

CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, and not as part of the Trade Sanctions Reform and Export Enhancement Act of 2000 which comprises this chapter.

CHAPTER 80—DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE (DTS-PO)

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§ 7301. Reorganization of Diplomatic Telecommunications Service Program Office

(a) Reorganization

Effective 60 days after December 27, 2000, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102-140 shall be reorganized in accordance with this chapter.

(b) Purpose and duties of DTS-PO

The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this chapter referred to as “DTS”) capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

(Pub. L. 106-567, title III, § 321, Dec. 27, 2000, 114 Stat. 2843.)

REFERENCES IN TEXT

Public Law 102-140, referred to in subsec. (a), is Pub. L. 102-140, Oct. 28, 1991, 105 Stat. 782, as amended. Title V of the Act is not classified to the Code. For complete classification of this Act to the Code, see Tables.

ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Pub. L. 107-108, title III, § 311, Dec. 28, 2001, 115 Stat. 1401, provided that: “Notwithstanding any provision of subtitle B [§ 321 et seq.] of title III of the Intelligence

Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act [Dec. 28, 2001] and ending on October 1, 2002.”

REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title III, § 305], Nov. 29, 1999, 113 Stat. 1536, 1501A-435, provided that:

“(a) **ADDITIONAL RESOURCES.**—In addition to other amounts authorized to be appropriated for the purposes of the Diplomatic Telecommunications Service Program Office (DTS-PO), of the amounts made available to the Department of State under section 101(2) [113 Stat. 1501A-410], \$18,000,000 shall be made available only to the DTS-PO for enhancement of Diplomatic Telecommunications Service capabilities.

“(b) **IMPROVEMENT OF DTS-PO.**—In order for the DTS-PO to better manage a fully integrated telecommunications network to service all agencies at diplomatic missions and consular posts, the DTS-PO shall—

“(1) ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization;

“(2) not later than December 31, 1999, terminate all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances;

“(3) institute a system of charges for utilization of bandwidth by each agency beginning October 1, 2000, and institute a comprehensive chargeback system to recover all, or substantially all, of the other costs of telecommunications services provided through the Diplomatic Telecommunications Service to each agency beginning October 1, 2001;

“(4) ensure that all DTS-PO policies and procedures comply with applicable policies established by the Overseas Security Policy Board; and

“(5) maintain the allocation of the positions of Director and Deputy Director of DTS-PO as those positions were assigned as of June 1, 1999, which assignments shall pertain through fiscal year 2001, at which time such assignments shall be adjusted in the customary manner.

“(c) **REPORT ON IMPROVING MANAGEMENT.**—Not later than March 31, 2000, the Director and Deputy Director of DTS-PO shall jointly submit to 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 the Director’s plan for improving network architecture, engineering, operations monitoring and control, service metrics reporting, and service provisioning, so as to achieve highly secure, reliable, and robust communications capabilities that meet the needs of both national security agencies and other United States agencies with overseas personnel.

“(d) **FUNDING OF DTS-PO.**—Funds appropriated for allocation to DTS-PO shall be made available only for DTS-PO until a comprehensive chargeback system is in place.

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

§ 7302. Personnel**(a) Establishment of position of Chief Executive Officer****(1) In general**

Effective 60 days after December 27, 2000, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this chapter referred to as the “CEO”).

(2) Qualifications**(A) In general**

The CEO shall be an individual who—

- (i) is a communications professional;
- (ii) has served in the commercial telecommunications industry for at least 7 years;
- (iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and
- (iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

(B) Limitations

The CEO may not be an individual who was an officer or employee of DTS-PO prior to December 27, 2000.

(3) Appointment authority

The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

(4) First appointment**(i) Deadline**

The first appointment under this subsection shall be made not later than May 1, 2001.

(ii) Limitation on use of funds

Of the funds available for DTS-PO on December 27, 2000, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

(iii) May not be an officer or employee of Federal Government

The individual first appointed as CEO under this chapter may not have been an officer or employee of the Federal government¹ during the 1-year period immediately preceding such appointment.

(5) Vacancy

In the event of a vacancy in the position of CEO or during the absence or disability of the CEO, the Director of the Office of Management and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

(6) Authorities and duties**(A) In general**

The CEO shall have responsibility for day-to-day management and operations of DTS,

subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this chapter.

(B) Specific authorities

In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

- (i) final decision-making authority for implementing DTS policy; and
- (ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

(C) Certification regarding security

The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

(D) Reports to Congress**(i) Semiannual reports**

Beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6-month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

(ii) Other reports

In addition to the report required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

(b) Establishment of positions of Deputy Executive Officer**(1) In general**

There shall be two Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

(2) Duties

The Deputy Executive Officers shall perform such duties as the CEO may require.

(c) Termination of positions of Director and Deputy Director

Effective upon the first appointment of a CEO pursuant to subsection (a) of this section, the positions of Director and Deputy Director of DTS-PO shall terminate.

(d) Employees of DTS-PO**(1) In general**

DTS-PO is authorized to have the following employees: a CEO established under subsection (a) of this section, two Deputy Executive Officers established under subsection (b)

¹ So in original. Probably should be capitalized.