

S 1025

Intelligence Authorization Act for Fiscal Year 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: May 8, 2003

Current Status: Returned to the Calendar. Calendar No. 172. (consideration: CR 8/1/2003 S10858)

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Sponsor

Name: Sen. Roberts, Pat [R-KS]

Party: Republican • **State:** KS • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported By	Jun 26, 2003
Intelligence (Select) Committee	Senate	Reported Original Measure	May 8, 2003

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
108 HR 2417	Companion bill	Dec 13, 2003: Became Public Law No: 108-177.

Intelligence Authorization Act for Fiscal Year 2004 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes appropriations for FY 2004 for the conduct of intelligence and intelligence-related activities of the: (1) Central Intelligence Agency (CIA); (2) Department of Defense (DOD); (3) Defense Intelligence Agency; (4) National Security Agency (NSA); (5) Departments of the Army, Navy, and Air Force; (6) Departments of State, the Treasury, and Energy; (7) Federal Bureau of Investigation; (8) National Reconnaissance Office; (9) National Imagery and Mapping Agency; (10) Coast Guard; and (11) Department of Homeland Security.

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2004, for such activities are those specified in the classified Schedule of Authorizations.

(Sec. 103) Allows the Director of Central Intelligence (DCI), with the approval of the Director of the Office of Management and Budget, to authorize employment of civilian personnel in excess of the number authorized for FY 2004 (by not more than two percent) when necessary to the performance of important intelligence functions.

(Sec. 104) Authorizes appropriations for the Intelligence Community Management Account of the DCI for FY 2004 as well as for full-time personnel for elements within such Account. Earmarks a specified amount of such funds for the National Drug Intelligence Center.

(Sec. 105) Incorporates into this Act each requirement to submit a report to the congressional intelligence committees included in the joint explanatory statement accompanying the conference report for this bill.

(Sec. 106) Directs the DCI to ensure that any report, review, study, or plan required under this Act that involves the intelligence or intelligence-related activities of the Departments of Defense or Energy is prepared or conducted in consultation with the Secretary of Defense or Energy, as appropriate. Requires all such reports, reviews, studies, or plans to be submitted to the congressional armed services, appropriations, and intelligence committees.

Title II: Central Intelligence Agency Retirement and Disability System - (Sec. 201) Authorizes appropriations for FY 2004 for the Central Intelligence Agency Retirement and Disability Fund.

Title III: General Provisions - Subtitle A: Recurring General Provisions - (Sec. 301) Permits appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees to be increased by such additional amounts as may be necessary for increases in such compensation or benefits authorized by law.

(Sec. 302) Specifies that the authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

Subtitle B: Intelligence - (Sec. 312) Amends the Intelligence Authorization Act for Fiscal Year 1995 to increase the threshold amounts for projects for the construction or improvement of a facility used primarily by intelligence community (IC) personnel that must be specifically listed in the President's budget and specifically authorized by Congress. Allows vital or urgent projects to be carried out seven (currently 21) days after notification to the intelligence committees. Allows a project to begin on the date the notification is received if the DCI and the Secretary of Defense (Secretary) jointly determine that: (1) an emergency exists with respect to national security or the protection of health, safety, or environmental quality; and (2) any delay in the commencement of the project would harm any or all of those interests.

(Sec. 313) Permits the use of funds designated for intelligence purposes for assistance to the Government of Columbia

for: (1) supporting a campaign against narcotics trafficking and against activities by designated terrorist organizations; and (2) protecting human health and welfare in emergency circumstances, including rescue operations. Terminates such authority when there is credible evidence that the Colombian armed forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerilla organizations. Prohibits the participation of U.S. armed forces or contractor personnel in any combat operation in connection with such assistance, except for self-defense or rescue purposes.

(Sec. 314) Requires the DCI to carry out pilot programs of the feasibility of: (1) permitting IC analysts to access and analyze intelligence from other IC elements, including NSA signals intelligence; and (2) training students for employment as intelligence analysts. Requires the DCI to submit reports assessing each program.

(Sec. 316) Amends the Intelligence Authorization Act for Fiscal Year 2003 to extend until September 1, 2004, the due date of a final report from the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Subtitle C: Surveillance - (Sec. 321) Amends the USA Patriot Act of 2001 to modify the sunset of surveillance-related amendments.

Subtitle D: Reports - (Sec. 331) Requires the DCI and the Secretary to jointly report to specified congressional committees on: (1) national security risks of current computer security practices within elements of the IC and DOD; and (2) the utility and effectiveness of current Federal security background investigations and security clearance procedures.

(Sec. 333) Requires the heads of IC elements to jointly report to the intelligence, armed services, and judiciary committees on means of improving the detail or transfer of civilian intelligence personnel between and among various IC elements in order to enhance the flexibility and effectiveness of the IC in responding to changes in requirements for the collection, analysis, and dissemination of intelligence.

(Sec. 334) Requires the President to report to the intelligence, homeland security, and armed services committees on current policy and regulation impediments to the sharing of classified information across and among Federal departments and agencies, and between Federal departments and agencies and agencies of State and local government and the private sector, for national security purposes, including homeland security.

(Sec. 335) Directs the Secretary and DCI to report jointly to the armed services and intelligence committees on IC strategic and budgetary planning.

(Sec. 336) Requires the DCI to report to the intelligence and armed services committees on: (1) the extent of U.S. dependence on computer hardware or software manufactured overseas; and (2) the intelligence lessons learned as a result of Operation Iraqi Freedom.

(Sec. 338) Requires the Director of the Defense Intelligence Agency, not later than 120 days after the cessation of hostilities in Iraq, to report to the intelligence and armed services committees on all information obtained by DOD and the IC on conventional weapons and ammunition obtained by Iraq in violation of applicable resolutions of the United Nations Security Council adopted since the Iraqi invasion of Kuwait in August 1990.

(Sec. 339) Repeals various intelligence-related report requirements under the National Security Act of 1947, prior intelligence authorization Acts, and other intelligence-related Acts.

Subtitle E: Other Matters - (Sec. 351) Amends the Intelligence Authorization Act for Fiscal Year 2002 to extend to a

conditional date the suspension of the reorganization of the Diplomatic Telecommunications Service Program Office.

(Sec. 352) Amends the Federal criminal code to include a member of the North Atlantic Treaty Organization or other friendly military force who is present in the United States under military orders for training, under an authorized military purpose, or in cooperation with the DCI among those to whom explosive materials may be distributed, possessed, or received in furtherance of such purposes.

(Sec. 353) Amends the Immigration and Nationality Act to provide for the naturalization of a person affiliated with the Communist or other totalitarian party if the DCI, with the concurrence of the Secretary of Homeland Security (currently, only with the concurrence of the Attorney General), determines such person has made a contribution to the national security or national intelligence mission of the United States.

(Sec. 355) Directs the National Science Foundation and the Office of Science and Technology Policy to jointly sponsor not less than two workshops on the coordination of Federal research on the use of behavioral, psychological, and physiological assessments of individuals in the conduct of security evaluations. Requires such activities to be completed by March 1, 2004. Establishes an interagency advisory group to assist with such coordination. Requires a joint report from the Foundation and Office to Congress. Earmarks funds authorized under this Act for such purposes.

Title IV: Central Intelligence Agency - (Sec. 402) Protects CIA personnel authorized to act as special police or to carry firearms, and NSA employees performing special police functions, from tort liability when reasonably acting within the scope of their employment to: (1) protect an individual from a crime of violence; (2) provide immediate assistance to an individual who has suffered or is threatened with bodily harm; or (3) prevent the escape of any individual reasonably believed to have committed a crime of violence in the presence of such personnel.

Title V: Department of Defense Intelligence Matters - (Sec. 501) Authorizes the NSA Director to exempt NSA operational files from Federal disclosure requirements. Includes as "operational files" files of the Signals Intelligence Directorate and Research Associate Directorate containing the means by which foreign intelligence or counterintelligence is collected through technical systems. Allows limited search and review of such files under specified circumstances. Allows judicial review when a person alleges that the NSA has improperly withheld records under such exemption, with specified exceptions. Requires the NSA Director and the DCI, at least every ten years, to conduct a review to determine whether any exemptions may be removed from a category of files. Requires DCI approval of any determination to remove an exemption.

Actions Timeline

- **Jul 31, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR 8/1/2003 S10847-10858; text of measure as reported in Senate: CR 8/1/2003 S10847-10855)
- **Jul 31, 2003:** Senate incorporated this measure in H.R.2417 as an amendment.
- **Jul 31, 2003:** Senate passed companion measure H.R.2417 in lieu of this measure.
- **Jul 31, 2003:** Returned to the Calendar. Calendar No. 172. (consideration: CR 8/1/2003 S10858)
- **Jun 26, 2003:** Committee on Armed Services. Reported by Senator Warner with amendments. With written report No. 108-80.
- **Jun 26, 2003:** Committee on Armed Services. Reported by Senator Warner with amendments. With written report No. 108-80.
- **Jun 26, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 172.
- **May 8, 2003:** Introduced in Senate
- **May 8, 2003:** Committee on Intelligence. Original measure reported to Senate by Senator Roberts. With written report No. 108-44.
- **May 8, 2003:** Committee on Intelligence. Original measure reported to Senate by Senator Roberts. With written report No. 108-44.
- **May 8, 2003:** Referred to the Committee on Armed Services pursuant to Section 3(b) of S.Res. 400, 94th Congress, for a period of not to exceed 30 days of session.
- **May 1, 2003:** Committee on Intelligence ordered to be reported an original measure.