

103^D CONGRESS
2^D SESSION

S. 2082

[Report No. 103-256]

To authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, MAY 2), 1994

Mr. DECONCINI, from the Select Committee on Intelligence, reported the following original bill; which was read twice and referred to the Committee on Armed Services for the thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress, except that if the Committee fails to report the bill within the thirty-day limit, the Committee shall be automatically discharged from further consideration of the bill in accordance with that section

A BILL

To authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Intelligence Authoriza-
5 tion Act for Fiscal Year 1995”.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence 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 National Reconnaissance Office.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Department of State.
- (8) The Department of the Treasury.
- (9) The Department of Energy.
- (10) The Federal Bureau of Investigation.
- (11) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of intelligence

1 activities of the elements listed in such section, are those
2 specified in the classified Schedule of Authorizations pre-
3 pared by the committee of conference to accompany S.
4 2082 of the One Hundred Third Congress.

5 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
6 THORIZATIONS.—The Schedule of Authorizations de-
7 scribed in subsection (a) shall be made available to the
8 Committees on Appropriations of the Senate and House
9 of Representatives and to the President. The President
10 shall provide for suitable distribution of the Schedule, or
11 of appropriate portions of the Schedule, within the execu-
12 tive branch of Government.

13 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

14 (a) AUTHORITY FOR ADJUSTMENTS.—The Director
15 of Central Intelligence may authorize the employment of
16 civilian personnel in excess of the number of such person-
17 nel authorized for employment for fiscal year 1995 under
18 section 102 of this Act, if the Director determines that
19 such action is necessary to the performance of important
20 intelligence functions, except that such number may not,
21 for any element of the intelligence community, exceed 2
22 percent of the number of civilian personnel authorized
23 under such section for such element.

24 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
25 Director of Central Intelligence shall promptly notify the

1 Permanent Select Committee on Intelligence of the House
2 of Representatives and the Select Committee on Intel-
3 ligence of the Senate whenever the Director exercises the
4 authority granted by subsection (a).

5 (c) INTELLIGENCE COMMUNITY DEFINED.—As used
6 in subsection (a), the term “intelligence community” has
7 the same meaning given to that term by section 3(4) of
8 the National Security Act of 1947 (50 U.S.C. 401(4)).

9 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated for the Community Manage-
12 ment Account of the Director of Central Intelligence for
13 fiscal year 1995 the sum of \$106,300,000. Of the amounts
14 made available under this subsection, funds made avail-
15 able for the Advanced Research and Development Com-
16 mittee and the Environmental Task Force are authorized
17 to remain available until September 30, 1996.

18 (b) AUTHORIZED PERSONNEL LEVELS.—The Com-
19 munity Management Account of the Director of Central
20 Intelligence is authorized 221 full-time personnel as of
21 September 30, 1995. Such personnel of the Community
22 Management Account may be permanent employees of the
23 Community Management Account or personnel detailed
24 from other elements of the United States Government.

1 (c) REIMBURSEMENT.—During fiscal year 1995, any
2 officer or employee of the United States or a member of
3 the Armed Forces who is detailed to the Community Man-
4 agement Account staff from another element of the United
5 States Government shall be detailed on a reimbursable
6 basis, except that any such officer, employee, or member
7 may be detailed on a nonreimbursable basis for a period
8 of less than 1 year for the performance of temporary func-
9 tions as required by the Director of Central Intelligence.

10 **TITLE II—CENTRAL INTEL-**
11 **LIGENCE AGENCY RETIRE-**
12 **MENT AND DISABILITY SYS-**
13 **TEM**

14 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated for the
16 Central Intelligence Agency Retirement and Disability
17 Fund for fiscal year 1995 the sum of \$198,000,000.

18 **TITLE III—GENERAL**
19 **PROVISIONS**

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

22 In addition to amounts authorized to be appropriated
23 by this Act for the salary, pay, retirement, and other bene-
24 fits of Federal employees, there are authorized to be ap-
25 propriated such additional or supplemental amounts as

1 may be necessary to cover increases in those benefits au-
2 thorized by law for fiscal year 1995.

3 **SEC. 302. RESTRICTION ON THE CONDUCT OF INTEL-**
4 **LIGENCE ACTIVITIES.**

5 The authorizations of appropriations contained in
6 this Act do not constitute authority for the conduct of any
7 intelligence activity which is not otherwise authorized by
8 the Constitution of the United States or by the laws of
9 the United States.

10 **SEC. 303. REPEAL OF RESTRICTION ON INTELLIGENCE CO-**
11 **OPERATION WITH SOUTH AFRICA.**

12 Section 107 of the Intelligence Authorization Act for
13 Fiscal Year 1987 (Public Law 99-569) is repealed.

14 **SEC. 304. REPORT REGARDING MANDATORY RETIREMENT**
15 **FOR EXPIRATION OF TIME IN CLASS.**

16 (a) REPORT REQUIRED.—Not later than December
17 1, 1994, the Director of Central Intelligence shall submit
18 to the intelligence committees of Congress a report setting
19 forth a legislative proposal, coordinated as appropriate
20 with elements of the intelligence community, which would
21 provide for mandatory retirement for expiration of time
22 in class, comparable to the applicable provisions of section
23 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007),
24 for all civilian employees of the Central Intelligence Agen-
25 cy, the National Security Agency, the Defense Intelligence

1 Agency, and the intelligence elements of the Army, Navy,
2 Air Force, and Marine Corps.

3 (b) DEFINITIONS.—For purposes of this section—

4 (1) the term “intelligence committees of Con-
5 gress” means the Select Committee on Intelligence
6 of the Senate and the Permanent Select Committee
7 on Intelligence of the House of Representatives; and
8 (2) the term “intelligence community” has the
9 same meaning given to that term in section 3(4) of
10 the National Security Act of 1947 (50 U.S.C.
11 401(4)).

12 **TITLE IV—CENTRAL** 13 **INTELLIGENCE AGENCY**

14 **SEC. 401. AMENDMENT OF SECTION 4(a) OF THE CIA ACT OF**
15 **1949.**

16 Section 4(a) of the Central Intelligence Agency Act
17 of 1949 (50 U.S.C. 403e(a)) is amended in subparagraphs
18 (A) and (C) of paragraph (5), by striking “not the result
19 of vicious habits, intemperance, or misconduct on his
20 part,” each place it appears.

21 **SEC. 402. GENERAL COUNSEL OF THE CENTRAL INTEL-**
22 **LIGENCE AGENCY.**

23 (a) POSITION ESTABLISHED.—The Central Intel-
24 ligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is
25 amended by adding at the end the following new section:

1 “GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE
2 AGENCY

3 “SEC. 20. (a) There is a General Counsel of the
4 Central Intelligence Agency appointed from civilian life by
5 the President, by and with the advice and consent of the
6 Senate.

7 “(b) The General Counsel of the Central Intelligence
8 Agency is the chief legal officer of the Central Intelligence
9 Agency.

10 “(c) The General Counsel of the Central Intelligence
11 Agency shall perform such functions as the Director of
12 Central Intelligence may prescribe.”.

13 (b) PAY FOR POSITION.—Section 5315 of title 5,
14 United States Code, is amended by adding at the end the
15 following:

16 “General Counsel of the Central Intelligence Agency.”.

17 **TITLE V—DEPARTMENT OF**
18 **DEFENSE**

19 **SEC. 501. CENTRAL IMAGERY OFFICE.**

20 (a) AMENDMENTS OF THE NATIONAL SECURITY ACT
21 OF 1947.—(1) Section 105(b)(2) of the National Security
22 Act of 1947 (50 U.S.C. 403–5(b)(2)) is amended by strik-
23 ing “a central imagery authority” and inserting in lieu
24 thereof “the Central Imagery Office”.

1 (2) Section 106(b) of such Act (50 U.S.C. 403–6(b))
2 is amended—

3 (A) in the subsection caption, by striking out
4 “CENTRAL IMAGERY AUTHORITY” and inserting in
5 lieu thereof “CENTRAL IMAGERY OFFICE”; and

6 (B) by striking out “Central Imagery Author-
7 ity” and inserting in lieu thereof “Central Imagery
8 Office”.

9 (b) CIVILIAN PERSONNEL MANAGEMENT FOR THE
10 CENTRAL IMAGERY OFFICE.—(1) Subject to paragraph
11 (2), the Secretary of Defense may exercise the authorities
12 set forth in sections 1601 and 1604 of title 10, United
13 States Code, pertaining to civilian officers and employees
14 in the Defense Intelligence Agency, with respect to civilian
15 officers and employees of the Central Imagery Office.

16 (2)(A) Civilian personnel administrative support for
17 officers and employees of the Central Imagery Office shall
18 remain a responsibility of the Defense Intelligence Agency.

19 (B) The authority provided in section 1604(e)(1) of
20 title 10, United States Code, may, with respect to civilian
21 officers and employees of the Central Imagery Office, be
22 delegated by the Secretary of Defense only to the Deputy
23 Secretary of Defense.

1 **SEC. 502. PUBLIC AVAILABILITY OF CERTAIN MAPS,**
2 **CHARTS, AND GEODETIC DATA.**

3 Section 2796(b)(1)(C) of title 10, United States Code
4 is amended by inserting “jeopardize or interfere with on-
5 going military or intelligence operations, or” after “dis-
6 closed,”.

7 **SEC. 503. AUTHORITY TO ESTABLISH A NATIONAL PUBLIC**
8 **INFORMATION CENTER.**

9 Of the funds made available to the Secretary of De-
10 fense under this Act, the Secretary is authorized during
11 fiscal year 1995 to expend not more than \$3,000,000 to
12 establish a National Public Information Center for the
13 purpose of—

14 (1) surveying, collecting, storing, distributing,
15 and presenting unclassified information, including
16 information retained by Government agencies as of
17 the date of enactment of this Act;

18 (2) providing support for training in decision-
19 making, and for professional education in the De-
20 partment of Defense and the intelligence community
21 (as defined in section 3(4) of the National Security
22 Act of 1947); and

23 (3) informing more broadly the American pub-
24 lic.

1 **TITLE VI—FEDERAL BUREAU OF**
2 **INVESTIGATION**

3 **SEC. 601. DISCLOSURE OF CONSUMER CREDIT REPORTS**
4 **FOR COUNTERINTELLIGENCE PURPOSES.**

5 Section 608 of the Fair Credit Reporting Act (15
6 U.S.C. 1681f) is amended—

7 (1) by striking “Notwithstanding” and insert-
8 ing “(a) DISCLOSURE OF CERTAIN IDENTIFYING IN-
9 FORMATION.—Notwithstanding”;

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) DISCLOSURES TO THE FBI FOR COUNTER-
13 INTELLIGENCE PURPOSES.—

14 “(1) CONSUMER REPORTS.—Notwithstanding
15 the provisions of section 604, a consumer reporting
16 agency shall furnish a consumer report to the Fed-
17 eral Bureau of Investigation when presented with a
18 written request for a consumer report, signed by the
19 Director of the Federal Bureau of Investigation, or
20 the Director’s designee, which certifies compliance
21 with this subsection. The Director or the Director’s
22 designee may make such a certification only if the
23 Director or the Director’s designee has determined
24 in writing that—

1 “(A) such records are necessary for the
2 conduct of an authorized foreign counterintel-
3 ligence investigation; and

4 “(B) there are specific and articulable
5 facts giving reason to believe that the consumer
6 whose consumer report is sought is a foreign
7 power or an agent of a foreign power, as de-
8 fined in section 101 of the Foreign Intelligence
9 Surveillance Act of 1978 (50 U.S.C. 1801).

10 “(2) IDENTIFYING INFORMATION.—Notwith-
11 standing the provisions of section 604, a consumer
12 reporting agency shall furnish identifying informa-
13 tion respecting a consumer, limited to name, ad-
14 dress, former addresses, places of employment, or
15 former places of employment, to the Federal Bureau
16 of Investigation when presented with a written re-
17 quest, signed by the Director or the Director’s des-
18 ignee, which certifies compliance with this sub-
19 section. The Director or the Director’s designee may
20 make such a certification only if the Director or the
21 Director’s designee has determined in writing that—

22 “(A) such information is necessary to the
23 conduct of an authorized counterintelligence in-
24 vestigation; and

1 “(B) there is information giving reason to
2 believe that the consumer has been, or is about
3 to be, in contact with a foreign power or an
4 agent of a foreign power, as defined in section
5 101 of the Foreign Intelligence Surveillance Act
6 of 1978 (50 U.S.C. 1801).

7 “(3) CONFIDENTIALITY.—No consumer report-
8 ing agency or officer, employee, or agent of such
9 consumer reporting agency may disclose to any per-
10 son, other than those officers, employees, or agents
11 of such agency necessary to fulfill the requirement
12 to disclose information to the Federal Bureau of In-
13 vestigation under this subsection, that the Federal
14 Bureau of Investigation has sought or obtained a
15 consumer report or identifying information respect-
16 ing any consumer under paragraph (1) or (2), nor
17 shall such agency, officer, employee, or agent include
18 in any consumer report any information that would
19 indicate that the Federal Bureau of Investigation
20 has sought or obtained such a consumer report or
21 identifying information.

22 “(4) PAYMENT OF FEES.—The Federal Bureau
23 of Investigation shall, subject to the availability of
24 appropriations, pay to the consumer reporting agen-
25 cy assembling or providing credit reports or identify-

1 ing information in accordance with procedures estab-
2 lished under this title, a fee for reimbursement for
3 such costs as are reasonably necessary and which
4 have been directly incurred in searching, reproduc-
5 ing, or transporting books, papers, records, or other
6 data required or requested to be produced under this
7 subsection.

8 “(5) LIMIT ON DISSEMINATION.—The Federal
9 Bureau of Investigation may not disseminate infor-
10 mation obtained pursuant to this subsection outside
11 of the Federal Bureau of Investigation, except to the
12 Department of Justice as may be necessary for the
13 approval or conduct of a foreign counterintelligence
14 investigation, or, where the information concerns a
15 person subject to the Uniform Code of Military Jus-
16 tice, to appropriate investigative authorities within
17 the military department concerned as may be nec-
18 essary for the conduct of a joint foreign counter-
19 intelligence investigation.

20 “(6) RULES OF CONSTRUCTION.—Nothing in
21 this subsection shall be construed to prohibit infor-
22 mation from being furnished by the Federal Bureau
23 of Investigation pursuant to a subpoena or court
24 order, or in connection with a judicial or administra-
25 tive proceeding to enforce the provisions of this Act.

1 Nothing in this subsection shall be construed to au-
2 thorize or permit the withholding or information
3 from Congress.

4 “(7) REPORTS TO CONGRESS.—On a semi-
5 annual basis, the Attorney General of the United
6 States shall fully inform the Permanent Select Com-
7 mittee on Intelligence and the Committee on Bank-
8 ing, Finance and Urban Affairs of the House of
9 Representatives, and the Select Committee on Intel-
10 ligence and the Committee on Banking, Housing,
11 and Urban Affairs of the Senate concerning all re-
12 quests made pursuant to paragraphs (1) and (2).

13 “(8) DAMAGES.—Any agency or department of
14 the United States obtaining or disclosing credit re-
15 ports, records, or information contained therein in
16 violation of this subsection is liable to the consumer
17 to whom such records relate in an amount equal to
18 the sum of—

19 “(A) \$100, without regard to the volume
20 of records involved;

21 “(B) any actual damages sustained by the
22 consumer as a result of the disclosure;

23 “(C) if the violation is found to have been
24 willful or intentional, such punitive damages as
25 a court may allow; and

1 “(D) in the case of any successful action to
2 enforce liability under this subsection, the costs
3 of the action, together with reasonable attorney
4 fees, as determined by the court.

5 “(9) DISCIPLINARY ACTIONS FOR VIOLA-
6 TIONS.—If a court determines that any agency or
7 department of the United States has violated any
8 provision of this subsection and the court finds that
9 the circumstances surrounding the violation raise
10 questions of whether or not an officer or employee
11 of the agency or department acted willfully or inten-
12 tionally with respect to the violation, the agency or
13 department shall promptly initiate a proceeding to
14 determine whether or not disciplinary action is war-
15 ranted against the officer or employee who was re-
16 sponsible for the violation.

17 “(10) GOOD-FAITH EXCEPTION.—Any credit re-
18 porting agency or agent or employee thereof making
19 disclosure of credit reports or identifying informa-
20 tion pursuant to this subsection in good-faith reli-
21 ance upon a certificate of the Federal Bureau of In-
22 vestigation pursuant to provisions of this subsection
23 shall not be liable to any person for such disclosure
24 under this title, the constitution of any State, or any

1 law or regulation of any State or any political sub-
2 division of any State.

3 “(11) LIMITATION OF REMEDIES.—The rem-
4 edies and sanctions set forth in this subsection shall
5 be the only judicial remedies and sanctions for viola-
6 tion of this subsection.

7 “(12) INJUNCTIVE RELIEF.—In addition to any
8 other remedy contained in this subsection, injunctive
9 relief shall be available to require compliance with
10 the procedures of this subsection. In the event of
11 any successful action under this subsection, costs to-
12 gether with reasonable attorney fees, as determined
13 by the court, may be recovered.”.

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