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THURSDAY, JANUARY 26, 1978
PART II



*DON - D
File in CIA
file along with
new chapters
etc*

THE PRESIDENT

UNITED STATES INTELLIGENCE ACTIVITIES

Executive Order 12036

presidential documents

[3195-01]

Title 3—The President

Executive Order 12036

January 24, 1978

United States Intelligence Activities

By virtue of the authority vested in me by the Constitution and statutes of the United States of America including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

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Sec. 102 vastly improved

I found original 102
quite offensive

consolidated oversight

DNI should head CIA

favor non-military to head DNI

~~the~~

large non-bureaucratic

✓ layer p. 35 Sec 11b

5 Asst DNI's

sec. 117 gives Pres leeway to

✓ separate DNI from CIA

I oppose this

I like Budget authority

Sec. 121

Don't understand Sec. 121(6) p. 39 73

February 3, 1978

Senator Walter Huddleston
Senator Charles Mathias, Jr.
United States Senate
Select Committee on Intelligence
Washington, D. C. 20510

Dear Senators:

I appreciate your chance to comment on the draft charters.

First, a broad comment - the entire purpose appears to be "reform" - I am of the opinion that needed reforms have taken place; that the intelligence community is responsive both to executive control and congressional oversight; and that needed safeguards can best be handled by appropriate executive orders coupled with thorough oversight.

I am concerned that many of the sources upon whom our intelligence network depends will get the feeling that their relationship with us, under the proposed charters, cannot be protected. They could view these new arrangements as making it impossible for CIA or other agencies to protect their participation with us.

We must remember that some countries still feel matters of foreign intelligence sensitivity should be protected.

One possible answer might be to include in the new legislation some real protection for "sources and methods". This could strengthen our intelligence agencies at a time when they need strengthening and it could be of great value in getting more cooperation from abroad.

It seems to me one way to do this would be to put some teeth into the oath that people handling classified material must take.

Would it be unthinkable for the staffs of Members of Congress who handle certain classified material to take the same security oath as others?

A general concern of mine is that the proposed charters convey a very defensive or negative tone - one final imprint that intelligence is bad but since we have to live with it, let's make sure there will be no abuses.

The opening says "improve the national intelligence system" but the thrust seems to be "control".

Wouldn't it be possible, in the vein of strengthening intelligence, to put in some language instructing departments of governments (with some exceptions) to work with DNI to provide cover abroad. Given all the anti-CIA stories, certain departments might not be willing to cooperate in this all important "cover" problem.

I guess I feel you "restrict" but you don't "strengthen".

I have marked up the draft with some specific comments.

Very truly yours,

George Bush

BARRY GOLDWATER
ARIZONA

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:

ARMED SERVICES
TACTICAL AIR POWER SUBCOMMITTEE
INTELLIGENCE SUBCOMMITTEE
RESEARCH AND DEVELOPMENT SUBCOMMITTEE
COMMERCE, SCIENCE AND TRANSPORTATION
SCIENCE, TECHNOLOGY AND SPACE
AVIATION
SURFACE TRANSPORTATION
SELECT COMMITTEE ON INTELLIGENCE
VICE CHAIRMAN

February 21, 1978

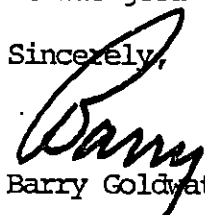
The Honorable George Bush
First International Bank Building
Post Office Box 2555
Houston, Texas 77001

Dear George:

The Charters that we submitted as legislation week before last took over a year and a half to get this far, and we fully expect to take another year and a half to two years before any of us can finally vote for them. I went along as a sponsor to show some unanimity in the idea that we feel there can be some guidance, but, let me tell you, George, not much. I am hopeful that the bad days of intelligence are over and those people who seem determined to destroy intelligence are now on the wane.

It was good to hear from you.

Sincerely,


Barry Goldwater

RICHARD G. LUGAR
INDIANA

INDIANA OFFICE:
Room 447
46 EAST OHIO STREET
INDIANAPOLIS, INDIANA 46204

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:
AGRICULTURE, NUTRITION AND FORESTRY
BANKING, HOUSING, AND URBAN AFFAIRS
SELECT COMMITTEE ON INTELLIGENCE

FEB 27 1978

February 21, 1978

Honorable George Bush
First International Bank Building
Post Office Box 2555
Houston, Texas 77001

Dear George:

Thank you for sending me a copy of your letter to Senators Huddleston and Mathias and the accompanying comments on the "National Intelligence Reorganization and Reform Act."

I appreciate having available your comments and observations regarding the general thrust and certain specific provisions of this legislation. I am pleased that your views have been solicited and I can assure you that I will give them very careful examination as the Intelligence Committee considers this bill.

Thank you again for sharing these comments with me.

Sincerely,



Richard G. Lugar

RGL:bkt

FEB 16 1978

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INTERNATIONAL CONSULTING

RICHARD HELMS
PRESIDENT

February 13, 1978

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file

Mr. George Bush
First International Bank Building
P. O. Box 2555
Houston, Texas 77001

Dear George:

Many thanks for your thoughtfulness in sending me your reply on the Reorganization and Reform Bill.

Not only do I not like it but I find it dreadful. I wrote the Committee that if legislation was going to make it so difficult to operate, it would be better to disband the clandestine service and give up the entire Secret Service idea.

All the best,

Rich

Richard Helms

RH/mjv

Photocopy from George Bush Presidential Library

FEB 16 1978

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*John
C. B.*

February 14, 1978

Mr. George Bush
First International Bank Building
P.O. Box 2555
Houston, Texas 77001

Dear George:

Thanks very much for your note and the copy of your comments on the reorganization and "reform" bill. I am pleased, as usual, to find how much we agree on the various matters you picked up.

Neil looked fine when we saw him here after his seminar on how to help George, Jr. get elected. Our best wishes to all the Bush's.

Sincerely,

W. E. Colby
W. E. Colby

WEC:pdk

Photocopy from George Bush Presidential Library

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EMBARGOED FOR RELEASE 12 NOON,
THURSDAY, FEBRUARY 9, 1978

TITLE VII -- MISCELLANEOUS AMENDMENTS
AND EFFECTIVE DATE

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TITLE VII -- MISCELLANEOUS AMENDMENTS
AND EFFECTIVE DATE

AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947

Sec. 701. The third paragraph of section 101 (a) of the National Security Act of 1947 (50 U.S.C. 402 (a)) is amended to read as follows:

"The function of the Council shall be to

- (1) provide guidance and direction to and an ongoing review of the conduct of all national intelligence, counterintelligence, and counterterrorism activities of the United States, and
- (2) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."

AMENDMENTS TO TITLE 5, UNITED STATES CODE

Sec. 702. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(15) Director of National Intelligence."

(b) Section 5313 of such title is amended by striking out

"(15) Director of Central Intelligence."

and inserting in lieu thereof

"(15) Deputy Director of National Intelligence.".

(c) (1) Section 5314 of such title is amended by striking out

"(35) Deputy Director of Central Intelligence."

and inserting in lieu thereof

"(35) Director of the National Security Agency.".

(2) Section 5314 of such title is further amended by adding at the end thereof the following:

"(67) Assistant Directors of the National Intelligence Agency (5).".

(d) Section 5315 of such title is amended by adding at the end thereof the following:

"(122) Deputy Director of the National Security Agency."

"(123) General Counsel of the Central Intelligence Agency."

"(124) Inspector General of the Central Intelligence Agency.".

(e) Section 5316 of such title is amended by adding at the end thereof the following:

"(144) General Counsel of the National Security Agency."

"(145) Inspector General of the National Security Agency.".

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AMENDMENT TO THE FEDERAL ADVISORY COMMITTEE ACT TO
ELIMINATE EXEMPTION FOR THE CENTRAL INTELLIGENCE AGENCY

Sec. 703. Section 4 (b) of the Federal Advisory Committee
Act (86 Stat. 770) is amended to read as follows:

"(b) Nothing in this Act shall be construed to
apply to any advisory committee established or
utilized by the Federal Reserve System."

EFFECTIVE DATE

Sec. 704. This Act shall become effective on the first day of the third calendar month following the month in which it is enacted.

EMBARGOED FOR RELEASE 12 NOON,
THURSDAY, FEBRUARY 9, 1978

TITLE I -- NATIONAL INTELLIGENCE

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A BILL

To improve the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

That this Act may be cited as the
"National Intelligence Reorganization and Reform Act of 1978".

TITLE I--NATIONAL INTELLIGENCE

PART A

SHORT TITLE; FINDINGS;
PURPOSES; DEFINITIONS

SHORT TITLE

Sec. 101. This title may be cited as the "National Intelligence Act of 1978".

STATEMENT OF FINDINGS

Sec. 102. The Congress hereby makes the following findings:

(1) Intelligence activities provide timely, accurate, and relevant information and analysis necessary for the conduct of the foreign relations and the protection of the national security of the United States.

(2) The collection and production of intelligence, while necessary for the conduct of the foreign relations and the protection of the national security of the United States, are costly activities. Waste and unnecessary duplication of intelligence activities can be avoided by more effective centralized management.

(3) Without proper supervision and control, intelligence activities may disrupt the foreign relations of the United States or abridge the constitutional and legal rights of United States citizens.

(4) Existing law inadequately defines the authorities of the intelligence agencies of the United States, provides little guidance to the officers and employees of those agencies, and leaves unclear the roles of the various branches of government with respect to intelligence activities.

STATEMENT OF PURPOSES

Sec. 103. It is the purpose of this Act--

- (1) to authorize the intelligence activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;
- (2) to replace the provisions of the National Security Act of 1947 governing intelligence activities;
- (3) to ensure that the national intelligence activities of the United States are properly and effectively directed, regulated, coordinated, and administered;
- (4) to ensure that the executive and legislative branches are provided, in the most efficient manner, with such accurate, relevant, and timely information and analysis as those branches need to make sound and informed decisions regarding the security and vital interests of the United States and to protect the United States against foreign intelligence activities, international terrorist activities, and other forms of hostile action directed against the United States;
- (5) to provide for the appointment of a Director of National Intelligence, to delineate the responsibilities of such director, and to confer on such director the authority necessary to fulfill those responsibilities; and
- (6) to ensure that the Director of National Intelligence and the entities of the Intelligence Community are accountable to the President, the Congress, and the people of the United States and that the intelligence activities of the United States are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right protected by the Constitution or laws of the United States.

DEFINITIONS

Sec. 104. As used in this title--

(1) The term "Attorney General" means the Attorney General of the United States.

(2) The term "committee of the Congress" means any committee of the Senate or the House of Representatives or any joint committee of the Congress.

(3) The term "communications security" means the protection resulting from any measure taken to deny unauthorized persons information derived from the national security-related telecommunications of the United States, or from any measure taken to ensure the authenticity of such telecommunications.

(4) The term "continuing resolution" means a bill or joint resolution of the Congress appropriating funds for one or more departments or agencies of the government for a temporary period of time pending the enactment of the regular appropriation Act or Acts for such departments or agencies.

(5) The term "counterintelligence" means information pertaining to the capabilities, intentions, or activities of any foreign government in the fields of espionage, other clandestine intelligence collection, covert action, assassination, or sabotage, or pertaining to such government's own efforts to protect against the collection of information on its capabilities, intentions, or activities.

(6) The term "counterintelligence activity" means--

(A) the collection, retention, processing, and dissemination of counterintelligence;

(B) the analysis of counterintelligence; and

(C) any activity undertaken by the United States to counter the espionage, other clandestine intelligence collection, covert action, assassination, or sabotage, or similar activities of a foreign government or to counter such foreign government's efforts to protect against the collection of information on its capabilities, intentions, or activities.

(7) The term "counterterrorism activity" means--

(A) the collection, retention, processing, or dissemination of counterterrorism intelligence; and

(B) the analysis of counterterrorism intelligence; and

(C) any activity undertaken by an entity of the Intelligence Community intended to protect against an international terrorist activity.

(8) The term "counterterrorism intelligence" means information pertaining to the capabilities or intentions of any foreign government or of any organization, association, or individual to commit or otherwise participate in any international terrorist activity.

(9) The term "cover"--

(A) when used in connection with the Central Intelligence Agency refers to any means by which the true identity or affiliation with the Central Intelligence Agency of any activity, officer, employee, or agent of the Central Intelligence Agency, or of a related corporation or organization, is disguised or concealed;

(B) when used in connection with the Federal Bureau of Investigation, refers to any means by which the true identity or affiliation with the Federal Bureau of Investigation of any activity, officer, employee, or agent of the Federal Bureau of Investigation is disguised or concealed; and

(C) when used in connection with the National Security Agency, refers to any means by which the true identity or affiliation with the National Security Agency or the Department of Defense of any activity, officer, employee, or agent of the National Security Agency is disguised or concealed.

(10) The term "departmental intelligence" means foreign intelligence that is collected, retained, processed or disseminated primarily for the use of the head of the department or agency for the conduct of the affairs of the individual

department or agency and which has little or no significant national policymaking purpose.

(11) The term "departmental intelligence activity" means any foreign intelligence activity, the primary purpose of which is to produce departmental intelligence.

(12) The terms "departments and agencies" and "department or agency" mean any department, agency, bureau, independent establishment, or wholly owned corporation of the Government of the United States.

(13) The term "foreign intelligence" means information pertaining to the capabilities, intentions, or activities of any foreign state, government, organization, association, or individual and also pertaining to the defense, national security, foreign policy or related policies of the United States, including information on the foreign aspects of narcotics production and trafficking.

(14) The term "foreign intelligence activity" means--

(A) the collection, retention, processing, and dissemination of foreign intelligence; or

(B) the analysis of foreign intelligence.

(15) The term "intelligence activity" means--

(A) any foreign intelligence activity;

(B) any counterintelligence activity;

(C) any counterterrorism activity; or

(D) any special activity.

(16) The term "Intelligence Community" means--

(A) the Office of the Director of National Intelligence;

(B) the Central Intelligence Agency;

(C) the Defense Intelligence Agency;

(D) the National Security Agency;

(E) any office within the Department of Defense conducting special reconnaissance activities;

(F) the intelligence components of the military services;

(G) the intelligence components of the Federal Bureau of Investigation;

(H) the Bureau of Intelligence and Research of the Department of State;

(I) the intelligence components of the Department of the Treasury;

(J) the intelligence components of the Drug Enforcement Administration;

(K) the intelligence components of the Department of Energy;

(L) the successor to any of the agencies, offices, components, or bureaus named in clauses (A) through (K); and

(M) such other components of the departments and agencies, to the extent determined by the President, as may be engaged in intelligence activities.

(17) The term "intelligence method" means any means which is used to provide support to an intelligence source or operation, and which, if disclosed, is vulnerable to counteraction that could nullify or significantly reduce its effectiveness in supporting the foreign intelligence, counterintelligence, or counterterrorism activities of the United States, or which would, if disclosed, reasonably lead to the disclosure of an intelligence source or operation.

(18) The term "intelligence-related activity" means any activity that is--

(A) a departmental or tactical intelligence activity that has the capability to provide national intelligence or to support national intelligence activities;

(B) is devoted to support of departmental intelligence activities;

(C) is conducted for the purpose of training personnel for intelligence duties; or

(D) is devoted to research on or development of intelligence capabilities.

Such term does not include any intelligence activity which is so closely integrated with a weapons system that the primary

-8-

function of such activity is to provide immediate data for targeting purposes for that weapons system.

(19) The term "intelligence source" means a person, organization, or technical means which provides foreign intelligence, counterintelligence, or counterterrorism intelligence, and which, if its identity or capability is disclosed, is vulnerable to counteraction that could nullify or significantly reduce its effectiveness in providing such intelligence to the United States. Such term also means a person or organization which provides foreign intelligence, counterintelligence, or counterterrorism intelligence to the United States only with the understanding or on the condition that its identity will remain undisclosed.

(20) The term "international organization" means a public international organization designated as such pursuant to section 1 of the International Organizations Immunity Act (22 U.S.C. 288).

(21) The term "international terrorist activity" means any activity which--

(A) involves--

(i) killing, causing serious bodily harm to, or kidnapping one or more individuals, or

(ii) violent destruction of property, or

(iii) an attempt or credible threat to commit any act described in subclause (i) or (ii); and

(B) appears intended to further political, social, or economic goals by--

(i) intimidating or coercing a civilian population or any segment thereof; or

(ii) influencing the policy of a government or international organization by intimidation or coercion; or

(iii) obtaining widespread publicity for a group or its cause; and

(C) transcends national boundaries in terms of--

(i) the means by which its objective is accomplished;

(ii) the civilian population, government, or international organization it appears intended to coerce or intimidate, or

(iii) the locale in which its perpetrators operate or seek asylum.

(22) The term "national intelligence" means foreign intelligence which is collected, retained, processed or disseminated primarily for the use of officials of the United States involved in the formulation and direction of national policy, particularly defense, national security, or foreign policy. Such term also means the production of intelligence analyses coordinated among the entities of the Intelligence Community.

(23) The term "national intelligence activity" means (A) any special activity in support of national foreign policy objectives, or (B) any foreign intelligence activity the primary purpose of which is to produce national intelligence. Such term includes any foreign intelligence activity of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, any office within the Department of Defense supervising special reconnaissance activities, and any foreign intelligence activity conducted by any other department or agency and designated by the President as a national intelligence activity.

(24) The term "national intelligence budget" means the budget prepared by the Director of National Intelligence pursuant to section 121 of this Act and includes all funds for--

(A) the programs of the Central Intelligence Agency;

(B) the programs of the Office of the Director of National Intelligence;

(C) the Consolidated Cryptologic Program;

(D) the programs of any office within the Department of Defense conducting special reconnaissance activities;

(E) the General Defense Intelligence Program except such elements of the General Defense Intelligence Program as the Director of National Intelligence and the Secretary of Defense agree should be excluded; and

(F) any other program or programs of any department or agency designated jointly by the Director of National Intelligence and the head of such department or agency.

(25) The term "national intelligence program" means all intelligence activities funded in the national intelligence budget.

(26) The term "sabotage" means any activity which would be prohibited under chapter 105 of title 18, United States Code, if committed against the United States.

(27) The term "special activity in support of national foreign policy objectives" means an intelligence activity conducted abroad which is (A) designed to further official United States programs and policies abroad, and (B) planned and executed so that the role of the United States Government is not apparent or acknowledged publicly. Such term does not include any counterintelligence or counterterrorism activity or the collection, correlation, processing, dissemination and analysis of intelligence or related support functions, nor any diplomatic activity by the United States.

(28) The term "tactical intelligence" means foreign intelligence pertaining to the armed forces of a foreign government and required by the armed forces of the United States to maintain their readiness for combat operations and to support the planning and conduct of combat operations by the United States.

(29) The term "tactical intelligence activity" means the collection, retention, processing and dissemination of tactical intelligence.

(30) The term "United States media organization" means any organization publishing on a regular basis for public dissemination any newspaper, magazine, journal, or other periodical publication, any news services, any radio or

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television network or station, or any organization producing and distributing films or video or audio tapes, if a substantial part of such organization is owned by one or more United States persons, the principal place of business of such organization is in the United States, or the principal distribution of such organization is in the United States. Such term does not include any organization controlled or directed by a government of a foreign country.

(31) The term "United States person" means (A) any individual who is a citizen of the United States; (B) any alien admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), except that such alien may be presumed to have lost status as a United States person for purposes of this Act after one year of continuous residence outside the United States until information is obtained which indicates an intent on the part of such alien to return to the United States as a permanent resident alien is obtained; (C) any unincorporated association organized in the United States or a substantial number of whose members are citizens of the United States or aliens lawfully admitted for permanent residence, except that an unincorporated association outside the United States may be presumed not to be a United States person until information is obtained which indicates the contrary; or (D) any corporation which is incorporated in the United States and which is not controlled or directed by a government of a foreign country.

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PART B

AUTHORIZATION FOR NATIONAL INTELLIGENCE
ACTIVITIES, COUNTERINTELLIGENCE ACTIVITIES, AND
COUNTERTERRORISM ACTIVITIES; DIRECTOR AND DEPUTY DIRECTOR;
DUTIES AND AUTHORITIES

NATIONAL INTELLIGENCE ACTIVITIES, COUNTERINTELLIGENCE
ACTIVITIES, AND COUNTERTERRORISM ACTIVITIES;
AUTHORIZATION

Sec. 111. (a) The entities of the Intelligence Community are authorized to conduct, under the direction and control of the National Security Council, national intelligence activities, including special activities in support of national foreign policy objectives (hereinafter in this Act referred to as "special activities"), counterintelligence activities, and counterterrorism activities.

(b) National intelligence activities, counterintelligence activities, and counterterrorism activities may be undertaken only by entities of the Intelligence Community and only in accordance with the provisions of this Act.

(c) Nothing in this title shall be construed to prohibit any department or agency from collecting, processing, evaluating, or disseminating departmental or tactical intelligence if such department or agency is otherwise authorized to do so.

-13-

PRESIDENTIAL DESIGNATION OF
NATIONAL INTELLIGENCE ACTIVITIES

Sec. 112. (a) The President shall determine annually which intelligence activities, if any, in addition to those specifically defined as national intelligence activities by this title, shall constitute national intelligence activities for the purposes of this Act.

(b) The Director of National Intelligence shall, on an annual basis, submit to the President and the National Security Council a report describing the relationships among national intelligence activities and other intelligence and intelligence-related activities and shall include in such report the recommendations of the Director of National Intelligence with respect to whether any changes should be made in those relationships and whether any intelligence or intelligence-related activity not specifically defined as a national intelligence activity by this title should be determined by the President, pursuant to subsection (a) of this section, to be a national intelligence activity.

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DIRECTOR AND DEPUTY DIRECTOR

Sec. 113. (a) There is established in the executive branch of the Government an office to be known as the "Office of the Director of National Intelligence" (hereinafter in this title referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National Intelligence (hereinafter in this title referred to as the "Director"). There shall be a Deputy Director of National Intelligence (hereinafter in this title referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to that same office may serve in that office under such appointment or reappointment for a term of more than six years. In no event may any person serve in either or both offices for more than a total of twelve years.

(c) At no time shall the two offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status.

(d)(1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then--

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military

departments, or the armed forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director or Deputy Director) with respect to the Department of Defense, the military departments, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

(3) The grade of any such commissioned officer shall, during any period such officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages authorized for the military department of which such officer is a member.

(e) The Director and Deputy Director whether civilian or military shall be compensated while serving as Director or Deputy Director only from funds appropriated to the Office of the Director.

(f) If a commissioned officer of the armed forces is serving as Director or Deputy Director that officer shall be entitled, while so serving, to the difference, if any, between the regular military compensation (as defined in section 101(25) of title 37, United States Code) to which that officer is

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entitled and the compensation provided for that office under subchapter II of chapter 53 of title 5, United States Code.

(g) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director. The Director shall provide by regulation which Assistant Director of National Intelligence shall, whenever there is no Deputy Director, act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director and which Assistant Director of National Intelligence shall act in the place of the Deputy Director during the absence or disability of the Deputy Director or during any temporary vacancy in the office of the Deputy Director.

(h) In the event that no person has been appointed Director or Deputy Director under subsection (b) of this section as of the effective date of this title, the person holding the office of Director of Central Intelligence on the day before the effective date of this title may be designated by the President (without the advice and consent of the Senate) to serve as Director until the office of Director is filled as provided in subsection (b), and the person holding the office of Deputy Director of Central Intelligence on the day before the effective date of this title may be designated by the President (without the advice and consent of the Senate) to serve as Deputy Director until the office of Deputy Director is filled as provided in subsection (b); but no person designated to serve as Director or Deputy Director under authority of this subsection may serve in such office under such authority for more than 90 days following the effective date of this title. While so serving such persons shall receive compensation at the rates provided by subsection (e) for the respective offices in which they serve. In computing the twelve-year limitation prescribed in subsection (b) of this section, any service by a person as Director or Deputy Director of Central Intelligence as those offices existed before the effective date of this title shall not be included.

DUTIES AND AUTHORITIES OF THE DIRECTOR

Sec. 114. (a) The Director shall serve, under the direction and control of the National Security Council, as the principal foreign intelligence officer of the United States.

(b) The Director shall be responsible for--

(1) the coordination of the national intelligence activities of the United States;

(2) the coordination of United States counterintelligence activities abroad; and

(3) the coordination of United States counterterrorism activities conducted abroad by the entities of the Intelligence Community.

(c) The Director shall, on a continuing basis, review all ongoing and proposed national intelligence activities of the United States in order to ensure that those activities are properly, efficiently, and effectively directed, regulated, coordinated and administered; that those activities provide, in the most efficient manner, the executive and legislative branches with the information and analysis that those branches need to fulfill their responsibilities under the Constitution and laws of the United States; that those activities do not abridge any right guaranteed or protected by the Constitution or laws of the United States; that those activities fully support the national defense or foreign relations of the United States; and that those activities are conducted in conformity with the provisions of this Act and the Constitution and laws of the United States. To achieve these ends the Director shall provide such guidance to the head of each entity of the Intelligence Community as the Director deems appropriate.

(d) Subject to the provisions of section 117, the Director shall act as the Director of the Central Intelligence Agency and of such staff as may be required to discharge the Director's responsibilities under this Act.

(e) The Director shall coordinate and direct the collection of national intelligence by the entities of the Intelligence Community by--

(1) developing such plans, objectives and requirements for the entities of the Intelligence Community as are necessary to meet the intelligence needs and priorities established by the National Security Council;

(2) establishing procedures, in coordination with the heads of departments and agencies not within the Intelligence Community, to increase, insofar as is possible, the national intelligence contribution made by those departments and agencies without adversely affecting the performance of their other authorized duties;

(3) coordinating all clandestine collection of intelligence outside the United States including all clandestine collection of intelligence outside the United States utilizing human sources.

(f) The Director shall be responsible for the production of national intelligence, including national intelligence estimates and other Intelligence Community-coordinated analyses, and shall--

(1) provide, under appropriate security procedures, the executive and legislative branches with accurate, relevant, and timely national intelligence needed by such branches to fulfill their responsibilities under the Constitution and laws of the United States;

(2) ensure that in the production of national intelligence any diverse points of view are presented fully and considered carefully, and that differences of judgment within the Intelligence Community are clearly expressed for policymakers; and

(3) obtain, in consultation with the head of any entity of the Intelligence Community, such analytic assistance from that entity as is necessary for the Director to fulfill the Director's responsibilities under this subsection;

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(g) The Director shall be responsible for the dissemination, under appropriate security procedures, of national intelligence, and shall--

(1) ensure that departments and agencies and appropriate operational commanders of the armed forces of the United States are furnished such national intelligence as is relevant to their respective duties and responsibilities;

(2) establish procedures to increase the usefulness for departments and agencies (including departments and agencies not within the Intelligence Community) of information collected, processed, and analyzed through national intelligence activities; and

(3) ensure access of each entity of the Intelligence Community to national intelligence relevant to that entity's authorized national intelligence, counterintelligence, or counterterrorism responsibilities which has been collected or produced by any other entity of the Intelligence Community.

(h) The Director shall be responsible for evaluating the quality of the national intelligence that is collected, produced and disseminated by entities of the Intelligence Community and shall report on an annual basis to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the results of such evaluations and on the Director's efforts to improve the quality of national intelligence.

(i) The Director shall ensure the appropriate implementation of special activities and sensitive clandestine collection projects.

(j) The Director, in consultation with the Secretary of State, shall--

(1) formulate policies with respect to intelligence arrangements with foreign governments;

(2) coordinate intelligence relationships between the various entities of the Intelligence Community and the

foreign intelligence or internal security services of foreign governments; and

(3) advise the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any proposed agreement governing the relationship between any entity of the Intelligence Community and any foreign intelligence or internal security service of a foreign government before such agreement takes effect.

(k) The Director shall assign to a single entity of the Intelligence Community, after consultation with the head of that entity, responsibility for any service which is of common concern to more than one entity but which can be more efficiently and effectively performed by a single entity.

(l) The Director shall be responsible, subject to the provisions of this Act, for the protection from unauthorized disclosure of intelligence sources and methods, and shall establish for departments and agencies security standards for the management and handling of information and material relating to intelligence sources and methods. The Director shall take such steps as are necessary, consistent with applicable laws and executive orders, to ensure timely declassification of such information and material.

(m) The Director may appoint, promote, and separate such personnel or contract for such personnel services as the Director deems advisable, without regard to the provisions of title 5, United States Code, governing appointments to, promotions in, and separations from the competitive service, and without regard to the limitations on types of persons to be employed, and fix the compensation of such personnel without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for Executive Schedule V under section 5316 of that title. Such personnel may include, but shall not be limited to, persons employed by any entity of the Intelligence Community.

(n) Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Office of the Director or the security clearance of any contractor of any entity of the Intelligence Community whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States. The Director shall periodically report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the exercise of the Director's authority under this paragraph.

(o) Any officer or employee of the Office of the Director who has been separated under subsection (m) or whose employment has been terminated under subsection (n) may seek or accept employment elsewhere in the Government if declared eligible for such employment by the United States Civil Service Commission. The Civil Service Commission may place such officer or employee in a position in the competitive civil service in the same manner as an employee who is transferred between two positions in the competitive service, but only if that officer or employee has served with the Office of the Director for at least one year continuously immediately preceding separation or termination.

(p) In order to carry out the Director's duties under this title, the Director is authorized to conduct program and performance audits and evaluations of the entities of the Intelligence Community and to obtain from any department or agency such information as the Director deems necessary to perform such duties; and each department and agency shall furnish, upon request and in accordance with applicable law, such information to the Director. The Director shall take appropriate steps to maintain the confidentiality of any confidential information which is provided by any department or agency.

(q) In order to carry out the Director's duties under this title, the Director shall review all research and development activities which support the intelligence or intelligence-related activities of the Government and may review all the intelligence and intelligence-related activities of the Government.

(r) Nothing in this section shall be construed to prohibit any entity of the Intelligence Community, if otherwise authorized to do so, from producing and disseminating its own analyses of national intelligence information collected by any entity of the Intelligence Community, but any such analyses shall be promptly provided to the Director.

DEPARTMENTAL RESPONSIBILITY FOR
REPORTING NATIONAL INTELLIGENCE

Sec. 115. It shall be the responsibility of the heads of departments and agencies to ensure that all national intelligence obtained by such departments and agencies is promptly furnished to the Director or to the entity of the Intelligence Community designated by the Director to receive such intelligence.

ASSISTANT DIRECTORS; COMMITTEES AND BOARDS

Sec. 116. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, not more than five Assistant Directors of National Intelligence to assist the Director in carrying out the responsibilities of the Director under this Act. At no time shall more than two of the positions of Assistant Director of National Intelligence be occupied by commissioned officers of the armed forces, whether in active or retired status.

(b) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the Intelligence Community with respect to that entity is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this Act.

(c) (1) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the Intelligence Community with respect to that entity is authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this Act.

(2) The provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I, 1-15) shall apply with respect to any advisory committee established under authority of this subsection except that the Director, Attorney General, or the head of any entity of the Intelligence Community, as the case may be, may waive the application of any or all of the provisions of that Act when such official deems such action necessary to the successful performance of the duties of the Director, the Attorney General, or any entity of the Intelligence Community, as the case may be, or to protect the security of the activities of the Intelligence Community. Any waiver exercised by the Director, the Attorney General, or the head of any entity of the

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Intelligence Community under this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate and the names of all persons appointed to serve on any advisory committee established under authority of this subsection shall be reported to such committees.

AUTHORITY OF THE PRESIDENT TO TRANSFER CERTAIN
DUTIES AND AUTHORITIES OF THE DIRECTOR OF
NATIONAL INTELLIGENCE

Sec. 117. (a) The President is authorized to transfer any or all of the duties and authorities of the Director which pertain to the Director's duties and authorities as head of the Central Intelligence Agency to any person serving as the Deputy Director or to any person serving as an Assistant Director of National Intelligence if such person was appointed to the position of Deputy Director or to the position of Assistant Director of National Intelligence by and with the advice and consent of the Senate and if--

(1) such person is not a commissioned officer of the armed forces whether in active or retired status;

(2) the President notifies the Congress in writing of the proposed transfer and specifically describes the duties and authorities to be transferred and identifies the officer or employee to whom such duties and authorities are to be transferred;

(3) 60 days of continuous session of the Congress have expired following the day on which such notification was received by the Congress; and

(4) neither House of Congress has adopted, within such 60-day period, a resolution disapproving such transfer of authority.

(b) For the purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 60-day period.

PART C

BUDGET AUTHORITY;
LIMITATION ON APPROPRIATIONS; COMPTROLLER GENERAL AUDITS
NATIONAL INTELLIGENCE PROGRAM AND BUDGET
AUTHORITY; INFORMATION

Sec. 121. (a) The Director shall be responsible for the preparation and approval of the national intelligence budget presented to the President through the Office of Management and Budget, and, after approval of such budget, for its presentation to the Congress. In carrying out the Director's responsibility under this section, the Director shall--

(1) provide guidance and assistance to the heads of the various entities of the Intelligence Community in the preparation of the programs and budgets of such entities which relate to national intelligence;

(2) after reviewing and evaluating the annual program and budget proposals submitted to the Director pursuant to subsection (b) of this section, prepare the national intelligence budget;

(3) present the national intelligence budget to the President through the Office of Management and Budget; and

(4) present and justify to the Congress the President's annual budget for national intelligence and, concurrently, submit a report to the appropriate committees of the Congress on the decisions of the President made under the authority of section 112(a) of this title.

(b) The head of each entity of the Intelligence Community shall develop and submit to the Director and the head of the department or agency in which that entity is located--

(1) a proposed program and budget, in such form and at such time as the Director shall prescribe, for that entity based upon program and budget guidance from the Director; and

(2) such information as the Director may find necessary to carry out the Director's program and budget responsibilities under this section.

(c) The head of each department or agency that includes an entity of the Intelligence Community shall take such action as may be necessary to ensure that internal program and budget decisions of such department or agency have no adverse effect on that department or agency's presidentially-approved program or budget relating to the activities of the entity of the Intelligence Community within that department or agency.

REQUIREMENTS RELATING TO APPROPRIATIONS FOR
NATIONAL INTELLIGENCE,
COUNTERINTELLIGENCE, AND COUNTERTERRORISM ACTIVITIES

Sec. 122: (a) No funds may be appropriated for any fiscal year beginning after September 30, 1978, for the purpose of carrying out any national intelligence activity, counterintelligence activity, or counterterrorism activity by any entity of the Intelligence Community unless funds for such activity have been previously authorized by legislation enacted during the same fiscal year or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director determines such action to be necessary in the interest of the national security the expenditure of funds to cover matters relating to national intelligence activities, counterintelligence activities, and counterterrorism activities shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but funds expended for such purposes may be expended only for activities authorized by law. The Director shall report quarterly to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate on expenditures made under the authority of this subsection.

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AUDITS AND REVIEWS BY THE COMPTROLLER GENERAL

Sec. 123. (a) All funds appropriated to the Office of the Director, all funds appropriated to entities of the Intelligence Community, and all national intelligence activities, counterintelligence activities, and counterterrorism activities conducted by entities of the Intelligence Community, and information and materials relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States, upon the request of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) Nothing in subsection (a) shall be construed as a limitation on the existing authority of any other committee of the Congress to request financial and program management audits and reviews by the Comptroller General of the United States of any national intelligence activity, counterintelligence activity, or counterterrorism activity over which such committee has legislative jurisdiction, but the results of any such audit or review conducted at the request of any committee of the Congress other than one of the two select committees named in subsection (a) shall be submitted to (1) the Permanent Select Committee on Intelligence of the House of Representatives, in the case of any audit or review requested by a committee of the House of Representatives, and shall be made available by such select committee, in accordance with and subject to the provisions of section 153 of this title, to the committee of the House of Representatives which requested such audit or review, and (2) the Select Committee on Intelligence of the Senate, in the case of any audit or review requested by a committee of the Senate, and shall be made available by such select committee, in accordance with and subject to the provisions of section 153 of this title, to the committee of the Senate which requested such audit or review.

(c) Any audit or review of any national intelligence activity, counterintelligence activity, or counterterrorism

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activity conducted by the Comptroller General of the United States at the request of one of the two select committees named in subsection (a) or any audit or review conducted by the Comptroller General at the request of any other committee of the Congress of any national intelligence activity, counterintelligence activity, or counterterrorism activity over which such committee has legislative jurisdiction shall be conducted in accordance with such security standards as may be prescribed by the Director in consultation with the committee requesting such audit or review.

(d) The Comptroller General of the United States shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Comptroller General is conducting any audit or review of national intelligence activities, counterintelligence activities, or counterterrorism activities if such audit or review is being conducted under authority of law not requiring the request of a committee of the Congress. Upon completion of any such audit or review, the Comptroller General shall submit a copy of the results of such audit or review to such select committees..

(e) Notwithstanding the foregoing provisions of this subsection, the Director may exempt from any such audit and review any funds expended for a particular national intelligence, counterintelligence, or counterterrorism activity, and the activity for which such funds are expended if the Director (1) determines such exemption to be essential to protect the security of the United States, (2) notifies the appropriate committees of the Congress of such exemption and the reasons for granting it, and (3) reports semiannually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on each activity exempted under this subsection. In any case in which the Director exempts from audit and review under this subsection an audit and review initiated by the Comptroller General of the United States (not initiated at the request of any committee of the Congress), the

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Director shall submit the notification required under this subsection to the select committees named in the preceding sentence.

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PART D

PROCEDURES, RESTRICTIONS AND PROHIBITIONS RELATING TO
INTELLIGENCE COLLECTION ACTIVITIES AND
SPECIAL ACTIVITIESPROCEDURES AND REQUIREMENTS FOR SENSITIVE
INTELLIGENCE COLLECTION PROJECTS AND SPECIAL ACTIVITIES

Sec. 131. (a) The National Security Council shall review, in accordance with this section, each proposed special activity, and such clandestine collection activities as the President specifies, conducted by any entity of the Intelligence Community or by any organization or individual for or on behalf of the United States. No decision or recommendation to the President with respect to any such activity may be made for the purposes of this section unless the activity has been considered by the National Security Council or a subcommittee thereof at a formal meeting at which the following officers or, in unusual circumstances when such officers were unavailable, their designated representatives were present: the Secretary of State, the Secretary of Defense, the Attorney General and the Director of National Intelligence. As used in this section, the term the "National Security Council" includes any subcommittee of such council if constituted as provided in the preceding sentence.

(b) (1) The President shall establish standards and procedures by which activities involving clandestine collection of foreign intelligence shall be reviewed and approved. Such standards and procedures shall provide criteria by which to identify activities whose importance or sensitivity requires review by the National Security Council and notification to the President of such review prior to initiation, and activities whose exceptional importance or sensitivity requires, in addition to National Security Council review, the President's personal approval prior to initiation.

(2) Any standard or procedure established pursuant to paragraph (1), any regulation promulgated to implement any such standard or procedure, and any amendment to any such standard, procedure, or regulation shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives

and the Select Committee on Intelligence of the Senate at least 60 days prior to the date on which such standard, procedure, regulation, or amendment shall become effective.

(c) Whenever the National Security Council or the President reviews any special activity or clandestine collection activity, careful and systematic consideration shall be given to all appropriate factors, including, but not limited to, the following:

(1) the justification for such proposed activity;

(2) the nature, scope, probable duration, estimated cost, foreseeable risks, likely consequences of disclosure, and actions necessary in the event of the termination of such activity;

(3) the relationship between the proposed activity and any previously approved activity;

(4) the likelihood that the objectives of such activity would be achieved by overt or less sensitive alternatives; and

(5) the legal implications of the proposed activity.

(d) No special activity may be initiated unless the activity has been approved by the President and the President has made a written finding that, in the President's opinion--

(1) such activity is essential to the national defense or the conduct of the foreign policy of the United States;

(2) the anticipated benefits of such activity justify the foreseeable risks and likely consequences of its disclosure to a foreign power;

(3) overt or less sensitive alternatives would not be likely to achieve the intended objectives; and

(4) the circumstances require the use of extraordinary means.

(e) No clandestine collection activity requiring the President's personal approval, under standards and procedures established by the President pursuant to subsection (b), may be initiated unless the President has made a written finding that--

(1) the information to be obtained by such project is essential to the national defense or the conduct of the foreign policy of the United States;

(2) the importance of the information justifies the foreseeable risks of the likely consequences of disclosure to a foreign power; and

(3) overt or less sensitive alternatives would not be likely to accomplish the intended objectives.

(f) The National Security Council shall review at least annually each ongoing special activity and each ongoing clandestine collection activity which, prior to initiation, required approval by the President or review by the National Security Council and notification of the President. Any such activity whose initiation required the President's personal approval may be continued after such annual review by the National Security Council only if the President reaffirms in a timely manner the findings required by subsection (d) or (e), as the case may be.

(g) The Director shall, prior to the initiation of any special activity or any clandestine collection activity which, prior to initiation, requires personal approval by the President or review by the National Security Council and notification to the President, notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the facts and circumstances of such activity, and of the Presidential findings, if any, required by subsection (d) or (e), as the case may be. In extraordinary circumstances, any such special activity or clandestine collection activity may be initiated without such prior notification if the President notifies the select committees of the Congress named in the preceding sentence within 48 hours after the initiation of such activity, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why such delay would have been harmful. This subsection shall not, however, be construed as

requiring the approval of any committee of the Congress prior to the initiation of any such activity.

(h) Any significant change in any special activity or in any clandestine collection activity which, prior to initiation, required personal approval by the President or review by the National Security Council and notification to the President shall require review, approval, and reporting to the select committees named in subsection (g) in the same manner as the activity itself.

(j) No department or agency other than (1) the Central Intelligence Agency, and (2) the armed forces of the United States during any period of war declared by the Congress may conduct the Central Intelligence Agency, the armed forces, and other special activity. Notwithstanding the foregoing sentence, the Central Intelligence Agency, the armed forces, and other departments and agencies may provide support for any approved special activity conducted by the Central Intelligence Agency or the armed forces, as the case may be, if the President finds that the Central Intelligence Agency or, during a period of war declared by the Congress, the armed forces of the United States, as the case may be, would not be able to accomplish substantially the objectives of the special activity without such support from such other departments and agencies, and if the President promptly notifies the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such support.

(i) Any significant change in the factors considered under subsection (c) regarding any special activity or any clandestine collection activity which, prior to initiation, required personal approval by the President or review by the National Security Council and notification of the President shall be reported to the National Security Council and to the appropriate committees of the Congress.

(k) The National Security Council shall maintain a record of all written findings made by the President pursuant to subsections (d) and (e).

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(1) The Director shall submit a written report semiannually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on all ongoing special activities and clandestine collection activities which, prior to initiation, required personal approval by the President or review by the National Security Council and notification of the President being carried out by, for, or on behalf of, the United States. .

RESTRICTIONS ON THE USE OF CERTAIN
CATEGORIES OF INDIVIDUALS FOR CERTAIN
INTELLIGENCE ACTIVITIES

Sec. 132. (a) No entity of the Intelligence Community
may--

(1) pay or provide other valuable consideration to
any United States person following a full-time religious
vocation to--

(A) engage in any intelligence activity for or
on behalf of the United States, or

(B) provide any intelligence information to
any department or agency;

(2) pay or provide other valuable consideration to
any United States person whose travel to a foreign country
is sponsored and supported by the United States as part of a
United States government program designed to promote
education or the arts, humanities, or cultural affairs to--

(A) engage in any intelligence activity for or
on behalf of the United States while such individual
is--

(i) participating in any such program,

and

(ii) traveling or temporarily residing in
any foreign country;

(B) provide any intelligence information
acquired while such individual was--

(i) participating in any such program,

and

(ii) traveling or temporarily residing in
any foreign country;

(3) pay or provide other valuable consideration to
any individual to engage in any intelligence activity for or
on behalf of the United States or provide any intelligence
information to any department or agency if such individual--

(A) is a journalist accredited to any United
States media organization,

(B) is not an openly acknowledged officer, employee, or contractor of any entity of the Intelligence Community and regularly contributes material relating to politics, economics, international affairs, military, or scientific matters to any United States media organization,

(C) is regularly involved in the editing of material for any United States media organization, or

(D) acts to set policy for, or provide direction to, any United States media organization;

(4) pay for or otherwise knowingly or intentionally support the distribution within the United States of any book, magazine, article, publication, film, or video or audio tape, unless such support is publicly announced;

(5) pay for or otherwise knowingly or intentionally support the distribution in any foreign country of any book, magazine, article, publication, film, or video or audio tape if the purpose of the distribution in such foreign country, or if the likely result of such distribution would be the substantial redistribution of such book, magazine, article, publication, film, or video or audio tape, as the case may be, within the United States unless such support is publicly announced;

(6) use, for the purpose of establishing, furnishing, or maintaining cover for any officer, employee, or agent of such entity, an affiliation, real or ostensible, with any United States religious organization, United States media organization, United States academic institution, the Peace Corps, or any United States Government program designed to promote education, the arts, humanities, or cultural affairs through international exchanges.

(b) No entity of the Intelligence Community may use as a source of operational assistance in any clandestine intelligence activity in any foreign country, any individual who--

(1) is a permanent resident alien who has applied for United States citizenship, unless the head of the entity

which proposes to use such alien for such purpose makes a written finding that the use of such alien for such purpose is necessary to an authorized intelligence activity of that entity; or

(2) is a United States person whose travel to such country is sponsored and supported by a United States academic institution unless the appropriate senior officials of such institution are notified that such person is being used for such purpose.

(c) No entity of the Intelligence Community may use any United States person, other than an officer, employee, or contractor of an entity of the Intelligence Community or an individual assigned or detailed to an entity of the Intelligence Community to provide operational assistance in the conduct of any clandestine intelligence activity unless such person is informed of the nature of such assistance and of any reasonably anticipated risks to physical safety that such assistance may pose and such person voluntarily consents to provide such assistance.

(d) The Director shall formulate regulations necessary to carry out the provisions of this section and submit such proposed regulations to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and no such regulation, or amendment thereto, shall become effective until 60 days after the date on which such regulation or amendment, as the case may be, has been submitted to such committees.

(e) Nothing in this section shall be construed to prohibit voluntary contacts or the voluntary exchange of information between any person referred to in subsection (a) and entities of the Intelligence Community.

(f) Nothing in this Act shall be construed to prohibit any person described in subsection (a) or (b) from recommending or assisting in the recruitment of (1) employees for any entity of the Intelligence Community, (2) sources of information for any

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such entity, or (3) sources of operational assistance for any such entity.

RESTRICTIONS ON THE USE OF UNITED STATES PERSONS
AS COMBATANTS IN FOREIGN COUNTRIES

Sec. 133. (a) No United States person acting for, or on behalf of any entity of the Intelligence Community, who is not a member of the armed forces of the United States serving on active duty may be assigned by any entity of the Intelligence Community as a combatant in any foreign country, except pursuant to a declaration of war by the Congress, or unless--

(1) the proposed assignment has been approved in accordance with the provisions for approval of special activities set forth in section 131 of this title; and

(2) the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate have been notified at least 72 hours in advance of the proposed assignment and informed of the circumstances necessitating the assignment, the constitutional and legislative authority under which the assignment will take place, and the estimated scope and duration of the assignment; except that in extraordinary circumstances the President may authorize such assignment without such prior notification of such committees if the President notifies such committees no later than 48 hours after the assignment has been made, describes in writing the nature of the situation that precluded notification to the committees 72 hours in advance of the proposed assignment, and informs the committees of the circumstances necessitating the assignment, the constitutional and legislative authority under which the assignment took place, and the estimated scope and duration of the assignment. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to making any such assignment.

(b) The President shall discontinue the assignment of any United States person described in subsection (a) not later than 60 days after the committees of the Congress named in subsection

(a) (2) have been notified of such assignment unless the Congress has declared war or the continued assignment of such United States person as a combatant has been specifically authorized by law. Such 60-day period may be extended for not more than an additional 30 days if the President determines and certifies in writing to the committees of Congress named in subsection (a) (2) that unavoidable necessity requires the temporary continued assignment of such combatants in such foreign country solely for the purpose of ensuring their prompt and safe removal from such country.

(c) No member of the armed forces of the United States serving on active duty who is assigned to duty with, or otherwise subject to the direction or supervision of, any entity of the Intelligence Community may be assigned by any entity of the Intelligence Community to any duty as a combatant except during a war declared by the Congress or during any period beginning on the day on which armed forces are introduced into a situation which requires a reporting of the President to the Congress under the War Powers Resolution (87 Stat. 555) and ending on the last day such forces are authorized to be in such situation (as provided in the War Powers Resolution).

(d) As used in this section, the term "combatant" means an individual who is introduced into hostilities in a foreign country or who is introduced into a situation in a foreign country where imminent involvement in hostilities is clearly indicated by circumstances. Such term does not include military or technical advisors not assigned to participate in hostilities.

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PROHIBITION ON ASSASSINATION

Sec. 134. Title 18, United States Code, is amended by--

(1) redesignating chapter 85 (relating to prison-made goods) as chapter 86;

(2) redesignating section numbers 1761 and 1762 in the table of sections at the beginning of chapter 85 as section numbers 1771 and 1772, respectively;

(3) redesignating sections 1761 and 1762 as sections 1771 and 1772, respectively;

(4) amending the table of chapters in part I of such title by striking out

"85. Prison-made goods _ _ _ _ _ 1751"

and inserting in lieu thereof

"85. Assassination of foreign officials _ _ _ _ 1751"

"86. Prison-made goods _ _ _ _ _ 1771";

and

(5) inserting after chapter 84 a new chapter as follows:

"Chapter 85--Assassination of Foreign Officials

"S 1751. ASSASSINATION OF FOREIGN OFFICIALS

"9 (a) Whoever, while within the United States or the special maritime and territorial jurisdiction of the United States, conspires with any other person to kill any foreign official because of such official's office or position or because of such official's political views, actions, or statements while such official is outside the United States and such jurisdiction, and one or more such persons do any overt act within the United States or such jurisdiction to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or for life.

"(b) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, conspires with any other person or persons to kill any foreign official, because of such official's office or position, or because of such

official's political views, actions, or statements, while such official is outside the United States and such jurisdiction, and one or more such officers, employees, or other persons do any overt act to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or life.

"(c) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, attempts to kill any foreign official, because of such official's office or position, or because of such official's political views, actions, or statements, while such official is outside the United States and such jurisdiction, shall be punished by imprisonment for any term of years or life.

"(d) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, kills any foreign official, because of such official's office or position, or because of such official's political views, actions, or statements, while such official is outside the United States and such jurisdiction, shall be punished by imprisonment for any term of years or life, except that any such officer or employee who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

"(e) The provisions of subsections (a) through (d) of this section shall not apply in the case of any conspiracy, attempt, or killing described in such subsections if such conspiracy, attempt, or killing was committed (1) during any period of war declared by the Congress against another country or during any period when members of the armed forces of the United States were introduced into hostilities against another country under circumstances which required a reporting by the President to the Congress under the provisions of the War Powers Resolution (but the exemption from such subsection shall not continue after the last day such forces are authorized to be in such country as provided in the War Powers Resolution), (2) against an official of such country, and (3) at the direction of an official of the

United States acting in that official's capacity as an official of the United States.

"(f) As used in this section, the term--

"(1) 'officer or employee of the United States' means any officer or employee, whether elected or appointed, in the executive, legislative, or judicial branch of the Government of the United States (including the District of Columbia) and its territories and possessions, and includes any officer or member of the armed forces;

"(2) 'foreign official' means a Chief of State or the political equivalent, President, Vice President, Prime Minister, Premier, Foreign Minister, Ambassador, or other officer, employee, or agent of (A) a foreign government; or (B) a foreign political group, party, military force, movement, or other association; or (C) an international organization;

"(3) 'foreign government' means the government of a foreign country, irrespective of official diplomatic recognition by the United States; and

"(4) 'international organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunity Act (22 U.S.C. 228)."

PROHIBITIONS AGAINST PARTICULAR FORMS OF SPECIAL ACTIVITIES

Sec. 135. (a) No special activity may be initiated or continued which has as its objective or is likely to result in--

- (1) the support of international terrorist activities;
- (2) the mass destruction of property;
- (3) the creation of food or water shortages or floods;
- (4) the creation of epidemics of diseases;
- (5) the use of chemical, biological, or other weapons in violation of treaties or other international agreements to which the United States is a party;
- (6) the violent overthrow of the democratic government of any country;
- (7) the torture of individuals;
- (8) the support of any action, which violates human rights, conducted by the police, foreign intelligence, or internal security forces of any foreign country.

(b) The Director shall formulate regulations necessary to carry out the provisions of this section and submit such proposed regulations to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and no such regulation, or amendment thereto, shall become effective until 60 days after the date on which such regulation or amendment, as the case may be, has been submitted to such committees.

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PRESIDENTIAL WAIVER OF THE APPLICATION OF CERTAIN
RESTRICTIONS AND PROHIBITIONS IN TIME OF WAR

Sec. 136. The President may waive any or all of the provisions of sections 132(a)(1), (2), and (6), 132(b), and 135(a)(1), (2), (3), and (6) during--

(1) any period in which the United States is engaged in a war declared by Act of Congress, or

(2) any period beginning on the day on which United States armed forces are introduced into a situation which requires a report from the President to the Congress under the War Powers Resolution (87 Stat. 555) and ending on the last day such forces are authorized to be in such situation (as provided in the War Powers Resolution), and (B) to the extent that the waiver is exercised for the purpose of, and is directly related to, the support of the United States armed forces in such situation, if the President determines such action is necessary to protect the security of the United States and notifies the appropriate committees of the Congress at least 72 hours prior to the execution of such waiver and informs such committees of the facts and circumstances requiring such waiver; except that the President may execute any such waiver during any such period without notification to such committees 72 hours in advance if the President notifies such committees not later than 48 hours after the execution of such waiver, describes in writing the nature of the situation that precluded notification to the committees 72 hours in advance of the proposed assignment and informs such committees of the facts and circumstances requiring such waiver, including the relationship between such waiver and the introduction of United States armed forces into a situation which requires a reporting of the President to the Congress under the War Powers Resolution; or

(3) any period when the President determines that there is a grave and immediate threat to the national security of the United States, that it is vital to the

security of the United States for one or more entities of the Intelligence Community to engage in the activities prohibited by such provisions, and that only such activities will accomplish the objectives necessary to protect the security of the United States. Whenever the President proposes to exercise waiver authority under this subsection, the President shall notify the committees of the Congress having jurisdiction over national intelligence at least 72 hours prior to the execution of such waiver and inform such committees of the facts and circumstances requiring such waiver; except that the President may execute any such waiver without prior notification to such committees if the President notifies such committees within 48 hours after the execution of such waiver, describes in writing the nature of the situation that precluded notification to the committees 72 hours in advance of the proposed assignment and informs such committees of the facts and circumstances requiring such waiver.

(b) Any waiver executed by the President under this section shall be made a part of the records required to be maintained under section 152 of this title.

PROHIBITIONS AND RESTRICTIONS ON ACTIVITIES UNDERTAKEN INDIRECTLY

Sec. 137. (a) No entity of the Intelligence Community, and no officer or employee of any entity of the Intelligence Community, shall knowingly pay, cause, request, or otherwise encourage, directly or indirectly, any individual, organization, or foreign government to engage in any activity in which such entity of the Intelligence Community is prohibited from engaging.

(b) No entity of the Intelligence Community, and no officer or employee of any entity of the Intelligence Community, shall knowingly pay, cause, request, or otherwise encourage, directly or indirectly, any individual, organization, or foreign government to engage in any activity in which such entity of the Intelligence Community would be prohibited from engaging without prior presidential approval or review, as the case may be, and prior notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate unless the same requirement or requirements have been complied with which would have been applicable to such activity, had such activity been undertaken by an entity of the Intelligence Community.

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CONFLICTS OF INTEREST

Sec. 138. (a) The officers and employees of each entity of the Intelligence Community shall be subject to all laws, executive orders, regulations, and directives relating to conflicts of interest and the misuse of information obtained in the course of their official duties. The Director of National Intelligence shall issue regulations necessary to implement such laws, executive orders, regulations, and directives after consultation with and subject to the policy guidance of the Attorney General. The Director, or the head of any entity of the Intelligence Community with respect to any officer or employee of such entity, is authorized to waive the application of any operative provision of any such law, executive order, regulation, or directive when the Director of National Intelligence or the head of the entity, as the case may be, deems such action necessary because of the unique function and mission of any officer or employee, but such waiver may be granted in any case only with the written approval of the Attorney General and only after notification of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that such waiver is to be made and the reasons therefor.

(b) In any case in which the Director of National Intelligence or the head of any entity of the Intelligence Community waives any law, executive order, regulation, or directive, under the authority of subsection (a) relating to the filing and public disclosure of financial or other information regarding officers and employees of the United States, any officer or employee on whose behalf such waiver is exercised shall be required to file with the general counsel of the entity concerned the same information such officer or employee would otherwise have had to file, but such information shall not be subject to the Freedom of Information Act or other public disclosure requirements.

RESTRICTIONS ON CONTRACTING

Sec. 139. No entity of the Intelligence Community may enter into any contract or arrangement for the provision of goods or services with any private company or institution in the United States unless the entity sponsorship is known to appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, entity sponsorship may be concealed if it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for intelligence purposes authorized by this Act.

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PART E

COUNTERINTELLIGENCE AND COUNTERTERRORISM
ACTIVITIES; COMMUNICATIONS SECURITYRESTRICTIONS AND REQUIREMENTS REGARDING
COUNTERINTELLIGENCE AND COUNTERTERRORISM ACTIVITIES

Sec. 141. (a) It shall be the function of the National Security Council to advise and assist the President in the formulation of policy with respect to the counterintelligence and counterterrorism activities of the United States, to ensure unified direction of such activities, and to ensure that the counterintelligence and counterterrorism activities of the United States serve to protect the national security of the United States and are conducted in conformity with the Constitution and laws of the United States and in a manner that does not violate any right guaranteed or protected by the Constitution or laws of the United States. For the purposes of this subsection and subsection (b) the National Security Council shall include the Attorney General, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, one employee of the Central Intelligence Agency designated by the Director, and such other members as the President may designate.

(b) It shall also be the function of the National Security Council, with respect to counterintelligence and counterterrorism, to--

(1) establish objectives and priorities for the counterintelligence and counterterrorism activities of the United States;

(2) monitor the coordination of the counterintelligence and counterterrorism activities of the United States;

(3) adjudicate disagreements among the entities of the Intelligence Community on matters relating to the counterintelligence and counterterrorism activities of the United States;

(4) prepare and submit to the President and to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of

the Senate an annual assessment of the threat to which the United States and its interests may be subject as a consequence of the activities of intelligence and security services of foreign powers and international terrorist groups and an annual assessment of the effectiveness of the United States' counterintelligence and counterterrorism activities against this threat; and

(5) review and assess the impact of the non-intelligence activities of the United States on the threat described in clause (4).

(c) (1) It shall also be the function of the National Security Council to review, in accordance with this subsection, each proposed counterintelligence and counterterrorism activity of the United States of a type specified by the President for review under this subsection. Each such proposed activity shall be considered by the National Security Council at a formal meeting at which the following officers, or in exceptional circumstances when such officers were unavailable, their designated representatives were present: the Secretary of State, the Secretary of Defense, the Attorney General, and the Director. No decision or recommendation may be made to the President by the National Security Council under this section regarding any such proposed activity unless such activity was so considered. As used in this subsection, the term "National Security Council" includes any subcommittee of such council if constituted as provided in the preceding sentence.

(2) The President shall establish standards and procedures by which counterintelligence and counterterrorism activities of the United States shall be reviewed and approved. Such standards and procedures shall provide criteria by which to identify counterintelligence and counterterrorism activities whose importance or sensitivity requires review by the National Security Council and notification to the President of such review prior to initiation, and counterintelligence and counterterrorism activities whose exceptional importance or sensitivity requires,

in addition to National Security Council review, the President's personal approval prior to initiation.

(3) Any standard or procedure established pursuant to paragraph (2), any regulation promulgated to implement any such standard or procedure, and any amendment to any such standard, procedure, or regulation shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least 60 days prior to the date on which such standard, procedure, regulation, or amendment shall become effective.

(4) Whenever the National Security Council or the President reviews any counterintelligence or counterterrorism activity, careful and systematic consideration shall be given to all appropriate factors, including, but not limited to, the legal implications of the proposed activity under the Constitution and laws of the United States and under the treaties and other international agreements to which the United States is a party and the steps to be taken to safeguard rights protected by the Constitution and laws of the United States.

(5) The National Security Council shall review at least annually each ongoing counterintelligence and counterterrorism activity of the United States which, prior to initiation, required personal approval by the President or review by the National Security Council and notification of the President. Any such activity whose initiation required the President's personal approval may continue after such annual review by the National Security Council only if the President reaffirms in a timely manner the necessity for such activity.

(6) The Attorney General shall, prior to the initiation of any counterintelligence or counterterrorism activity which prior to initiation requires personal approval by the President or review by the National Security Council and notification to the President, notify, in consultation with the Director with respect to any such activity conducted abroad, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the facts and

circumstances of such activity. In extraordinary circumstances, any such counterintelligence or counterterrorism activity may be initiated without such prior notification if the President notifies the select committees named in the preceding sentence within 48 hours after the initiation of such activity, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why such delay would have been harmful. This paragraph shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity.

(7) Any significant change in any counterintelligence or counterterrorism activity which, prior to initiation, required personal approval by the President or review by the National Security Council and notification to the President shall require review, approval, and reporting to the select committees of the Congress named in paragraph (6) in the same manner as the activity itself.

(8) Any significant change in the factors considered under paragraph (4) regarding any counterintelligence or counterterrorism activity which prior to initiation required the personal approval of the President or review by the National Security Council and notification to the President shall be reported to the National Security Council and to the select committees of the Congress named in paragraph (6).

(9) The Attorney General shall submit, in consultation with the Director with respect to counterintelligence or counterterrorism activities conducted abroad, a written report semiannually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on all ongoing counterintelligence and counterterrorism activities being carried out by, for, or on behalf of the United States and which, prior to initiation, required personal approval by the President or review by the National Security Council and notification to the President.

COMMUNICATIONS SECURITY

Sec. 142. (a) It shall be the function of the National Security Council to advise and assist the President in the formulation of policy with respect to communications security including the relationship between the communications security and intelligence activities of the United States. For the purposes of this section, the National Security Council shall include the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Secretary of Energy, the Director of National Intelligence, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, one employee of the Central Intelligence Agency designated by the Director, and such other persons as the President may designate.

(b) It shall also be the function of the National Security Council with respect to communications security to--

(1) establish objectives for the communications security activities of the United States Government;

(2) develop communications security standards for departments and agencies;

(3) provide communications security guidance to the Secretary of Defense in the Secretary's capacity as the executive agent of the United States Government for communications security;

(4) develop communications security policies governing the relationship between departments and agencies and foreign governments and between departments and agencies and international organizations, including policies governing the circumstances and terms and conditions under which departments and agencies may furnish to such foreign governments and organizations information and materials relating to communications security; and

(5) develop policies governing the circumstances and terms and conditions under which departments and agencies may furnish to United States persons information and materials regarding the vulnerability of non-governmental

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United States communications to unauthorized interception and exploitation and regarding appropriate means of securing such communications from unauthorized interception and exploitation.

(c) The National Security Council shall review, at least once every two years, the communications security needs of departments and agencies, the effectiveness of the communications security procedures utilized by departments and agencies, and the vulnerability to interception of the communications of United States persons and organizations.

(d) The National Security Council shall report annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate regarding the communications security activities of the United States.

PART F

REPORTS ON VIOLATIONS; OVERSIGHT AND ACCOUNTABILITY;
CONGRESSIONAL COMMITTEE REPORTS; DISCLOSURE PROVISIONS;
ANNUAL REPORT OF THE DIRECTORINTELLIGENCE OVERSIGHT BOARD;
REPORTING ON VIOLATIONS

Sec. 151. (a) The President shall establish a board to be known as the Intelligence Oversight Board (hereinafter in this section referred to as the "Oversight Board") composed of three members who shall be appointed by the President from outside the Government, by and with the advice and consent of the Senate. No member of the Oversight Board shall have any personal interest in any contractual relationship with any entity of the Intelligence Community. One member of the Oversight Board shall be designated by the President to serve as chairman.

(b) The Oversight Board is authorized to employ such personnel as may be necessary to assist in carrying out its functions under this title. No person who serves on the staff of the Oversight Board shall have any contractual or employment relationship with any entity of the Intelligence Community.

(c) The Oversight Board shall, upon request, be given access to all information and materials relevant to the Oversight Board's functions under this title which are in the possession, custody or control of any entity of the Intelligence Community.

(d) It shall be the function of the Oversight Board to--

(1) promptly forward to the Attorney General any report received concerning any intelligence activity in which a question of legality has been raised or which the Oversight Board believes raises a question of legality;

(2) report in a timely manner to the President, and, as appropriate, to the Attorney General and the Director, any intelligence activity of any entity of the Intelligence Community which the Board believes raises a serious question of legality;

(3) report in a timely manner to the President and, as appropriate, to the Director, any intelligence activity the Board believes raises a serious question of propriety;

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(4) conduct such inquiries into the intelligence activities of any entity of the Intelligence Community as the Oversight Board deems necessary to carry out the Oversight Board's functions under this title;

(5) review periodically the practices and procedures of the inspectors general and general counsels of the Intelligence Community designed to discover and report intelligence activities that raise questions of legality or propriety;

(6) review periodically with each entity of the Intelligence Community that entity's internal rules, regulations, procedures, and directives concerning the legality or propriety of intelligence activities in order to ensure the adequacy of such rules, regulations, procedures, and directives; and

(7) report periodically to the President, and as the Oversight Board deems appropriate, to the Director, the Attorney General, heads of the entities of the Intelligence Community, and the inspectors general and the general counsels of the entities of the Intelligence Community on the Oversight Board's findings.

(e) The inspector general and general counsel of each entity of the Intelligence Community shall--

(1) report, in a timely manner and at least quarterly, to the Oversight Board and the head of such entity any intelligence activity that such inspector general or general counsel believes raises any question of legality or propriety and report, as appropriate, any subsequent findings on such activities to the Oversight Board and the head of such entity;

(2) report promptly to the Oversight Board and the head of such entity actions taken, if any, with respect to the Oversight Board's findings, if any, concerning any intelligence activity that was reported pursuant to paragraph (1);

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(3) provide to the Oversight Board any information requested by such board relevant to such board's functions under this title;

(4) formulate practices and procedures for discovering and reporting intelligence activities that raise questions of legality and propriety; and

(5) report to the Oversight Board, the Director, the Attorney General, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on any occasion on which such inspector general or general counsel is directed by the head of the entity concerned not to report to the Oversight Board on any activity that such inspector general or general counsel believes raises a question of legality or propriety and on any occasion when such inspector general or general counsel is denied access to information or denied authority to investigate a particular matter by the head of the entity concerned.

(f) The Attorney General shall--

(1) report, in a timely manner, to the Oversight Board any intelligence activity that raises any question of legality which had not been previously reported to the Attorney General by the Oversight Board;

(2) report periodically to the President, the Director, the heads of the appropriate entities of the Intelligence Community, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on any intelligence activity that the Attorney General believes raises a question of legality;

(3) report periodically to the President, the Oversight Board, the Director, the heads of the appropriate entities of the Intelligence Community, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of

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the Senate on decisions made or actions taken in response to reports of intelligence activities;

(4) keep the Oversight Board, the Director, the heads and the inspectors general and general counsels of entities of the Intelligence Community, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate informed regarding legal opinions of the Department of Justice affecting the operations of the Intelligence Community; and

(5) transmit annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a written report identifying and describing any intelligence activity during the preceding year which the Attorney General believes constituted a violation of any right guaranteed or protected by the Constitution or laws of the United States or which the Attorney General believes constituted a violation of United States law, executive order, Presidential directive or Presidential memorandum, and describing corrective actions that have been taken or are being planned.

(g) The head of each entity of the Intelligence Community shall--

(1) keep the Director and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate informed of intelligence activities that raise questions of propriety and of findings by that entity's inspector general or general counsel on such activities;

(2) keep the Director and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate informed of actions taken, if any, with respect to findings by the Oversight Board, if any, concerning any intelligence activity that was reported pursuant to subsection (e) (1);

(3) ensure that the inspector general and the general counsel of that entity have access to any information necessary to perform their functions under this Act;

(4) provide to the Attorney General, in accordance with applicable law, any information required by the Attorney General to fulfill the Attorney General's responsibilities under this Act; and

(5) provide, immediately, to the Attorney General, the Director, the Oversight Board, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an explanation, in writing, of any instance in which the inspector general or general counsel of that entity was denied access to information, instructed not to report to the Oversight Board on a particular activity, or was denied authority to investigate a particular activity.

(h) Notwithstanding any other provision of this section, the head of each entity of the Intelligence Community and the inspector general and general counsel thereof shall have primary responsibility for ensuring the legality and propriety of the activities of that entity.

(i) (1) The head of each entity of the Intelligence Community shall with respect to that entity--

(A) report to the Attorney General, pursuant to section 535 of title 28, United States Code, and the Oversight Board, immediately upon discovery, any evidence of possible violation of Federal law by any officer or employee of that entity;

(B) notify, in a timely manner, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that the Attorney General and the Oversight Board have been notified pursuant to clause (A) of this paragraph; and

(C) report to the Attorney General any evidence of possible violation by any other person of any Federal law

specified in guidelines issued by the Attorney General pursuant to section 151(i)(2)(C).

(2) The Attorney General shall--

(A) submit a full report, in a timely manner, to the President, the Oversight Board, the Director, and the head of the entity concerned on any determinations made by the Attorney General with respect to reports of possible violations described in paragraph (1)(A) of this subsection;

(B) submit, with due regard to the investigative and prosecutorial responsibilities of the Attorney General, a full report, in a timely manner, to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on any determinations by the Attorney General, including any determination not to prosecute because of questions relating to the classification of information or material, with respect to possible violations reported pursuant to paragraph (1)(A) of this subsection; and

(C) issue guidelines governing the reporting by officers and employees of entities of the Intelligence Community of evidence of violations of Federal law by individuals who are not officers or employees of any entity of the Intelligence Community.

(j) (1) Any officer or employee of an entity of the Intelligence Community having information on any past, present, or proposed intelligence activity which appears to be in violation of the Constitution or laws of the United States, or of any executive order, presidential directive, presidential memorandum, or rule or regulation or policy of such entity, or possessing any evidence of any possible violation of Federal law by any officer or employee of any entity of the Intelligence Community, shall provide such information or evidence to the inspector general, general counsel, or head of such entity. If such information or evidence is not initially provided to the general counsel of the entity concerned, the general counsel

shall be notified by the head of such entity or by the inspector general of such entity.

(2) The Director shall regularly, but not less often than once each year, notify officers and employees of the Intelligence Community of (A) their duty to provide any information or evidence described in paragraph (1), (B) the officer or officers to whom such information or evidence should be provided, and (C) the necessity for fully cooperating with the Oversight Board and the Attorney General.

(3) (A) Nothing in this section shall prohibit any employee of any entity of the Intelligence Community from reporting any information or evidence described in this paragraph directly to the Director, the Attorney General, the Oversight Board, or to the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(B) The Attorney General shall take all steps necessary to ensure that no employee who, in good faith, communicates information or evidence in such a fashion, or who communicates such information or evidence to a superior shall be subject, on account of the reporting of such information or evidence, to discipline through dismissal, demotion, transfer, suspension, reassignment, reprimand, admonishment, reduction-in-force, or other adverse personnel action, or the threat thereof.

(k) The head of each entity of the Intelligence Community shall, with respect to that entity, transmit annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a written report in which the head of the entity shall identify and describe any intelligence activity of the entity during the preceding year which the head of the entity believes constituted a violation of any right guaranteed or protected by the Constitution or laws of the United States or which the head of the entity believes constituted a violation of United States law, executive order, presidential directive, or presidential

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memorandum, and describing corrective actions that have been taken or are being planned.

OVERSIGHT AND ACCOUNTABILITY

Sec. 152. (a) Consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches, the heads of each entity of the Intelligence Community, with respect to the intelligence activities of that entity shall--

(1) keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed of all the national intelligence activities and all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any entity of the Intelligence Community, including any significant anticipated intelligence activity; but the foregoing provision shall not constitute a condition precedent to the initiation of any such anticipated intelligence activity; and

(2) furnish any information or material in the possession, custody, or control of the Director or the relevant entity of the Intelligence Community or in the possession, custody, or control of any person paid by the Director or by any such entity, whenever requested by the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) The head of each entity of the Intelligence Community shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at least annually, a report which includes a review of the intelligence activities of the entity.

(c) The Director shall maintain a complete record of all legal authorities, published regulations, and published instructions pertaining to the national intelligence activities of the United States; and the head of each entity of the Intelligence Community shall maintain a complete record of all

legal authorities, published regulations, and published instructions pertaining to the intelligence activities of that entity. An index of each such record shall be maintained in the Office of the Federal Register, National Archives and Records Service, General Services Administration, under security standards approved by the Director.

(d) The Director shall maintain a full and complete record regarding the national intelligence activities of the United States; and the head of each entity of the Intelligence Community shall maintain a full and complete record regarding the intelligence activities of such entity.

(e) The head of each entity of the Intelligence Community, with respect to the records of that entity of the Intelligence Community, shall, to the maximum extent practicable and consistent with guidelines established by the Administrator of General Services, provide for the necessary destruction of records at regular periodic intervals. No record regarding the activities of any entity of the Intelligence Community may be destroyed unless the head of the entity of the Intelligence Community concerned has given written notification of the proposed destruction, including a description of the records, to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least sixty days prior to implementation.

(f) The head of each entity of the Intelligence Community, with respect to the intelligence activities of that entity, shall promptly provide the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a copy of all rules, regulations, procedures, and directives issued to implement the provisions of this Act and notify such committees, in a timely fashion, of any waivers of such rules, regulations, procedures and directives, and the facts and circumstances of each such waiver.

CONGRESSIONAL COMMITTEE REPORTS;
DISCLOSURE PROVISIONS

Sec. 153. (a) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate (hereinafter in this section referred to as the Permanent Select Committee and the Select Committee, respectively) shall report, at least annually, to their respective Houses on the nature and extent of the intelligence activities of the United States. Each committee shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities which requires or should have the attention of such House or such committee or committees. In making such reports, the Permanent Select Committee and the Select Committee shall do so in a manner consistent with the protection of the national security interests of the United States. To the extent possible, consistent with the protection of the national security interest of the United States, such reports shall be made available to the public.

(b) No information or material provided to the Permanent Select Committee or the Select Committee relating to the lawful intelligence activities of any department or agency that has been classified under established security procedures or that was submitted by the Executive Branch with the request that such information or material be kept confidential shall be made public by the Permanent Select Committee or the Select Committee or any member thereof, except in accordance with the provisions of House Resolution 658 of the Ninety-Fifth Congress in the case of the Permanent Select Committee and its members, or in accordance with the provisions of Senate Resolution 400 of the Ninety-Fourth Congress in the case of the Select Committee and its members.

(c) (1) The Permanent Select Committee shall, under such regulations as that committee shall prescribe, make any information described in subsection (a) or (b) available to any other committee or any other Member of the House. Whenever the Permanent Select Committee makes such information available, that

committee shall keep a written record showing which committee or which Members of the House received such information. No Member of the House who, and no committee which, receives such information under this paragraph shall disclose such information except in accordance with the provisions of House Resolution 658 of the Ninety-Fifth Congress.

(2) The Select Committee may, under such regulation as that committee shall prescribe to protect the confidentiality of such information, make any information described in subsection (a) or (b) available to any other committee or any other Member of the Senate. Whenever the Select Committee makes such information available, the committee shall keep a written record showing which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this paragraph, shall disclose such information except in accordance with the provisions of Senate Resolution 400 of the Ninety-Fourth Congress.

(d) The provisions of subsections (a), (b), and (c) are enacted by the Congress--

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (as far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

ANNUAL REPORT OF THE DIRECTOR

Sec. 154. The Director shall make available to the public an unclassified annual report on the national intelligence, counterintelligence, and counterterrorism activities conducted by entities of the Intelligence Community. Nothing in this subsection shall be construed as requiring the public disclosure, in any such report made available to the public, of the names of individuals engaged in such activities for the United States or the divulging of classified information which requires protection from disclosure by law.