Public Law 107–306
107th Congress

An Act

To authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 106. Additional authorizations of appropriations for intelligence for the war on terrorism.
Sec. 107. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2003 appropriations exceed amounts authorized.
Sec. 108. Incorporation of reporting requirements.
Sec. 109. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring General Provisions
Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of Congress on intelligence community contracting.

Subtitle B—Intelligence
Sec. 311. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.
Sec. 312. Prohibition on compliance with requests for information submitted by foreign governments.
Sec. 313. National Virtual Translation Center.

Subtitle C—Personnel
Sec. 321. Standards and qualifications for the performance of intelligence activities.
Sec. 322. Modification of excepted agency voluntary leave transfer authority.
Sec. 323. Sense of Congress on diversity in the workforce of intelligence community agencies.
Sec. 324. Annual report on hiring and retention of minority employees in the intelligence community.
Sec. 325. Report on establishment of a Civilian Linguist Reserve Corps.

Subtitle D—Education

Sec. 331. Scholarships and work-study for pursuit of graduate degrees in science and technology.
Sec. 333. Establishment of National Flagship Language Initiative within the National Security Education Program.
Sec. 334. Report on the National Security Education Program.

Subtitle E—Terrorism

Sec. 341. Foreign Terrorist Asset Tracking Center.
Sec. 342. Semiannual report on financial intelligence on terrorist assets (FITA).
Sec. 343. Terrorist Identification Classification System.

Subtitle F—Other Matters

Sec. 351. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 352. Standardized transliteration of names into the Roman alphabet.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
Sec. 402. Implementation of compensation reform plan.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Use of funds for counterdrug and counterterrorism activities for Colombia.
Sec. 502. Protection of operational files of the National Reconnaissance Office.
Sec. 503. Eligibility of employees in Intelligence Senior Level positions for Presidential Rank Awards.

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Sec. 601. Establishment of Commission.
Sec. 602. Purposes.
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Sec. 605. Powers of Commission.
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Sec. 607. Staff of Commission.
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Sec. 609. Security clearances for Commission members and staff.
Sec. 610. Reports of Commission; termination.
Sec. 611. Funding.

TITLE VII—INFORMATION SHARING

Sec. 701. Short title.
Sec. 702. Findings and sense of Congress.
Sec. 703. Facilitating homeland security information sharing procedures.
Sec. 704. Report.
Sec. 705. Authorization of appropriations.
Sec. 706. Coordination provision.

TITLE VIII—REPORTING REQUIREMENTS

Subtitle A—Overdue Reports

Sec. 801. Deadline for submittal of various overdue reports.

Subtitle B—Submittal of Reports to Intelligence Committees

Sec. 811. Dates for submittal of various annual and semiannual reports to the congressional intelligence committees.
Subtitle C—Recurring Annual Reports
Sec. 821. Annual report on threat of attack on the United States using weapons of mass destruction.
Sec. 822. Annual report on covert leases.
Sec. 823. Annual report on improvement of financial statements of certain elements of the intelligence community for auditing purposes.
Sec. 824. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.
Sec. 825. Annual reports of inspectors general of the intelligence community on proposed resources and activities of their offices.
Sec. 826. Annual report on counterdrug intelligence matters.
Sec. 827. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.

Subtitle D—Other Reports
Sec. 831. Report on effect of country-release restrictions on allied intelligence-sharing relationships.
Sec. 832. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters.

Subtitle E—Repeal of Certain Report Requirements
Sec. 841. Repeal of certain report requirements.

TITLE IX—COUNTERINTELLIGENCE ACTIVITIES
Sec. 901. Short title; purpose.
Sec. 902. National Counterintelligence Executive.
Sec. 903. National Counterintelligence Policy Board.
Sec. 904. Office of the National Counterintelligence Executive.

TITLE X—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY
Sec. 1001. Findings.
Sec. 1003. Powers of Commission.
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Sec. 1005. Compensation and travel expenses.
Sec. 1006. Treatment of information relating to national security.
Sec. 1007. Final report; termination.
Sec. 1008. Assessments of final report.
Sec. 1009. Inapplicability of certain administrative provisions.
Sec. 1010. Funding.
Sec. 1011. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES
SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2003 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
Title VI—National Commission on Terrorist Attacks Upon the United States

Section 601. Establishment of Commission.
There is established in the legislative branch the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the “Commission”).

Section 602. Purposes.
The purposes of the Commission are to—

1. Examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York, in Somerset County, Pennsylvania, and at the Pentagon in Virginia;
2. Ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;
3. Build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—
   A. The Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001, (hereinafter in this title referred to as the “Joint Inquiry”); and
   B. Other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;
4. Make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and immediate response to, the attacks; and
5. Investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

Section 603. Composition of Commission.

(a) Members.—The Commission shall be composed of 10 members, of whom—

1. 1 member shall be appointed by the President, who shall serve as chairman of the Commission;
2. 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the
SEC. 604. FUNCTIONS OF COMMISSION.

(a) In General.—The functions of the Commission are to—
(1) conduct an investigation that—
(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and
(B) may include relevant facts and circumstances relating to—
(i) intelligence agencies;
(ii) law enforcement agencies;
(iii) diplomacy;
(iv) immigration, nonimmigrant visas, and border control;
(v) the flow of assets to terrorist organizations;
(vi) commercial aviation;
(vii) the role of congressional oversight and resource allocation; and
(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;
(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(b) RELATIONSHIP TO INTELLIGENCE COMMITTEES’ INQUIRY.—When investigating facts and circumstances relating to the intelligence community, the Commission shall—

(1) first review the information compiled by, and the findings, conclusions, and recommendations of, the Joint Inquiry; and

(2) after that review pursue any appropriate area of inquiry if the Commission determines that—

(A) the Joint Inquiry had not investigated that area;

(B) the Joint Inquiry’s investigation of that area had not been complete; or

(C) new information not reviewed by the Joint Inquiry had become available with respect to that area.

6 USC 101 note.  

SEC. 605. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection
(a), the United States district court for the judicial
district in which the subpoenaed person resides, is
served, or may be found, or where the subpoena is
returnable, may issue an order requiring such person
to appear at any designated place to testify or to
produce documentary or other evidence. Any failure
to obey the order of the court may be punished by
the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any
failure of any witness to comply with any subpoena
or to testify when summoned under authority of this
section, the Commission may, by majority vote, certify
a statement of fact constituting such failure to the
appropriate United States attorney, who may bring
the matter before the grand jury for its action, under
the same statutory authority and procedures as if the
United States attorney had received a certification
under sections 102 through 104 of the Revised Statutes
of the United States (2 U.S.C. 192 through 194).

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

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure
directly from any executive department, bureau, agency, board,
commission, office, independent establishment, or instrument-
ality of the Government, information, suggestions, estimates,
and statistics for the purposes of this title. Each department,
bureau, agency, board, commission, office, independent
establishment, or instrumentality shall, to the extent author-
ized by law, furnish such information, suggestions, estimates,
and statistics directly to the Commission, upon request made
by the chairman, the chairman of any subcommittee created
by a majority of the Commission, or any member designated
by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—
Information shall only be received, handled, stored, and
disseminated by members of the Commission and its staff con-
sistent with all applicable statutes, regulations, and Executive
orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Adminis-
trator of General Services shall provide to the Commission
on a reimbursable basis administrative support and other serv-
ices for the performance of the Commission’s functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to
the assistance prescribed in paragraph (1), departments and
agencies of the United States may provide to the Commission
such services, funds, facilities, staff, and other support services
as they may determine advisable and as may be authorized
by law.

(e) GIFTS.—The Commission may accept, use, and dispose of
gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United
States mails in the same manner and under the same conditions
as departments and agencies of the United States.
SEC. 606. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—
   (1) hold public hearings and meetings to the extent appropriate; and
   (2) release public versions of the reports required under section 610(a) and (b).

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 607. STAFF OF COMMISSION.

(a) IN GENERAL.—
   (1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.
   (2) PERSONNEL AS FEDERAL EMPLOYEES.—
      (A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.
      (B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.
   (b) DETAILLES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detaillee shall retain the rights, status, and privileges of his or her regular employment without interruption.
   (c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 608. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.
(b) **Travel Expenses.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**SEC. 609. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

**SEC. 610. REPORTS OF COMMISSION; TERMINATION.**

(a) **Interim Reports.**—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) **Final Report.**—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) **Termination.**—

(1) **In General.**—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) **Administrative Activities Before Termination.**—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

**SEC. 611. FUNDING.**

(a) **Transfer From the National Foreign Intelligence Program.**—Of the amounts authorized to be appropriated by this Act and made available in public law 107–248 (Department of Defense Appropriations Act, 2003) for the National Foreign Intelligence Program, not to exceed $3,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title.

(b) **Duration of Availability.**—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

**TITLE VII—INFORMATION SHARING**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Homeland Security Information Sharing Act”.