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—The Chief Administrative Hearing Officer shall hear cases brought under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

SEC. 1306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Executive Office for Immigration Review such sums as may be necessary to carry out this title.

SA 4751. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, line 10, before the period insert the following: “, except that the Attor-

ney General may not exercise the authorities and functions in this paragraph in a manner that does not respect the independence of immigration judges”.

SA 4752. Mr. HOLLINGS (for Mr. GRAHAM) proposed an amendment to the bill S. 2506, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2003”.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Incorporation of reporting requirements.

Sec. 106. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

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

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Definition of congressional intelligence committees in National Security Act of 1947.

Sec. 304. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counter-narcotics, and counterintelligence.

Sec. 305. Modification of authority to make funds for intelligence activities available for other intelligence activities.

Sec. 306. Clarification of authority to furnish information on intelligence activities to Congress.

Sec. 307. Standardized transliteration of names into the Roman alphabet.

Sec. 308. Standards and qualifications for the performance of intelligence activities.

Sec. 309. Modification of David L. Boren National Security Education Program.

Sec. 310. Scholarships and work-study for pursuit of graduate degrees in science and technology.

Sec. 311. National Virtual Translation Center.

Sec. 312. Foreign Terrorist Asset Tracking Center.

Sec. 313. Terrorist Identification Classification System.

Sec. 314. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.

- Sec. 315. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 316. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

TITLE IV—REPORTING REQUIREMENTS

Subtitle A—Submittal of Reports to Intelligence Committees

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

Subtitle B—Recurring Annual Reports

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

Subtitle C—Other Reports

- Sec. 431. Report on effect of country-release restrictions on allied intelligence-sharing relationships.
- Sec. 432. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters.
- Sec. 433. Study of Department of State Consular Services.

Subtitle D—Repeal of Certain Report Requirements

- Sec. 441. Repeal of certain report requirements.

TITLE V—COUNTERINTELLIGENCE ACTIVITIES

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

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

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

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the conduct of

the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.
- (12) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2003, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, to Members of Congress who so request, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2003 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2003 the sum of \$157,979,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2004.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 309 full-time personnel as of September 30, 2003. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2003 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2004.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2003, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2003 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), \$32,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2004, and funds provided for procurement purposes shall remain available until September 30, 2005.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

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

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Seventh Congress, in the classified annex to this Act, in the report of the Senate to accompany the bill S. _____ of the 107th Congress, or in the report of the House of Representatives to accompany the bill H.R. _____ is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) SUBMITTAL DATE.—The date for the submittal to the congressional intelligence committees of any report referred to in subsection (a), whether an annual report, semi-annual report, or non-recurring report, shall be as provided for a report of that type in section 507 of the National Security Act of 1947, as added by section 401 of this Act.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term

“congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO INTELLIGENCE ACTIVITIES OF DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY.

(a) CONSULTATION IN PREPARATION.—(1) The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense or Department of Energy is prepared or conducted in consultation with the Secretary of Defense or the Secretary of Energy, as appropriate.

(2) The Secretary of Defense or Secretary of Energy may carry out any consultation required by this subsection through an official of the Department of Defense or Department of Energy, as the case may be, designated by such Secretary for that purpose.

(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2003 the sum of \$223,300,000.

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES IN NATIONAL SECURITY ACT OF 1947.

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

“(7) The term ‘congressional intelligence committees’ means—

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

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

(b) CONFORMING AMENDMENTS.—(1) That Act is further amended by striking “Select Committee on Intelligence of the Senate and

the Permanent Select Committee on Intelligence of the House of Representatives” and inserting “congressional intelligence committees” in each of the following provisions:

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

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

(2) That Act is further amended by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate” and inserting “congressional intelligence committees” in each of the following provisions:

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

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

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

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

(3) That Act is further amended by striking “intelligence committees” and inserting “congressional intelligence committees” in each of the following provisions:

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

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

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

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

(4) Section 104(d)(5) of that Act (50 U.S.C. 403–4(d)(5)) is amended by striking “Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives” and inserting “congressional intelligence committees”.

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

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

“(i) The congressional intelligence committees.”; and

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

(6) Section 114 of that Act (50 U.S.C. 404i) is amended by striking subsection (c) and inserting the following new subsection (c):

“(c) CONGRESSIONAL LEADERSHIP DEFINED.—In this section, the term ‘congressional leadership’ means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”.

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

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(8) Section 503(c)(4) of that Act (50 U.S.C. 413b(c)(4)) is amended by striking “intelligence committee” and inserting “congressional intelligence committee”.

(9) Section 602(c) of that Act (50 U.S.C. 422(c)) is amended by striking “the Select Committee on Intelligence of the Senate or to the Permanent Select Committee on Intelligence of the House of Representatives” and inserting “either congressional intelligence committee”.

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

SEC. 304. SPECIFICITY OF NATIONAL FOREIGN INTELLIGENCE PROGRAM BUDGET AMOUNTS FOR COUNTERTERRORISM, COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUNTERINTELLIGENCE.

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

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

“SEC. 506. (a) IN GENERAL.—The budget justification materials submitted to Congress

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

“(1) Counterterrorism.

“(2) Counterproliferation.

“(3) Counternarcotics.

“(4) Counterintelligence.

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

(b) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 505 the following new item:

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

SEC. 305. MODIFICATION OF AUTHORITY TO MAKE FUNDS FOR INTELLIGENCE ACTIVITIES AVAILABLE FOR OTHER INTELLIGENCE ACTIVITIES.

(a) NATURE OF UNFORSEEN REQUIREMENTS.—Section 504(a) of the National Security Act of 1947 (50 U.S.C. 414(a)) is amended—

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

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

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

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

(3) by inserting “(1)” after “(a)”;

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

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

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

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

(b) CERTIFICATION REQUIREMENT FOR REPROGRAMMING.—Paragraph (1)(C)(iii) of that section, as redesignated by subsection (a) of this section, is further amended by striking “has notified” and all that follows and inserting “submits to the appropriate congressional committees, before obligation of funds for such activity, a certification that the requirements of clauses (i) and (ii) are met with respect to such activity.”.

SEC. 306. CLARIFICATION OF AUTHORITY TO FURNISH INFORMATION ON INTELLIGENCE ACTIVITIES TO CONGRESS.

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

“AUTHORITY TO FURNISH INFORMATION ON INTELLIGENCE ACTIVITIES TO CONGRESS

“SEC. 503A. Notwithstanding any other provision of law, and consistent with the obligations of the Director of Central Intelligence to protect intelligence sources and methods, it shall not be unlawful for the Director, or a designee of the Director, to furnish to the congressional intelligence committees information in the possession of an element of the intelligence community on intelligence activities in furtherance of the reporting responsibilities of such element under sections 501, 502, and 503 or any other

provision of law requiring the reporting of information on intelligence activities to Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 503 the following new item:

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

SEC. 307. STANDARDIZED TRANSLITERATION OF NAMES INTO THE ROMAN ALPHABET.

(a) METHOD OF TRANSLITERATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence shall establish a standardized method for transliterating into the Roman alphabet personal and place names originally rendered in any language that uses an alphabet other than the Roman alphabet.

(b) USE BY INTELLIGENCE COMMUNITY.—The Director shall ensure the use of the method established under subsection (a) in—

- (1) all communications among the elements of the intelligence community; and
- (2) all intelligence products of the intelligence community.

SEC. 308. STANDARDS AND QUALIFICATIONS FOR THE PERFORMANCE OF INTELLIGENCE ACTIVITIES.

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

- (1) by redesignating subsection (g) as subsection (h); and
- (2) by inserting after subsection (f) the following new subsection (g):

“(g) STANDARDS AND QUALIFICATIONS FOR PERFORMANCE OF INTELLIGENCE ACTIVITIES.—The Director, acting as the head of the intelligence community, shall, in consultation with the heads of effected agencies, prescribe standards and qualifications for persons engaged in the performance of intelligence activities within the intelligence community.”.

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

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

- (1) by striking subparagraph (A); and
- (2) by redesignating subparagraph (B) as subparagraph (A).

(b) SUBSTITUTION OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE FOR GRANT PROGRAM.—That subsection is further amended—

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

“(B) carrying out activities under paragraph (2) relating to proficiency in foreign languages.”;

- (2) by striking paragraph (2);
- (3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
- (4) by inserting after paragraph (1) the following new paragraph (2):

“(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

“(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall, in accordance with regulations prescribed by the Secretary, carry out activities at institutions of higher education, which activities shall be designed—

- (i) to produce in professionals an advanced level of proficiency in foreign languages that the Board identifies under section 803(d)(4) as critical to the national security of the United States; and
- (ii) to permit undergraduate and graduate students, and employees of the United States

Government, to undertake studies to enhance their foreign language proficiency.

“(B) PARTICIPATION BY FELLOWSHIP RECIPIENTS.—Recipients of fellowships under paragraph (1)(A) may participate in the activities carried out under this paragraph.

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

(c) FUNDING ALLOCATION.—That subsection is further amended by inserting after paragraph (2), as amended by subsection (b) of this section, the following new paragraph (3):

“(3) FUNDING ALLOCATIONS.—Of the amount available for obligation out of the Fund for any fiscal year, the Secretary shall allocate such amount in a manner considered appropriate by the Secretary for purposes of fellowships under paragraph (1)(A) and carrying out activities under paragraph (1)(B).”.

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

(A) in subsection (a)(5), as redesignated by subsection (b)(3) of this section, by striking “scholarships, fellowships, and grants” and inserting “fellowships, and the carrying out of activities,”;

(B) in subsection (b)—
(i) in the matter preceding paragraph (1)—
(I) by striking “scholarship or”; and
(II) by striking “or any scholarship”; and
(ii) by striking paragraph (2) and inserting the following new paragraph (2):

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

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

“(B) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, counterproliferation study, or international field of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be established in accordance with subparagraph (A); and”;

(C) in subsection (c)—
(i) by striking “scholarship or” each place it appears; and
(ii) by striking “scholarships and”;

(D) in subsection (d)—
(i) by striking “scholarships, fellowships, or grants” and inserting “fellowships, or for the carrying out of activities.”; and
(ii) by striking “scholarships, fellowships, or grants (as the case may be)” and inserting “such fellowships or activities, as the case may be.”;

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

(F) in subsection (f), by striking “grant, scholarship, or”; and
(G) in subsection (g)(1), by striking “or scholarship”.

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

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

(B) in paragraph (3)—

- (i) by striking “desiring scholarships or fellowships, and institutions of higher education desiring grants under this chapter” and inserting “desiring fellowships under section 802(a)(1), and institutions of higher education desiring to carry out activities under section 802(a)(2)”;
- (ii) by striking “scholarship or” each place it appears;

(C) in paragraph (4)—

- (i) by striking subparagraphs (A) and (C);
- (ii) by redesignating subparagraphs (B) and (D) as subparagraphs (A) and (C), respectively;

(iii) in subparagraph (A), as so redesignated, by striking “section 802(a)(1)(B)” and inserting “section 802(a)(1)(A)”;

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

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

(v) in subparagraph (C), as so redesignated, by striking “scholarships or”;

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

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

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

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

“TITLE VIII—NATIONAL SECURITY FELLOWSHIPS AND OTHER EDUCATIONAL SUPPORT”.

(5) The heading of section 802 of that Act is amended to read as follows:

“SEC. 802. PROGRAM OF FELLOWSHIPS AND OTHER EDUCATIONAL SUPPORT.”.

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

(f) REPORT ON CONVERSION OF FUNDING FROM TRUST FUND TO ANNUAL APPROPRIATIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in conjunction with the Director of Central Intelligence, submit to the congressional intelligence committees a report on the advisability of converting the funding of the program of fellowships and other educational support under the David L. Boren National Security Education Act of 1991, as amended by this section, from funding through the National Security Education Trust Fund under section 804 of that Act to funding through appropriations.

(2) If the Secretary and the Director determine in the report under paragraph (1) that the conversion of funding referred to in that paragraph is advisable, the report shall include a recommendation for such legislation as the Secretary and the Director consider appropriate to implement the conversion of funding.

(g) REPORT ON MODIFICATION OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE BEFORE IMPLEMENTATION.—If the Secretary, in conjunction with the Director, proposes any modification of the National Flagship Language Initiative under paragraph (2) of section 802(a) of the David L. Boren National Security Education Act of 1991, as amended by subsection (c) of this section, between the date of the enactment of this Act and the date of the implementation of the initiative, the Secretary and the Director shall jointly submit to the congressional intelligence committees a report on the proposed modification.

(h) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

- (1) the Select Committee on Intelligence of the Senate; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives.

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

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

- (1) by redesignating title X as title XI;
- (2) by redesignating section 1001 as section 1101; and
- (3) by inserting after title IX the following new title X:

“TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

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

“SEC. 1001. (a) PROGRAM REQUIRED.—The Director of Central Intelligence shall carry out a program to provide scholarships and work-study for individuals who are pursuing graduate degrees in fields of study in science and technology that are identified by the Director as appropriate to meet the future needs of the intelligence community for qualified scientists and engineers.

“(b) ADMINISTRATION.—The Director shall administer the program through the Assistant Director of Central Intelligence for Administration.

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

“(d) ELIGIBILITY FOR PARTICIPATION.—An individual eligible to participate in the program is any individual who—

“(1) either—

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

“(B) meets criteria for eligibility for employment in the intelligence community that are established by the Director;

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

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

“(e) REGULATIONS.—The Director shall prescribe regulations for purposes of the administration of this section.”

(b) CLERICAL AMENDMENT.—The table of sections for the National Security Act of 1947 is amended by striking the items relating to title X and section 1001 and inserting the following new items:

“TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

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

“TITLE XI—OTHER PROVISIONS

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

SEC. 311. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) ESTABLISHMENT.—The Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the intelligence community an element with the function of connecting the elements of the intelligence community engaged in the acquisition, storage, translation, or analysis of voice or data in digital form.

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

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

(2) The element established under subsection (a) shall connect elements of the intelligence community utilizing the most cur-

rent available information technology that is applicable to the function of the element.

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

SEC. 312. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) ESTABLISHMENT.—The Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency an element responsible for conducting all-source intelligence analysis of information relating to the financial capabilities, practices, and activities of individuals, groups, and nations associated with international terrorism in their activities relating to international terrorism.

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

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

SEC. 313. TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.

(a) REQUIREMENT.—(1) The Director of Central Intelligence, acting as head of the Intelligence Community, shall—

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

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

(2) The list under paragraph (1), and the mechanisms for sharing information on the list, shall be known as the “Terrorist Identification Classification System”.

(b) ADMINISTRATION.—(1) The Director shall prescribe requirements for the inclusion of an individual or organization on the list required by subsection (a), and for the deletion or omission from the list of an individual or organization currently on the list.

(2) The Director shall ensure that the information utilized to determine the inclusion, or deletion or omission, of an individual or organization on or from the list is derived from all-source intelligence.

(3) The Director shall ensure that the list is maintained in accordance with existing law and regulations governing the collection, storage, and dissemination of intelligence concerning United States persons.

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

(d) REPORTING AND CERTIFICATION.—(1) The Director shall review on an annual basis the information provided by various departments and agencies for purposes of the list under subsection (a) in order to determine whether or not the information so provided is derived from the widest possible range of intelligence available to such departments and agencies.

(2) The Director shall, as a result of each review under paragraph (1), certify whether or not the elements of the intelligence community responsible for the collection of intelligence related to the list have provided

information for purposes of the list that is derived from the widest possible range of intelligence available to such department and agencies.

(e) REPORT ON CRITERIA FOR INFORMATION SHARING.—(1) Not later than March 1, 2003, the Director shall submit to the congressional intelligence committees a report describing the criteria used to determine which types of information on the list required by subsection (a) are to be shared, and which types of information are not to be shared, with various departments and agencies of the Federal Government, State and local government agencies, and entities of foreign governments and international organizations.

(2) The report shall include a description of the circumstances in which the Director has determined that sharing information on the list with the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c) would be inappropriate due to the concerns addressed by section 103(c)(6) of the National Security Act of 1947, relating to the protection of sources and methods, and any instance in which the sharing on information on the list has been inappropriate in light of such concerns.

(f) SYSTEM ADMINISTRATION REQUIREMENTS.—(1) The Director shall, to the maximum extent practicable, ensure the interoperability of the Terrorist Identification Classification System with relevant information systems of the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c).

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

(g) REPORT ON STATUS OF SYSTEM.—(1) Not later than one year after the date of the enactment of this Act, the Director shall, in consultation with the Director of Homeland Security, submit to the congressional intelligence committees a report on the status of the Terrorist Identification Classification System. The report shall contain a certification on the following:

(A) Whether or not the System contains the intelligence information necessary to facilitate the contribution of the System to the domestic security of the United States.

(B) Whether or not the departments and agencies having access to the System have access in a manner that permits such departments and agencies to carry out appropriately their domestic security responsibilities.

(C) Whether or not the System is operating in a manner that maximizes its contribution to the domestic security of the United States.

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

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

(h) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 314. ANNUAL REPORT ON FOREIGN COMPANIES INVOLVED IN THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION THAT RAISE FUNDS IN THE UNITED STATES CAPITAL MARKETS.

(a) ANNUAL REPORT REQUIRED.—The Director of Central Intelligence shall submit to

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

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

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

(2) In the case of the appropriate committees of Congress referred to in paragraphs (2) and (3) of subsection (e), the date each year for the submittal of the report required by subsection (a) shall be February 1 of such year.

(d) FORM OF REPORTS.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the Committees on Armed Services, Banking, Housing, and Urban Affairs, and Governmental Affairs of the Senate; and

(3) the Committees on Armed Services, Financial Services, and Government Reform of the House of Representatives.

SEC. 315. TWO-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2(i) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

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

(2) in subsection (i), by striking “in fiscal year 1998, 1999, 2000, 2001, 2002, or 2003” and inserting “in fiscal years 1998 through 2005”.

SEC. 316. ADDITIONAL ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

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

TITLE IV—REPORTING REQUIREMENTS

Subtitle A—Submittal of Reports to Intelligence Committees

SEC. 401. DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMI-ANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

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

“DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMI-ANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES

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

“(1) The annual report on the assessment of the satisfaction of the intelligence com-

munity with the collection, analysis, and production of intelligence required by section 102(i).

“(2) The annual evaluation of the performance and responsiveness of certain elements of the intelligence community required by section 105(d).

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

“(4) The annual report on the detail of intelligence community personnel required by section 113.

“(5) The annual report on intelligence community cooperation with Federal law enforcement agencies required by section 114(a)(2).

“(6) The annual report on the safety and security of Russian nuclear facilities and nuclear military forces required by section 114(b).

“(7) The annual report on the threat of attack on the United States from weapons of mass destruction required by section 114(c).

“(8) The annual report on covert leases required by section 114(d).

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

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

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

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

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

“(14) The annual report of the Inspectors General of the intelligence community on proposed resources and activities of their offices required by section 8H(g) of the Inspector General Act of 1978.

“(15) The annual report on commercial activities as security for intelligence collection required by section 437(c) of title 10, United States Code.

“(16) The annual report on expenditures for postemployment assistance for terminated intelligence employees required by section 1611(e)(2) of title 10, United States Code.

“(17) The annual report on activities of personnel of the Federal Bureau of Investigation outside the United States required by section 540C(c)(2) of title 28, United States Code.

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

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

“(20) The annual report on intelligence activities of the People’s Republic of China required by section 308(c) of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105-107; 50 U.S.C. 402a note).

“(21) The annual report on enhancing protection of national security at the Department of Justice required by section 606(b)(2)(B) of the Counterintelligence Reform Act of 2000 (title VI of Public Law 106-567).

“(22) The annual report on foreign companies involved in the proliferation of weapons

of mass destruction that raise funds in the United States capital markets required by section 314 of the Intelligence Authorization Act for Fiscal Year 2003.

“(23) The annual report on counterdrug intelligence matters required by section 417 of the Intelligence Authorization Act for Fiscal Year 2003.

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

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

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

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

“(1) The periodic reports on intelligence provided to the United Nations required by section 112(b)(3).

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

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

“(4) The semiannual reports on the acquisition of technology relating to weapons of mass destruction and advanced chemical munitions required by section 721(b) of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 50 U.S.C. 2366(b)).

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

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

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

“(c) SUBMITTAL DATES FOR REPORTS.—(1) Except as provided in subsection (d), each annual report listed in subsection (a) shall be submitted not later than February 1.

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

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

“(2)(A) Notwithstanding any other provision of law and subject to paragraph (3), the

date for the submittal to the congressional intelligence committees of any report described in subparagraph (B) may be postponed by not more than 30 days from the date otherwise specified in the provision of law for the submittal of such report if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

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

“(3)(A) The date for the submittal of a report whose submittal is postponed under paragraph (1) or (2) may be postponed beyond the time provided for the submittal of such report under such paragraph if the official required to submit such report submits to the congressional intelligence committees a written certification that preparation and submittal of such report at such time will impede the work of officers or employees of the intelligence community in a manner that will be detrimental to the national security of the United States.

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

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

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

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

(b) REPORT OF GENERAL COUNSEL OF CIA ON EFFORTS TO ENSURE COMPLIANCE WITH REPORTING DEADLINES.—(1) Not later than December 1, 2002, the General Counsel of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the efforts of the Office of the General Counsel of the Central Intelligence Agency to ensure compliance by the elements of the intelligence community with the requirements of section 507 of the National Security Act of 1947, as added by subsection (a).

(c) CONFORMING AMENDMENTS TO EXISTING REPORTING REQUIREMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—(A) Subsection (d) of section 105 of the National Security Act of 1947 (50 U.S.C. 403-5) is amended to read as follows:

“(d) ANNUAL EVALUATION OF PERFORMANCE AND RESPONSIVENESS OF CERTAIN ELEMENTS OF INTELLIGENCE COMMUNITY.—(1) Not later each year than the date provided in section 507, the Director shall submit to the congressional intelligence committees the evaluation described in paragraph (3).

“(2) The Director shall submit each year to the Committee on Foreign Intelligence of the National Security Council, and to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the evaluation described in paragraph (3).

“(3) An evaluation described in this paragraph is an evaluation of the performance and responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping

Agency in meeting their respective national missions.

“(4) The Director shall submit each evaluation under this subsection in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.”.

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

(i) in subsection (a), by striking paragraph (1) and inserting the following new paragraph (1):

“(1)(A) Not later each year than the date provided in section 507, the President shall submit to the congressional intelligence committees a report on the requirements of the United States for intelligence and the activities of the intelligence community.

“(B) Not later than January 31 each year, and included with the budget of the President for the next fiscal year under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate congressional committees the report described in subparagraph (A).”.

(ii) in subsection (c), as amended by section 803(a) of the Intelligence Renewal and Reform Act of 1996 (title VIII of Public Law 104-293; 110 Stat. 3475)—

(I) in paragraph (1), by striking “The Select Committee on Intelligence of the Senate, the Committee on Appropriations,” and inserting “The Committee on Appropriations”; and

(II) in paragraph (2), by striking “The Permanent Select Committee on Intelligence of the Senate, the Committee on Appropriations,” and inserting “The Committee on Appropriations”; and

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

(C) Section 112(b) of that Act (50 U.S.C. 404g(b)) is amended by adding at the end the following new paragraph:

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

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

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

(i) in subsection (a)—

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

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

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

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

(ii) in subsection (b)(1), by striking “, on an annual basis” and all that follows through “leadership” and inserting “submit to the congressional leadership on an annual basis, and to the congressional intelligence committees on the date each year provided in section 507.”.

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

(i) in subsection (a), by adding at the end the following new sentence: “The date for the submittal of the report shall be the date provided in section 507.”; and

(ii) in subsection (b), by striking the second sentence.

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

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

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

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

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

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

“(4) Not later each year than the date provided in section 507 of the National Security Act of 1947, the Inspector General shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a)) a copy of the audit completed under paragraph (1) during the preceding year.”.

(3) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 11(a)(5) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “Not later than” and all that follows through “the Senate” and inserting “Not later each year than the date provided in section 507 of the National Security Act of 1947, the Director shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a)) a report”.

(4) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 13 of the Classified Information Procedures Act (5 U.S.C. App.) is amended—

(A) by redesignating subsection (b) as subsection (c); and

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

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

(5) TITLE 10, UNITED STATES CODE.—(A) Section 437 of title 10, United States Code, is amended—

(i) in subsection (c), by striking “Not later than” and all that follows through “of Congress” and inserting “Not later each year than the date provided in section 507 of the National Security Act of 1947, the Secretary shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a))”; and

(ii) by striking subsection (d).

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

(i) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

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

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

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

(6) INTELLIGENCE AUTHORIZATION ACTS.—(A) Section 809 of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359; 108 Stat. 3454; 50 U.S.C. 2170b) is amended—

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

“(b) ANNUAL UPDATE.—

“(1) SUBMITTAL TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later each year than the date provided in section 507 of the National Security Act of 1947, the President shall submit to the congressional intelligence committees a report updating the information referred to in subsection (a)(1)(D).

“(2) SUBMITTAL TO CONGRESSIONAL LEADERSHIP.—Not later than April 14 each year, the President shall submit to the congressional leadership a report updating the information referred to in subsection (a)(1)(D).

“(3) DEFINITIONS.—In this subsection:

“(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

“(B) CONGRESSIONAL LEADERSHIP.—The term ‘congressional leadership’ means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”; and

(ii) by redesignating subsection (e) as subsection (d).

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

“(6)(A) Not later each year than the date provided in section 507 of the National Security Act of 1947, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a)) a report with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

“(B) Not later than February 1 each year, the Director shall, in accordance with applicable security procedures, submit to the Committees on the Judiciary of the Senate and House of Representatives a report with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

“(C) The Director of the Federal Bureau of Investigation shall submit each report under this paragraph in consultation with the Director of Central Intelligence and the Secretary of Defense.”

(C) Section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 110 Stat. 3474; 50 U.S.C. 236) is amended—

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

(ii) by redesignating subsection (b) as subsection (c);

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

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

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

“(3) In this subsection:

“(A) The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

“(B) The term ‘congressional leadership’ means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”; and

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

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

(i) in subsection (a)—

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

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

(ii) by adding at the end the following new subsection (c):

“(c) SUBMITTAL DATE OF REPORT TO LEADERSHIP OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—The date each year for the submittal to the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives and the Chairman and Ranking Member of the Select Committee on Intelligence of the Senate of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947.”

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

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

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

(iii) by inserting after clause (i) the following new clause (ii):

“(ii) SUBMITTAL DATE OF REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of reports required to be submitted under clause (i) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal dates for such reports shall be as provided in section 507 of that Act.”; and

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

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

(i) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraph (C)”;

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

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

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

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

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

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

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

“(2) In the case of a report required to be submitted under paragraph (1) to the con-

gressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal date for such report shall be as provided in section 507 of that Act.”

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

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

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

(ii) in paragraph (1), as so designated, by striking “the Congress” and inserting “the congressional intelligence committees”;

(iii) by designating the second sentence as paragraph (2) and indenting the left margin of such paragraph, as so designated, two ems;

(iv) in paragraph (2), as so designated, by inserting “submitted to the President” after “The report”; and

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

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

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

“(5) The term ‘congressional intelligence committees’ means—

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

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

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

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

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

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

“(E) REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of a report to be submitted under subparagraph (D) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal date for such report shall be as provided in section 507 of that Act.”

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

(i) by inserting “(1)” before “On a semiannual basis.”; and

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

“(2) In the case of the semiannual reports required to be submitted under paragraph (1) to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the submittal dates for such reports shall be as provided in section 507 of the National Security Act of 1947.”

(10) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 114(a)(5)(C) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C)) is amended by striking “On a semiannual” and all that follows through “the Senate” and inserting “On the dates provided in section 507 of the National Security Act of 1947, the Attorney General shall fully inform the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a)).”

Subtitle B—Recurring Annual Reports**SEC. 411. ANNUAL ASSESSMENT OF SATISFACTION OF INTELLIGENCE COMMUNITY WITH COLLECTION, ANALYSIS, AND PRODUCTION OF INTELLIGENCE.**

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

“(i) ANNUAL ASSESSMENT OF SATISFACTION OF INTELLIGENCE COMMUNITY WITH COLLECTION, ANALYSIS, AND PRODUCTION OF INTELLIGENCE.—(1) The Assistant Director of Central Intelligence for Collection and the Assistant Director of Central Intelligence for Analysis and Production shall conduct each year a comprehensive review of the satisfaction of the elements of the intelligence community with the collection, analysis, and production of intelligence during the preceding year.

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

“(A) an evaluation of the effectiveness of the intelligence collection, analysis, and production programs of the intelligence community in such year in meeting the requirements of the intelligence community for intelligence, including whether or not gaps exist in such programs; and

“(B) an assessment of the allocation of resources for the collection, analysis, and production of intelligence in such year to determine whether or not an alternative allocation of such resources would better meet the requirements of the intelligence community for intelligence.

“(3) The Assistant Directors shall jointly submit to the Director of Central Intelligence a report on each review conducted under paragraph (1). Each report shall—

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

“(B) describe any significant successes or failures in the collection, analysis, or production of intelligence in the year covered by such report; and

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

“(4) The Director of Central Intelligence shall transmit to the congressional intelligence committees each report submitted under paragraph (3). The Director shall include in the transmittal of such report any comments and recommendations regarding such report that the Director considers appropriate.

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

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

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

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) ANNUAL REPORT ON THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION.—(1) Not later each year than the date provided in section 507, the Director shall submit to the congressional intelligence committees a report assessing the following:

“(A) The current threat of attack on the United States using ballistic missiles or cruise missiles.

“(B) The current threat of attack on the United States using a chemical, biological, or nuclear weapon delivered by a system other than a ballistic missile or cruise missile.

“(2) Each report under paragraph (1) shall be a national intelligence estimate, or have the formality of a national intelligence estimate.”

SEC. 413. ANNUAL REPORT ON COVERT LEASES.

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

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ANNUAL REPORT ON COVERT LEASES.—

(1) Not later each year than the date provided in section 507, the Director shall submit to the congressional intelligence committees a report on each covert lease of an element of the intelligence community that is in force as of the end of the preceding year.

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

“(A) A list of each lease described by that paragraph.

“(B) For each lease—

“(i) the cost of such lease;

“(ii) the duration of such lease;

“(iii) the purpose of such lease; and

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

SEC. 414. ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL STATEMENTS OF CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY FOR AUDITING PURPOSES.

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

“ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL STATEMENTS FOR AUDITING PURPOSES

“SEC. 114A. Not later each year than the date provided in section 507, the Director of Central Intelligence, Director of the National Security Agency, Director of the Defense Intelligence Agency, and Director of the National Imagery and Mapping Agency shall each submit to the congressional intelligence committees a report describing the activities being undertaken by such official to ensure that the financial statements of such agency can be audited in accordance with applicable law and requirements of the Office of Management and Budget.”

(b) CLERICAL AMENDMENT.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 114 the following new item:

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

SEC. 415. ANNUAL REPORT ON ACTIVITIES OF FEDERAL BUREAU OF INVESTIGATION PERSONNEL OUTSIDE THE UNITED STATES.

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

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

“(a) The Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress each year a report on the activities of personnel of the Federal Bureau of Investigation outside the United States.

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

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

“(A) the number of personnel of the Bureau posted or detailed outside the United States during the year;

“(B) a description of the coordination of the investigations, asset handling, liaison,

and operational activities of the Bureau during the year with other elements of the intelligence community; and

“(C) a description of the extent to which information derived from activities described in subparagraph (B) was shared with other elements of the intelligence community.

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

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

“(i) to modify the number of personnel of the Bureau posted or detailed outside the United States; or

“(ii) to modify the scope of the activities of personnel of the Bureau posted or detailed outside the United States; and

“(B) a description of the manner and extent to which information derived from activities of the Bureau described in paragraph (1)(B) during the year will be shared with other elements of the intelligence community.

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

“(2) In the case of the committees of Congress specified in subsection (d)(2), the date of the submittal each year of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947.

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

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

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

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

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

SEC. 416. ANNUAL REPORTS OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY ON PROPOSED RESOURCES AND ACTIVITIES OF THEIR OFFICES.

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

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

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g)(1) The Inspector General of the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the National Security Agency shall each submit to the congressional intelligence committees each year a report that sets forth the following:

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

“(B) The plan of such Inspector General for such activities, including the programs and activities scheduled for review by the office of such Inspector General during such fiscal year.

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

“(D) Any matters that such Inspector General considers appropriate regarding the

independence and effectiveness of the office of such Inspector General.

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

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

SEC. 417. ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.

(a) ANNUAL REPORT.—The Counterdrug Intelligence Coordinating Group shall submit to the appropriate committees of Congress each year a report on current counterdrug intelligence matters. The report shall include the recommendations of the Counterdrug Intelligence Coordinating Group on the appropriate number of permanent staff, and of detailed personnel, for the staff of the Counterdrug Intelligence Executive Secretariat.

(b) SUBMITTAL DATE.—(1) In the case of the committees of Congress specified in subsection (c)(1), the date of the submittal each year of the report required by subsection (a) shall be February 1 of such year.

(2) In the case of the committees of Congress specified in subsection (c)(2), the date of the submittal each year of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947, as added by section 401 of this Act.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

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

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

Subtitle C—Other Reports

SEC. 431. REPORT ON EFFECT OF COUNTRY-RELEASE RESTRICTIONS ON ALLIED INTELLIGENCE-SHARING RELATIONSHIPS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence shall, in consultation with the Secretary of Defense, submit to the congressional intelligence committees a report containing an assessment of the effect of the use of “NOFORN” classifications, and of other country-release policies, procedures, and classification restrictions, on intelligence-sharing relationships and coordinated intelligence operations and military operations between the United States and its allies. The report shall include an assessment of the effect of the use of such classifications, and of such policies, procedures, and restrictions, on counterterrorism operations in Afghanistan and elsewhere.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committee” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 432. EVALUATION OF POLICIES AND PROCEDURES OF DEPARTMENT OF STATE ON PROTECTION OF CLASSIFIED INFORMATION AT DEPARTMENT HEADQUARTERS.

(a) EVALUATION REQUIRED.—Not later than December 31 of 2002, 2003, and 2004, the Inspector General of the Department of State shall conduct an evaluation of the policies and procedures of the Department on the protection of classified information at the Headquarters of the Department, including compliance with the directives of the Direc-

tor of Central Intelligence (DCIDs) regarding the storage and handling of Sensitive Compartmented Information (SCI) material.

(b) ANNUAL REPORT.—Except as provided in subsection (c), not later than February 1 of 2003, 2004, and 2005, the Inspector General shall submit to the congressional intelligence committees a report on the evaluation conducted under subsection (a) during the preceding year.

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

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 433. STUDY OF DEPARTMENT OF STATE CONSULAR SERVICES.

(a) SENSE OF CONGRESS.—Congress compliments the officers of the Consular Service on the important role they perform daily, many times under difficult conditions, at United States embassies throughout the world. However, Congress is concerned that Consular Service officers, who provide the first line of defense against the admission of undesirable persons into the United States, are entry-level personnel and rotate out of Consular Service assignments as soon as possible.

(b) STUDY.—The Secretary of State shall conduct a study of—

(1) the Consular Services program of the Department of State and the organizational structure of the Consular Service within the Department, including promotion and training policies, rotation frequency, level of experience and seniority, level of oversight provided by senior Consular Service personnel, and consistency of consular services provided among the various United States embassies and consulates; and

(2) the feasibility of establishing a separate employment track within the Department of State for employees who would serve in the Consular Service on a permanent basis and not rotate out of Consular Service assignments.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the findings of the study conducted under subsection (b).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Repeal of Certain Report Requirements

SEC. 441. REPEAL OF CERTAIN REPORT REQUIREMENTS.

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

(1) by striking “REPORTING REQUIREMENTS.” and all that follows through “The Director” and inserting “NOTIFICATION OF EXERCISE OF AUTHORITY.—The Director”; and

(2) by striking paragraph (2).

15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 4030(a)) is amended by striking paragraph (5).

TITLE V—COUNTERINTELLIGENCE ACTIVITIES

SEC. 501. SHORT TITLE; PURPOSE.

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

(b) PURPOSE.—The purpose of this title is to facilitate the enhancement of the counterintelligence activities of the United States Government by—

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

(2) ensuring that the counterintelligence community of the United States Government acts in an efficient and effective manner; and

(3) providing for the integration of all the counterintelligence activities of the United States Government.

SEC. 502. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

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

(2) It is the sense of Congress that the President should seek the views of the Attorney General, Secretary of Defense, and Director of Central Intelligence in selecting an individual for appointment as the Executive.

(b) MISSION.—The mission of the National Counterintelligence Executive shall be to serve as the head of national counterintelligence for the United States Government.

(c) DUTIES.—Subject to the direction and control of the President, the duties of the National Counterintelligence Executive are as follows:

(1) To carry out the mission referred to in subsection (c).

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

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

(4) To participate as an observer on such boards, committees, and entities of the Executive branch as the President considers appropriate for the discharge of the mission and functions of the Executive and the Office of the National Counterintelligence Executive under section 504.

SEC. 503. NATIONAL COUNTERINTELLIGENCE POLICY BOARD.

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

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) CHAIRPERSON.—The National Counterintelligence Executive under section 502 of the Counterintelligence Enhancement Act of 2002 shall serve as the chairperson of the Board.”

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

“(c) MEMBERSHIP.—The membership of the National Counterintelligence Policy Board shall consist of the following:

“(1) The National Counterintelligence Executive.

“(2) Senior personnel of departments and elements of the United States Government,

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

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

“(B) The Department of Defense, including the Joint Chiefs of Staff.

“(C) The Department of State.

“(D) The Department of Energy.

“(E) The Central Intelligence Agency.

“(F) Any other department, agency, or element of the United States Government specified by the President.”

(C) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—That section is further amended by inserting after subsection (c), as amended by subsection (b) of this section, the following new subsection:

“(d) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—(1) The Board shall—

“(A) serve as the principal mechanism for—

“(i) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

“(ii) upon the direction of the President, resolving conflicts that arise between elements of the Government conducting such activities; and

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

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

“(ii) provide advice to the National Counterintelligence Executive on priorities in the implementation of the National Counterintelligence Strategy produced by the Office of the National Counterintelligence Executive under section 504(e)(2) of that Act.

“(2) The Board may, for purposes of carrying out its functions under this section, establish such interagency boards and working groups as the Board considers appropriate.”

SEC. 504. OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

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

(b) HEAD OF OFFICE.—The National Counterintelligence Executive shall be the head of the Office of the National Counterintelligence Executive.

(c) LOCATION OF OFFICE.—The Office of the National Counterintelligence Executive shall be located in the Executive Office of the President.

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

(2) The general counsel shall—

(A) provide legal advice and counsel to the Executive on matters relating to functions of the Office;

(B) ensure that the Office complies with all applicable laws, regulations, Executive orders, and guidelines; and

(C) carry out such other duties as the Executive may specify.

(e) FUNCTIONS.—Subject to the direction and control of the National Counterintelligence Executive, the functions of the Office of the National Counterintelligence Executive shall be as follows:

(1) NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT.—Subject to subsection (f), in consultation with appropriate department and agencies of the United States Government, and private sector entities, to produce on an annual basis a strategic planning assessment of the counterintelligence requirements of the United States to be known as the National Threat Identification and Prioritization Assessment.

(2) NATIONAL COUNTERINTELLIGENCE STRATEGY.—Subject to subsection (f), in consultation with appropriate department and agencies of the United States Government, and private sector entities, and based on the most current National Threat Identification and Prioritization Assessment under paragraph (1), to produce on an annual basis a strategy for the counterintelligence programs and activities of the United States Government to be known as the National Counterintelligence Strategy.

(3) IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—To evaluate on an on-going basis the implementation of the National Counterintelligence Strategy and to submit to the President periodic reports on such evaluation, including a discussion of any shortfalls in the implementation of the Strategy and recommendations for remedies for such shortfalls.

(4) NATIONAL COUNTERINTELLIGENCE STRATEGIC ANALYSES.—As directed by the Director of Central Intelligence and in consultation with appropriate elements of the departments and agencies of the United States Government, to oversee and coordinate the production of strategic analyses of counterintelligence matters, including the production of counterintelligence damage assessments and assessments of lessons learned from counterintelligence activities.

(5) NATIONAL COUNTERINTELLIGENCE PROGRAM BUDGET.—In consultation with the Director of Central Intelligence—

(A) to coordinate the development of budgets and resource allocation plans for the counterintelligence programs and activities of the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and other appropriate elements of the United States Government;

(B) to ensure that the budgets and resource allocations plans developed under subparagraph (A) address the objectives and priorities for counterintelligence under the National Counterintelligence Strategy; and

(C) to submit to the National Security Council periodic reports on the activities undertaken by the Office under subparagraphs (A) and (B).

(6) NATIONAL COUNTERINTELLIGENCE COLLECTION AND TARGETING COORDINATION.—To develop priorities for counterintelligence investigations and operations, and for collection of counterintelligence, for purposes of the National Counterintelligence Strategy, except that the Office may not—

(A) carry out any counterintelligence investigations or operations; or

(B) establish its own contacts, or carry out its own activities, with foreign intelligence services.

(7) NATIONAL COUNTERINTELLIGENCE OUTREACH, WATCH, AND WARNING.—

(A) COUNTERINTELLIGENCE VULNERABILITY SURVEYS.—To carry out and coordinate surveys of the vulnerability of the United States Government, and the private sector, to intelligence threats in order to identify the areas, programs, and activities that require protection from such threats.

(B) OUTREACH.—To carry out and coordinate outreach programs and activities on counterintelligence to other elements of the United States Government, and the private sector, and to coordinate the dissemination to the public of warnings on intelligence threats to the United States.

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

(D) TRAINING AND PROFESSIONAL DEVELOPMENT.—To develop policies and standards for

training and professional development of individuals engaged in counterintelligence activities and to manage the conduct of joint training exercises for such personnel.

(f) ADDITIONAL REQUIREMENTS REGARDING NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT AND NATIONAL COUNTERINTELLIGENCE STRATEGY.—(1) A National Threat Identification and Prioritization Assessment under subsection (e)(1), and any modification of such assessment, shall not go into effect until approved by the President.

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

(3) The National Counterintelligence Executive shall submit to the congressional intelligence committees each National Threat Identification and Prioritization Assessment, or modification thereof, and each National Counterintelligence Strategy, or modification thereof, approved under this section.

(4) In this subsection, the term “congressional intelligence committees” means—

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

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

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

(2) Notwithstanding section 104(d) or any other provision of law limiting the period of the detail of personnel on a non-reimbursable basis, the detail of an officer or employee of United States or a member of the Armed Forces under paragraph (1) on a non-reimbursable basis may be for any period in excess of one year that the National Counterintelligence Executive and the head of the department, agency, or element concerned consider appropriate.

(3) The employment of personnel by the Office, including the appointment, compensation and benefits, management, and separation of such personnel, shall be governed by the provisions of law on such matters with respect to the personnel of the Central Intelligence Agency, except that, for purposes of the applicability of such provisions of law to personnel of the Office, the National Counterintelligence Executive shall be treated as the head of the Office.

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

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

(2) Subject to any terms and conditions specified by the Director of Central Intelligence, the Director may provide administrative and contract support to the Office as if the Office were an element of the Central Intelligence Agency.

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

(i) AVAILABILITY OF FUNDS FOR REIMBURSEMENT.—The National Counterintelligence Executive may, from amounts available for the Office, transfer to a department or agency detailing personnel under subsection (g), or providing support under subsection (h), on a

reimbursable basis amounts appropriate to reimburse such department or agency for the detail of such personnel or the provision of such support, as the case may be.

(j) **CONTRACTS.**—(1) Subject to paragraph (2), the National Counterintelligence Executive may enter into any contract, lease, cooperative agreement, or other transaction that the Executive considers appropriate to carry out the functions of the Office of the National Counterintelligence Executive under this section.

(2) The authority under paragraph (1) to enter into contracts, leases, cooperative agreements, and other transactions shall be subject to any terms, conditions, and limitations applicable to the Central Intelligence Agency under law with respect to similar contracts, leases, cooperative agreements, and other transactions.

(k) **TREATMENT OF ACTIVITIES UNDER CERTAIN ADMINISTRATIVE LAWS.**—(1) The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Office of the National Counterintelligence Executive.

(2) The files of the Office shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 431) to the extent such files meet criteria under subsection (b) of that section for treatment of files as operational files of an element of the Agency.

(l) **OVERSIGHT BY CONGRESS.**—The location of the Office of the National Counterintelligence Executive within the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of Congress, to—

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

(2) any personnel of the Office.

(m) **DESIGNATION OF OFFICE AS ELEMENT OF INTELLIGENCE COMMUNITY.**—Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

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

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph (J):

“(J) the Office of the National Counterintelligence Executive; and”.

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

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) Research and development efforts under the purview of the intelligence community are vitally important to the national security of the United States.

(2) The intelligence community must operate in a dynamic, highly-challenging environment, characterized by rapid technological growth, against a growing number of hostile, technically-sophisticated threats. Research and development programs under the purview of the intelligence community are critical to ensuring that intelligence agencies, and their personnel, are provided with important technological capabilities to detect, characterize, assess, and ultimately counter the full range of threats to the national security of the United States.

(3) There is a need to review the full range of current research and development programs under the purview of the intelligence community, evaluate such programs against the scientific and technological fields judged to be of most importance, and articulate program and resource priorities for future research and development activities to ensure a unified and coherent research and develop-

ment program across the entire intelligence community.

SEC. 602. NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “National Commission for the Review of the Research and Development Programs of the United States Intelligence Community” (in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of 12 members, as follows:

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

(2) A senior intelligence official of the Office of the Secretary of Defense, as designated by the Secretary of Defense.

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

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

(5) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, one from Members of the House of Representatives and two from private life.

(6) Two members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives, one from Members of the House of Representatives and one from private life.

(c) **MEMBERSHIP.**—(1) The individuals appointed from private life as members of the Commission shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(A) research and development programs;

(B) technology discovery and insertion;

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

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

(2) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if, in the judgment of the official, such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(3) All members of the Commission appointed from private life shall possess an appropriate security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(d) **CO-CHAIRS.**—(1) The Commission shall have two co-chairs, selected from among the members of the Commission.

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

(3) The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

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

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

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

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

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

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

(g) **ACTIONS OF COMMISSION.**—(1) The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

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

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

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

(1) to conduct, until not later than the date on which the Commission submits the report under section 607(a), the review described in subsection (i); and

(2) to submit to the congressional intelligence committees, the Director of Central Intelligence, and the Secretary of Defense a final report on the results of the review.

(i) **REVIEW.**—The Commission shall review the status of research and development programs and activities within the intelligence community, including—

(1) an assessment of the advisability of modifying the scope of research and development for purposes of such programs and activities;

(2) a review of the particular individual research and development activities under such programs;

(3) an evaluation of the current allocation of resources for research and development, including whether the allocation of such resources for that purpose should be modified;

(4) an identification of the scientific and technological fields judged to be of most importance to the intelligence community;

(5) an evaluation of the relationship between the research and development programs and activities of the intelligence community and the research and development programs and activities of other departments and agencies of the Federal Government; and

(6) an evaluation of the relationship between the research and development programs and activities of the intelligence community and the research and development programs and activities of the private sector.

SEC. 603. POWERS OF COMMISSION.

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

(A) hold such hearings and sit and act at such times and places, take such testimony,

receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary.

(2) Subpoenas may be issued under subparagraph (1)(B) under the signature of the co-chairs of the Commission, and may be served by any person designated by such co-chairs.

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

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

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission. The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Director of Central Intelligence shall provide to the Commission, on a non-reimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this title.

(2) The Secretary of Defense may provide the Commission, on a non-reimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(3) In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(4) The Commission shall receive the full and timely cooperation of any official, department, or agency of the United States Government whose assistance is necessary for the fulfillment of the duties of the Commission under this title, including the provision of full and current briefings and analyses.

(e) PROHIBITION ON WITHHOLDING INFORMATION.—No department or agency of the Government may withhold information from the Commission on the grounds that providing the information to the Commission would constitute the unauthorized disclosure of classified information or information relating to intelligence sources or methods.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this title.

SEC. 604. STAFF OF COMMISSION.

(a) IN GENERAL.—(1) The co-chairs of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(2) Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) All staff of the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

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

(2) All experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

SEC. 605. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this title.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 606. TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.

(a) IN GENERAL.—(1) The Director of Central Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this title.

(2) Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committee may not be further provided or released without the approval of the chairman of such committee.

(b) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under section 607, only the Members and designated staff of the congressional intel-

ligence committees, the Director of Central Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

SEC. 607. FINAL REPORT; TERMINATION.

(a) FINAL REPORT.—Not later than September 1, 2003, the Commission shall submit to the congressional intelligence committees, the Director of Central Intelligence, and the Secretary of Defense a final report as required by section 602(h)(2).

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

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

SEC. 608. ASSESSMENTS OF FINAL REPORT.

Not later than 60 days after receipt of the final report under section 607(a), the Director of Central Intelligence and the Secretary of Defense shall each submit to the congressional intelligence committees an assessment by the Director or the Secretary, as the case may be, of the final report. Each assessment shall include such comments on the findings and recommendations contained in the final report as the Director or Secretary, as the case may be, considers appropriate.

SEC. 609. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.

(a) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this title.

(b) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities, records, and proceedings of the Commission under this title.

SEC. 610. FUNDING.

(a) TRANSFER FROM THE COMMUNITY MANAGEMENT ACCOUNT.—Of the amounts authorized to be appropriated by this Act for the Intelligence Technology Innovation Center of the Community Management Account, the Deputy Director of Central Intelligence for Community Management shall transfer to the Director of Central Intelligence \$2,000,000 for purposes of the activities of the Commission under this title.

(b) AVAILABILITY IN GENERAL.—The Director of Central Intelligence shall make available to the Commission, from the amount transferred to the Director under subsection (a), such amounts as the Commission may require for purposes of the activities of the Commission under this title.

(c) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (b) shall remain available until expended.

SEC. 611. DEFINITIONS.

In this title:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

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

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

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).