

Calendar No. 501

103^D CONGRESS
2^D SESSION

S. 2082

[Report No. 103-256]
[Report No. 103-295]

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.

JUNE 30 (legislative day, JUNE 7), 1994
Reported with amendments

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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

JUNE 30 (legislative day, JUNE 7), 1994

Reported by Mr. Nunn, with amendments

[Omit the part struck through and insert the part printed in italic]

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”.

6 **TITLE I—INTELLIGENCE**
7 **ACTIVITIES**

8 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1995 for the conduct of the intelligence activi-
11 ties of the following elements of the United States Govern-
12 ment:

- 13 (1) The Central Intelligence Agency.
14 (2) The Department of Defense.
15 (3) The Defense Intelligence Agency.
16 (4) The National Security Agency.
17 (5) The National Reconnaissance Office.
18 (6) The Department of the Army, the Depart-
19 ment of the Navy, and the Department of the Air
20 Force.
21 (7) The Department of State.
22 (8) The Department of the Treasury.
23 (9) The Department of Energy.
24 (10) The Federal Bureau of Investigation.
25 (11) The Central Imagery Office.

1 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

2 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
3 CEILINGS.—The amounts authorized to be appropriated
4 under section 101, and the authorized personnel ceilings
5 as of September 30, 1995, for the conduct of intelligence
6 activities of the elements listed in such section, are those
7 specified in the classified Schedule of Authorizations pre-
8 pared by the committee of conference to accompany S.
9 2082 of the One Hundred Third Congress.

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

18 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

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

1 percent of the number of civilian personnel authorized
2 under such section for such element.

3 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
4 Director of Central Intelligence shall promptly notify the
5 Permanent Select Committee on Intelligence of the House
6 of Representatives and the Select Committee on Intel-
7 ligence of the Senate whenever the Director exercises the
8 authority granted by subsection (a).

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

13 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

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

22 (b) AUTHORIZED PERSONNEL LEVELS.—The Com-
23 munity Management Account of the Director of Central
24 Intelligence is authorized 221 full-time personnel as of
25 September 30, 1995. Such personnel of the Community

1 Management Account may be permanent employees of the
2 Community Management Account or personnel detailed
3 from other elements of the United States Government.

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

13 **TITLE II—CENTRAL INTEL-**
14 **LIGENCE AGENCY RETIRE-**
15 **MENT AND DISABILITY SYS-**
16 **TEM**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
4 **BENEFITS AUTHORIZED BY LAW.**

5 In addition to amounts authorized to be appropriated
6 by this Act for the salary, pay, retirement, and other bene-
7 fits of Federal employees, there are authorized to be ap-
8 propriated such additional or supplemental amounts as
9 may be necessary to cover increases in those benefits au-
10 thorized by law for fiscal year 1995.

11 **SEC. 302. RESTRICTION ON THE CONDUCT OF INTEL-**
12 **LIGENCE ACTIVITIES.**

13 The authorizations of appropriations contained in
14 this Act do not constitute authority for the conduct of any
15 intelligence activity which is not otherwise authorized by
16 the Constitution of the United States or by the laws of
17 the United States.

18 **SEC. 303. REPEAL OF RESTRICTION ON INTELLIGENCE CO-**
19 **OPERATION WITH SOUTH AFRICA.**

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

22 **SEC. 304. REPORT REGARDING MANDATORY RETIREMENT**
23 **FOR EXPIRATION OF TIME IN CLASS.**

24 (a) REPORT REQUIRED.—Not later than December
25 1, 1994, the Director of Central Intelligence shall submit

1 to the *congressional defense and intelligence* committees of
2 Congress a report setting forth a legislative proposal, co-
3 ordinated as appropriate with elements of the intelligence
4 community, which would provide for mandatory retirement
5 for expiration of time in class, comparable to the applica-
6 ble provisions of section 607 of the Foreign Service Act
7 of 1980 (22 U.S.C. 4007), for all civilian employees of
8 the Central Intelligence Agency, the National Security
9 Agency, the Defense Intelligence Agency, and the intel-
10 ligence elements of the Army, Navy, Air Force, and Ma-
11 rine Corps. *The report shall include an assessment of the*
12 *advisability and feasibility of instituting such a mandatory*
13 *retirement policy, and of alternative means to achieve the*
14 *objectives of a mandatory retirement policy. The report*
15 *shall also include an assessment from the Secretary of De-*
16 *fense of the impact of a mandatory retirement policy for*
17 *intelligence community civilian employees on all other De-*
18 *partment of Defense civilian employees.*

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

20 (1) the term “~~intelligence committees of Con-~~
21 ~~gress~~” “*congressional defense and intelligence com-*
22 *mittees*” means *the Committees on Armed Services of*
23 *the Senate and House of Representatives, the Defense*
24 *Subcommittees of the Committees on Appropriations*
25 *of the Senate and House of Representatives, the Se-*

1 lect Committee on Intelligence of the Senate, and
2 the Permanent Select Committee on Intelligence of
3 the House of Representatives; and

4 (2) the term “intelligence community” has the
5 same meaning given to that term in section 3(4) of
6 the National Security Act of 1947 (50 U.S.C.
7 401(4)).

8 **TITLE IV—CENTRAL**
9 **INTELLIGENCE AGENCY**

10 **SEC. 401. AMENDMENT OF SECTION 4(a) OF THE CIA ACT OF**
11 **1949.**

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

17 **SEC. 402. GENERAL COUNSEL OF THE CENTRAL INTEL-**
18 **LIGENCE AGENCY.**

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

22 “GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE
23 AGENCY

24 “SEC. 20. (a) There is a General Counsel of the
25 Central Intelligence Agency appointed from civilian life by

1 the President, by and with the advice and consent of the
2 Senate.

3 “(b) The General Counsel of the Central Intelligence
4 Agency is the chief legal officer of the Central Intelligence
5 Agency.

6 “(c) The General Counsel of the Central Intelligence
7 Agency shall perform such functions as the Director of
8 Central Intelligence may prescribe.”.

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

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

13 **TITLE V—DEPARTMENT OF**
14 **DEFENSE**

15 **SEC. 501. CENTRAL IMAGERY OFFICE.**

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

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

23 (A) in the subsection caption, by striking out
24 “CENTRAL IMAGERY AUTHORITY” and inserting in
25 lieu thereof “CENTRAL IMAGERY OFFICE”; and

1 (B) by striking out “Central Imagery Author-
2 ity” and inserting in lieu thereof “Central Imagery
3 Office”.

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

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

14 (B) The authority provided in section 1604(e)(1) of
15 title 10, United States Code, may, with respect to civilian
16 officers and employees of the Central Imagery Office, be
17 delegated by the Secretary of Defense only to the Deputy
18 Secretary of Defense.

19 **SEC. 502. PUBLIC AVAILABILITY OF CERTAIN MAPS,**
20 **CHARTS, AND GEODETIC DATA.**

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

1 **SEC. 503. AUTHORITY TO ESTABLISH A NATIONAL PUBLIC**
2 **INFORMATION CENTER.**

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

8 (1) surveying, collecting, storing, distributing,
9 and presenting unclassified information, including
10 information retained by Government agencies as of
11 the date of enactment of this Act;

12 (2) providing support for training in decision-
13 making, and for professional education in the De-
14 partment of Defense and the intelligence community
15 (as defined in section 3(4) of the National Security
16 Act of 1947); and

17 (3) informing more broadly the American pub-
18 lic.

19 **TITLE VI—FEDERAL BUREAU OF**
20 **INVESTIGATION**

21 **SEC. 601. DISCLOSURE OF CONSUMER CREDIT REPORTS**
22 **FOR COUNTERINTELLIGENCE PURPOSES.**

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

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

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) DISCLOSURES TO THE FBI FOR COUNTER-
7 INTELLIGENCE PURPOSES.—

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

19 “(A) such records are necessary for the
20 conduct of an authorized foreign counterintel-
21 ligence investigation; and

22 “(B) there are specific and articulable
23 facts giving reason to believe that the consumer
24 whose consumer report is sought is a foreign
25 power or an agent of a foreign power, as de-

1 fined in section 101 of the Foreign Intelligence
2 Surveillance Act of 1978 (50 U.S.C. 1801).

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

15 “(A) such information is necessary to the
16 conduct of an authorized counterintelligence in-
17 vestigation; and

18 “(B) there is information giving reason to
19 believe that the consumer has been, or is about
20 to be, in contact with a foreign power or an
21 agent of a foreign power, as defined in section
22 101 of the Foreign Intelligence Surveillance Act
23 of 1978 (50 U.S.C. 1801).

24 “(3) CONFIDENTIALITY.—No consumer report-
25 ing agency or officer, employee, or agent of such

1 consumer reporting agency may disclose to any per-
2 son, other than those officers, employees, or agents
3 of such agency necessary to fulfill the requirement
4 to disclose information to the Federal Bureau of In-
5 vestigation under this subsection, that the Federal
6 Bureau of Investigation has sought or obtained a
7 consumer report or identifying information respect-
8 ing any consumer under paragraph (1) or (2), nor
9 shall such agency, officer, employee, or agent include
10 in any consumer report any information that would
11 indicate that the Federal Bureau of Investigation
12 has sought or obtained such a consumer report or
13 identifying information.

14 “(4) PAYMENT OF FEES.—The Federal Bureau
15 of Investigation shall, subject to the availability of
16 appropriations, pay to the consumer reporting agen-
17 cy assembling or providing credit reports or identify-
18 ing information in accordance with procedures estab-
19 lished under this title, a fee for reimbursement for
20 such costs as are reasonably necessary and which
21 have been directly incurred in searching, reproduc-
22 ing, or transporting books, papers, records, or other
23 data required or requested to be produced under this
24 subsection.

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

13 “(6) RULES OF CONSTRUCTION.—Nothing in
14 this subsection shall be construed to prohibit infor-
15 mation from being furnished by the Federal Bureau
16 of Investigation pursuant to a subpoena or court
17 order, or in connection with a judicial or administra-
18 tive proceeding to enforce the provisions of this Act.
19 Nothing in this subsection shall be construed to au-
20 thorize or permit the withholding or information
21 from Congress.

22 “(7) REPORTS TO CONGRESS.—On a semi-
23 annual basis, the Attorney General of the United
24 States shall fully inform the Permanent Select Com-
25 mittee on Intelligence and the Committee on Bank-

1 ing, Finance and Urban Affairs of the House of
2 Representatives, and the Select Committee on Intel-
3 ligence and the Committee on Banking, Housing,
4 and Urban Affairs of the Senate concerning all re-
5 quests made pursuant to paragraphs (1) and (2).

6 “(8) DAMAGES.—Any agency or department of
7 the United States obtaining or disclosing credit re-
8 ports, records, or information contained therein in
9 violation of this subsection is liable to the consumer
10 to whom such records relate in an amount equal to
11 the sum of—

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

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

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

19 “(D) in the case of any successful action to
20 enforce liability under this subsection, the costs
21 of the action, together with reasonable attorney
22 fees, as determined by the court.

23 “(9) DISCIPLINARY ACTIONS FOR VIOLA-
24 TIONS.—If a court determines that any agency or
25 department of the United States has violated any

1 provision of this subsection and the court finds that
2 the circumstances surrounding the violation raise
3 questions of whether or not an officer or employee
4 of the agency or department acted willfully or inten-
5 tionally with respect to the violation, the agency or
6 department shall promptly initiate a proceeding to
7 determine whether or not disciplinary action is war-
8 ranted against the officer or employee who was re-
9 sponsible for the violation.

10 “(10) GOOD-FAITH EXCEPTION.—Any credit re-
11 porting agency or agent or employee thereof making
12 disclosure of credit reports or identifying informa-
13 tion pursuant to this subsection in good-faith reli-
14 ance upon a certificate of the Federal Bureau of In-
15 vestigation pursuant to provisions of this subsection
16 shall not be liable to any person for such disclosure
17 under this title, the constitution of any State, or any
18 law or regulation of any State or any political sub-
19 division of any State.

20 “(11) LIMITATION OF REMEDIES.—The rem-
21 edies and sanctions set forth in this subsection shall
22 be the only judicial remedies and sanctions for viola-
23 tion of this subsection.

24 “(12) INJUNCTIVE RELIEF.—In addition to any
25 other remedy contained in this subsection, injunctive

1 relief shall be available to require compliance with
2 the procedures of this subsection. In the event of
3 any successful action under this subsection, costs to-
4 gether with reasonable attorney fees, as determined
5 by the court, may be recovered.”.

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