

Union Calendar No. 309

103D CONGRESS
2D SESSION

H. R. 4299

[Report No. 103-541, Part I]

A BILL

To authorize appropriations for fiscal year 1995 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.

JUNE 24, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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To authorize appropriations for fiscal year 1995 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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1994

Mr. GLICKMAN introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

JUNE 9, 1994

Reported with an amendment; referred to the Committees on Armed Services and the Judiciary for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(c) and (1), rule X.

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 24, 1994

The Committees on Armed Services and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 26, 1994]

A BILL

To authorize appropriations for fiscal year 1995 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.

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 fis-*
10 *cal year 1995 for the conduct of the intelligence and intel-*
11 *ligence-related activities of the following elements of the*
12 *United States Government:*

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.*

1 (7) *The Department of State.*

2 (8) *The Department of the Treasury.*

3 (9) *The Department of Energy.*

4 (10) *The Federal Bureau of Investigation.*

5 (11) *The Drug Enforcement Administration.*

6 (12) *The Central Imagery Office.*

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

8 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
9 *CEILINGS.*—*The amounts authorized to be appropriated*
10 *under section 101, and the authorized personnel ceilings as*
11 *of September 30, 1995, for the conduct of the intelligence*
12 *and intelligence-related activities of the elements listed in*
13 *such section, are those specified in the classified Schedule*
14 *of Authorizations prepared to accompany the bill H.R. 4299*
15 *of the One Hundred Third Congress.*

16 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
17 *THORIZATIONS.*—*The Schedule of Authorizations shall be*
18 *made available to the Committees on Appropriations of the*
19 *Senate and House of Representatives and to the President.*
20 *The President shall provide for suitable distribution of the*
21 *Schedule, or of appropriate portions of the Schedule, within*
22 *the executive branch.*

23 **SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.**

24 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
25 *authorized to be appropriated for the Community Manage-*

1 *ment Account of the Director of Central Intelligence for fis-*
2 *cal year 1995 the sum of \$91,800,000. Within such amounts*
3 *authorized, funds identified in the classified Schedule of Au-*
4 *thorizations referred to in section 102(a) for the Advanced*
5 *Research and Development Committee and the Environ-*
6 *mental Task Force shall remain available until*
7 *September 30, 1996.*

8 (b) *AUTHORIZED PERSONNEL LEVELS.—The Commu-*
9 *nity Management Account of the Director of Central Intel-*
10 *ligence is authorized 209 full-time personnel as of Septem-*
11 *ber 30, 1995. Such personnel of the Community Manage-*
12 *ment Account may be permanent employees of the Commu-*
13 *nity Management Account or personnel detailed from other*
14 *elements of the United States Government.*

15 (c) *REIMBURSEMENT.—During fiscal year 1995, any*
16 *officer or employee of the United States or a member of the*
17 *Armed Forces who is detailed to the Community Manage-*
18 *ment Staff from another element of the United States Gov-*
19 *ernment shall be detailed on a reimbursable basis, except*
20 *that any such officer, employee or member may be detailed*
21 *on a nonreimbursable basis for a period of less than one*
22 *year for the performance of temporary functions as required*
23 *by the Director of Central Intelligence.*

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated for the Central*
7 *Intelligence Agency Retirement and Disability Fund for fis-*
8 *cal year 1995 the sum of \$198,000,000.*

9 **TITLE III—GENERAL**
10 **PROVISIONS**

11 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
12 **BENEFITS AUTHORIZED BY LAW.**

13 *Appropriations authorized by this Act for salary, pay,*
14 *retirement, and other benefits for Federal employees may*
15 *be increased by such additional or supplemental amounts*
16 *as may be necessary for increases in such compensation or*
17 *benefits authorized by law.*

18 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
19 **ACTIVITIES.**

20 *The authorization of appropriations by this Act shall*
21 *not be deemed to constitute authority for the conduct of any*
22 *intelligence activity which is not otherwise authorized by*
23 *the Constitution or laws of the United States.*

1 **TITLE IV—CENTRAL**
2 **INTELLIGENCE AGENCY**

3 **SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZA-**
4 **TION.**

5 *Section 4(a)(5) of the Central Intelligence Agency Act*
6 *of 1949 (50 U.S.C. 403(e)(a)) is amended—*

7 *(1) in subparagraph (A)—*

8 *(A) by striking “, not the result of vicious*
9 *habits, intemperance, or misconduct on his*
10 *part,”;*

11 *(B) by striking “he shall deem” and insert-*
12 *ing “the Director deems”;*

13 *(C) by striking “section 10 of the Act of*
14 *March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)”*
15 *and inserting “section 5731 of title 5, United*
16 *States Code”;*

17 *(D) by striking “his recovery” and inserting*
18 *“the recovery of such officer or employee”; and*

19 *(E) by striking “his return to his post” and*
20 *inserting “the return to the post of duty of such*
21 *officer or employee”;*

22 *(2) in subparagraph (B), by striking “his opin-*
23 *ion” both places it appears and inserting “the opin-*
24 *ion of the Director”;* and

1 (3) in subparagraph (C), by striking “; not the
2 result of vicious habits, intemperance, or misconduct
3 on his part,”.

4 **TITLE V—DEPARTMENT OF DE-**
5 **FENSE INTELLIGENCE ACTIVI-**
6 **TIES**

7 **SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL**
8 **MANAGEMENT.**

9 (a) *GENERAL PROVISIONS.*—Chapter 83 of title 10,
10 United States Code, is amended as follows:

11 (1) By amending the heading of the chapter to
12 read as follows:

13 **“CHAPTER 83—DEFENSE INTELLIGENCE**
14 **AGENCY AND CENTRAL IMAGERY OF-**
15 **FICE CIVILIAN PERSONNEL”.**

16 (2) In section 1601—

17 (A) by inserting “and the Central Imagery
18 Office” after “Defense Intelligence Agency” in
19 subsection (a);

20 (B) by inserting “or the Central Imagery
21 Office” after “outside the Defense Intelligence
22 Agency” and inserting “; the Central Imagery
23 Office,” after “to the Defense Intelligence Agen-
24 cy” in subsection (d); and

1 (C) by inserting “and the Central Imagery
2 Office” after “Defense Intelligence Agency” in
3 subsection (e).

4 (3) In section 1602, by inserting “and Central
5 Imagery Office” after “Defense Intelligence Agency”.

6 (4) In section 1604—

7 (A) by inserting “and the Central Imagery
8 Office,” after “Defense Intelligence Agency” in
9 subsection (a)(1);

10 (B) by inserting “or the Central Imagery
11 Office” after “Defense Intelligence Agency” in
12 both places it occurs in the second sentence of
13 subsection (b);

14 (C) by inserting “or the Central Imagery
15 Office” after “Defense Intelligence Agency” in
16 subsection (c);

17 (D) by inserting “and the Central Imagery
18 Office” after “Defense Intelligence Agency” in
19 subsection (d);

20 (E) by inserting “or the Central Imagery
21 Office” after “Defense Intelligence Agency” in
22 subsection (e)(1); and

23 (F) in subsection (e)(3)—

24 (i) by amending the first sentence to
25 read as follows: “The Secretary of Defense

1 *may delegate authority under this sub-*
 2 *section only to the Deputy Secretary of De-*
 3 *fense, the Director of the Defense Intel-*
 4 *ligence Agency, the Director of the Central*
 5 *Imagery Office, or all three.”; and*

6 *(ii) by striking “either” and inserting*
 7 *“any”.*

8 *(b) CONFORMING CHANGE TO TITLE 10.—The items*
 9 *relating to chapter 83 in the tables of chapters at the begin-*
 10 *ning of subtitle A, and at the beginning of part II of subtitle*
 11 *A, of title 10, United States Code, are amended to read as*
 12 *follows:*

“83. Defense Intelligence Agency and Central Imagery Office Civil-
ian Personnel 1601”.

13 *(c) CHAPTER 23 OF TITLE 5.—Section*
 14 *2302(a)(2)(C)(ii) of title 5, United States Code, is amended*
 15 *by inserting “the Central Imagery Office,” after “Defense*
 16 *Intelligence Agency,”.*

17 *(d) CHAPTER 31 OF TITLE 5.—Section 3132(a)(1)(B)*
 18 *of title 5, United States Code, is amended by inserting “the*
 19 *Central Imagery Office,” after “Defense Intelligence*
 20 *Agency,”.*

21 *(e) CHAPTER 43 OF TITLE 5.—Section 4301(1)(B)(ii)*
 22 *of title 5, United States Code, is amended by inserting “the*
 23 *Central Imagery Office,” after “Defense Intelligence*
 24 *Agency,”.*

1 (f) *CHAPTER 47 OF TITLE 5.—Section 4701(a)(1)(B)*
2 *of title 5, United States Code, is amended by inserting*
3 *“the Central Imagery Office,” after “Defense Intelligence*
4 *Agency,”.*

5 (g) *CHAPTER 51 OF TITLE 5.—Section 5102(a)(1) of*
6 *title 5, United States Code, is amended—*

7 (1) *by striking “or” at the end of clause (ix);*

8 (2) *by striking the period at the end of clause (x)*
9 *and inserting “; or”; and*

10 (3) *by adding at the end the following:*

11 *“(xi) the Central Imagery Office, Depart-*
12 *ment of Defense.”.*

13 (h) *CHAPTER 51 OF TITLE 5.—Section 5342(a)(1) of*
14 *title 5, United States Code, is amended—*

15 (1) *by striking “or” at the end of subparagraph*
16 *(J);*

17 (2) *by inserting “or” after the semicolon at the*
18 *end of subparagraph (K); and*

19 (3) *by adding at the end the following:*

20 *“(L) the Central Imagery Office, Depart-*
21 *ment of Defense;”.*

22 (i) *ADDITIONAL LEAVE TRANSFER PROGRAMS.—(1)*
23 *Section 6339(a)(1) of title 5, United States Code, is*
24 *amended—*

1 (A) by striking “and” at the end of subpara-
2 graph (D);

3 (B) by redesignating subparagraph (E) as sub-
4 paragraph (F); and

5 (C) by inserting after subparagraph (D) the fol-
6 lowing new subparagraph (E):

7 “(E) the Central Imagery Office; and”.

8 (2) Section 6339(a)(2) of such title is amended—

9 (A) by striking “and” at the end of subpara-
10 graph (D);

11 (B) by redesignating subparagraph (E) as sub-
12 paragraph (F);

13 (C) by inserting after subparagraph (D) the fol-
14 lowing new subparagraph (E):

15 “(E) with respect to the Central Imagery
16 Office, the Director of the Central Imagery Of-
17 fice; and”; and

18 (D) in subparagraph (F), as redesignated by
19 subparagraph (B) of this paragraph, by striking
20 “paragraph (1)(E)” and inserting “paragraph
21 (1)(F)” both places it appears.

22 (j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of
23 title 5, United States Code, is amended—

24 (1) by striking “or” at the end of subparagraph
25 (F);

1 (2) by inserting “or” at the end of subparagraph
2 (G); and

3 (3) by adding at the end the following:

4 “(H) the Central Imagery Office;”.

5 (k) CHAPTER 73 OF TITLE 5.—Section
6 7323(b)(2)(B)(i) of title 5, United States Code, is
7 amended—

8 (1) by striking “or” at the end of subclause (XI);

9 and

10 (2) by adding at the end the following:

11 “(XIII) the Central Imagery Office; or”.

12 (l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of
13 title 5, United States Code, is amended by inserting “the
14 Central Imagery Office,” after “Defense Intelligence
15 Agency,”.

16 (m) ETHICS IN GOVERNMENT ACT OF 1978.—Section
17 105(a)(1) of the Ethics in Government Act of 1978 (5
18 U.S.C. App.) is amended by inserting “the Central Imagery
19 Office,” after “Defense Intelligence Agency,”.

20 (n) EMPLOYEE POLYGRAPH PROTECTION ACT OF
21 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph
22 Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is
23 amended by inserting “the Central Imagery Office,” after
24 “Defense Intelligence Agency,”.

1 **SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY**
2 **DEPARTMENT OF DEFENSE INTELLIGENCE**
3 **PERSONNEL OUTSIDE OF THE UNITED**
4 **STATES.**

5 (a) *GENERAL PROVISIONS.*—Chapter 21 of title 10,
6 *United States Code*, is amended by adding at the end there-
7 *of the following new section:*

8 **“§ 426. Disclosure of governmental affiliation by De-**
9 **partment of Defense intelligence person-**
10 **nel outside the United States**

11 *“Notwithstanding section 552a(e)(3) of title 5 or any*
12 *other provision of law, Department of Defense intelligence*
13 *personnel shall not be required, outside the United States,*
14 *to give notice of governmental affiliation to potential Unit-*
15 *ed States person sources during the initial assessment con-*
16 *tact. For the purposes of this section, the term ‘United*
17 *States’ includes the Commonwealth of Puerto Rico, the*
18 *Commonwealth of the Northern Mariana Islands, and any*
19 *territory or possession of the United States.”.*

20 (b) *CLERICAL AMENDMENT.*—The table of sections for
21 *subchapter I of such chapter is amended by adding at the*
22 *end thereof the following new item:*

*“426. Disclosure of governmental affiliation by Department of Defense intelligence
personnel outside the United States.”.*

1 **TITLE VI—INSPECTORS**
2 **GENERAL**

3 **SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.**

4 (a) *DIA.*—(1) *Chapter 21 of title 10, United States*
5 *Code, is amended by inserting after section 426, as added*
6 *by section 502 of this Act, the following new section:*

7 **“§ 427. Inspector General**

8 “(a) *PURPOSE; ESTABLISHMENT.*—*In order to—*

9 “(1) *create an objective and effective office, ap-*
10 *propriately accountable to Congress, to initiate and*
11 *conduct independently inspections, investigations,*
12 *and audits relating to programs and operations of the*
13 *Defense Intelligence Agency;*

14 “(2) *provide leadership and recommend policies*
15 *designed to promote economy, efficiency, and effective-*
16 *ness in the administration of such programs and op-*
17 *erations, and detect fraud and abuse in such pro-*
18 *grams and operations;*

19 “(3) *provide a means for keeping the Director*
20 *fully and currently informed about problems and de-*
21 *ficiencies relating to the administration of such pro-*
22 *grams and operations, and the necessity for and the*
23 *progress of corrective actions; and*

24 “(4) *in the manner prescribed by this section,*
25 *ensure that the Senate Select Committee on Intel-*

1 *ligence and the House Permanent Select Committee*
2 *on Intelligence (hereafter in this section referred to*
3 *collectively as the ‘intelligence committees’) are kept*
4 *similarly informed of significant problems and defi-*
5 *ciencies as well as the necessity for and the progress*
6 *of corrective actions,*

7 *there is hereby established in the Defense Intelligence Agen-*
8 *cy an Office of Inspector General (hereafter in this section*
9 *referred to as the ‘Office’).*

10 “(b) *APPOINTMENT; SUPERVISION; REMOVAL.—(1)*
11 *There shall be at the head of the Office an Inspector General*
12 *who shall be appointed by the Director of the Defense Intel-*
13 *ligence Agency. This appointment shall be made without*
14 *regard to political affiliation and shall be solely on the basis*
15 *of integrity, compliance with the security standards of the*
16 *Defense Intelligence Agency, and prior experience in the*
17 *field of foreign intelligence and in a Federal office of Inspec-*
18 *tor General. Such appointment shall also be made on the*
19 *basis of demonstrated ability in accounting, financial anal-*
20 *ysis, law, management analysis, public administration, or*
21 *auditing.*

22 “(2) *The Inspector General shall report directly to and*
23 *be under the general supervision of the Director.*

24 “(3) *The Director may prohibit the Inspector General*
25 *from initiating, carrying out, or completing any audit, in-*

1 *spection, or investigation if the Director determines that*
2 *such prohibition is necessary to protect vital national secu-*
3 *rity interests of the United States.*

4 “(4) *If the Director exercises any power under para-*
5 *graph (3), the Director shall submit an appropriately clas-*
6 *sified statement of the reasons for the exercise of such power*
7 *within seven days to the intelligence committees. The Direc-*
8 *tor shall advise the Inspector General at the time such re-*
9 *port is submitted, and, to the extent consistent with the pro-*
10 *tection of intelligence sources and methods, provide the In-*
11 *spector General with a copy of any such report. In such*
12 *cases, the Inspector General may submit such comments to*
13 *the intelligence committees that the Director considers ap-*
14 *propriate.*

15 “(5) *The Director shall report to the Inspector General*
16 *of the Department of Defense any information, allegation,*
17 *or complaint received from the Inspector General estab-*
18 *lished under this section, relating to violations of Federal*
19 *criminal law involving any officer or employee of the De-*
20 *fense Intelligence Agency, consistent with such guidelines as*
21 *may be issued by the Inspector General of the Department*
22 *of Defense. A copy of all such reports shall be furnished to*
23 *the Inspector General established under this section.*

24 “(6) *The Inspector General may be removed from office*
25 *only by the Director. The Director shall immediately com-*

1 *municate in writing to the intelligence committees the rea-*
2 *sons for any such removal.*

3 “(c) *DUTIES AND RESPONSIBILITIES.*—*It shall be the*
4 *duty and responsibility of the Inspector General appointed*
5 *under this section—*

6 “(1) *to provide policy direction for, and to plan,*
7 *conduct, supervise, and coordinate independently, the*
8 *inspections, investigations, and audits relating to the*
9 *programs and operations of the Defense Intelligence*
10 *Agency to ensure they are conducted efficiently and in*
11 *accordance with applicable law and regulations;*

12 “(2) *to keep the Director fully and currently in-*
13 *formed concerning violations of law and regulations,*
14 *fraud and other serious problems, abuses and defi-*
15 *ciencies that may occur in such programs and oper-*
16 *ations, and to report the progress made in implement-*
17 *ing corrective action;*

18 “(3) *to take due regard for the protection of in-*
19 *telligence sources and methods in the preparation of*
20 *all reports issued by the Office, and, to the extent con-*
21 *sistent with the purpose and objective of such reports,*
22 *take such measures as may be appropriate to mini-*
23 *mize the disclosure of intelligence sources and methods*
24 *described in such reports; and*

1 “(4) in the execution of the responsibilities of the
2 Inspector General, to comply with generally accepted
3 government auditing standards.

4 “(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF
5 SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNC-
6 TIONAL PROBLEMS.—(1) The Inspector General shall, not
7 later than January 31 and July 31 of each year, prepare
8 and submit to the Director a classified semiannual report
9 summarizing the activities of the Office during the imme-
10 diately preceding six-month period ending December 31 (of
11 the preceding year) and June 30, respectively. Within thir-
12 ty days of receipt of such reports, the Director shall trans-
13 mit such reports to the intelligence committees with any
14 comments the Director may deem appropriate. Such reports
15 shall, at a minimum, include a list of the title or subject
16 of each inspection, investigation, or audit conducted during
17 the reporting period and—

18 “(A) a description of significant problems,
19 abuses, and deficiencies relating to the administration
20 of programs and operations of the Defense Intelligence
21 Agency identified by the Office during the reporting
22 period;

23 “(B) a description of the recommendations for
24 corrective action made by the Office during the re-

1 *porting period with respect to significant problems,*
2 *abuses, or deficiencies identified in subparagraph (A);*

3 *“(C) a statement of whether corrective action has*
4 *been completed on each significant recommendation*
5 *described in previous semiannual reports, and, in a*
6 *case where corrective action has been completed, a de-*
7 *scription of such corrective action;*

8 *“(D) a certification that the Inspector General*
9 *has had full and direct access to all information rel-*
10 *evant to the performance of the functions of the In-*
11 *spector General;*

12 *“(E) a description of all cases occurring during*
13 *the reporting period where the Inspector General*
14 *could not obtain documentary evidence relevant to*
15 *any inspection, audit, or investigation due to the lack*
16 *of authority to subpoena such information; and*

17 *“(F) such recommendations as the Inspector*
18 *General may wish to make concerning legislation to*
19 *promote economy and efficiency in the administra-*
20 *tion of programs and operations undertaken by the*
21 *Defense Intelligence Agency, and to detect and elimi-*
22 *nate fraud and abuse in such programs and oper-*
23 *ations.*

24 *“(2) The Inspector General shall report immediately*
25 *to the Director whenever the Inspector General becomes*

1 *aware of particularly serious or flagrant problems, abuses,*
2 *or deficiencies relating to the administration of programs*
3 *or operations. The Director shall transmit such report to*
4 *the intelligence committees within seven calendar days, to-*
5 *gether with any comments the Director considers appro-*
6 *priate.*

7 “(3) *In the event that—*

8 “(A) *the Inspector General is unable to resolve*
9 *any differences with the Director affecting the execu-*
10 *tion of the Inspector General’s duties or responsibil-*
11 *ities; or*

12 “(B) *the Inspector General, after exhausting all*
13 *possible alternatives, is unable to obtain significant*
14 *documentary information in the course of an inves-*
15 *tigation, inspection, or audit,*

16 *the Inspector General shall immediately report such matter*
17 *to the intelligence committees.*

18 “(4) *Pursuant to title V of the National Security Act*
19 *of 1947, the Director shall submit to the intelligence com-*
20 *mittees any report or findings and recommendations of an*
21 *inspection, investigation, or audit conducted by the Office*
22 *which has been requested by the Chairman or Ranking Mi-*
23 *nority Member of either committee.*

24 “(e) *AUTHORITIES OF THE INSPECTOR GENERAL.—(1)*
25 *The Inspector General shall have direct and prompt access*

1 to the Director when necessary for any purpose pertaining
2 to the performance of the duties of the Inspector General.

3 “(2) The Inspector General shall have access to any
4 employee or any employee of a contractor of the Defense
5 Intelligence Agency whose testimony is needed for the per-
6 formance of the duties of the Inspector General. In addition,
7 the Inspector General shall have direct access to all records,
8 reports, audits, reviews, documents, papers, recommenda-
9 tions, or other material which relate to the programs and
10 operations with respect to which the Inspector General has
11 responsibilities under this section. Failure on the part of
12 any employee or contractor to cooperate with the Inspector
13 General shall be grounds for appropriate administrative ac-
14 tions by the Director, to include loss of employment or the
15 termination of an existing contractual relationship.

16 “(3) The Inspector General is authorized to receive and
17 investigate complaints or information from any person con-
18 cerning the existence of an activity constituting a violation
19 of laws, rules, or regulations, or mismanagement, gross
20 waste of funds, abuse of authority, or a substantial and spe-
21 cific danger to the public health and safety. Once such com-
22 plaint or information has been received from an employee
23 of the Defense Intelligence Agency—

24 “(A) the Inspector General shall not disclose the
25 identity of the employee without the consent of the

1 *employee, unless the Inspector General determines*
2 *that such disclosure is unavoidable during the course*
3 *of the investigation; and*

4 *“(B) no action constituting a reprisal, or threat*
5 *of reprisal, for making such complaint may be taken*
6 *by any employee of the Defense Intelligence Agency in*
7 *a position to take such actions, unless the complaint*
8 *was made or the information was disclosed with the*
9 *knowledge that it was false or with willful disregard*
10 *for its truth or falsity.*

11 *“(4) The Inspector General shall have authority to ad-*
12 *minister to or take from any person an oath, affirmation,*
13 *or affidavit, whenever necessary in the performance of the*
14 *duties of the Inspector General, which oath, affirmation, or*
15 *affidavit when administered or taken by or before an em-*
16 *ployee of the Office designated by the Inspector General*
17 *shall have the same force and effect as if administered or*
18 *taken by or before an officer having a seal.*

19 *“(5) The Inspector General shall be provided with ap-*
20 *propriate and adequate office space at central and field of-*
21 *fice locations, together with such equipment, office supplies,*
22 *maintenance services, and communications facilities and*
23 *services as may be necessary for the operation of such*
24 *offices.*

1 “(6) Subject to applicable law and the policies of the
2 Director, the Inspector General shall select, appoint and
3 employ such officers and employees as may be necessary to
4 carry out the functions of the Inspector General. In making
5 such selections, the Inspector General shall ensure that such
6 officers and employees have the requisite training and expe-
7 rience to enable the Inspector General to carry out the du-
8 ties of the Inspector General effectively. In this regard, the
9 Inspector General shall create within the organization of
10 the Inspector General a career cadre of sufficient size to pro-
11 vide appropriate continuity and objectivity needed for the
12 effective performance of the duties of the Inspector General.

13 “(7) Subject to the concurrence of the Director, the In-
14 spector General may request such information or assistance
15 as may be necessary for carrying out the duties and respon-
16 sibilities of the Inspector General from any Federal agency.
17 Upon request of the Inspector General for such information
18 or assistance, the head of the Federal agency involved shall,
19 insofar as is practicable and not in contravention of any
20 existing statutory restriction or regulation of the Federal
21 agency concerned, furnish to the Inspector General, or to
22 an authorized designee, such information or assistance.

23 “(f) RELATIONSHIP WITH INSPECTOR GENERAL OF
24 THE DEPARTMENT OF DEFENSE.—Nothing in this section

1 *shall be construed to affect the authorities and responsibil-*
2 *ities of the Inspector General of the Department of Defense.*

3 “(g) *SEPARATE BUDGET ACCOUNT.*—Beginning with
4 *fiscal year 1996, there shall be included in the National*
5 *Foreign Intelligence Program budget a separate account for*
6 *the Office of Inspector General established pursuant to this*
7 *section.*

8 “(h) *TRANSFER.*—There shall be transferred to the Of-
9 *fice the office of the Defense Intelligence Agency referred to*
10 *as the ‘Office of Inspector General’. The personnel, assets,*
11 *liabilities, contracts, property, records, and unexpended*
12 *balances of appropriations, authorizations, allocations, and*
13 *other funds employed, held, used, arising from, or available*
14 *to such ‘Office of Inspector General’ are hereby transferred*
15 *to the Office established pursuant to this section.”.*

16 (2) *The table of sections of chapter 21 of title 10,*
17 *United States Code, is amended by inserting after the item*
18 *relating to section 426, as added by section 502 of this Act,*
19 *the following:*

“427. Inspector General.”.

20 (b) *NSA.*—*The National Security Agency Act of 1959*
21 *(50 U.S.C. 402 note) is amended by adding at the end the*
22 *following:*

23 **“SEC. 19. INSPECTOR GENERAL.**

24 “(a) *PURPOSE; ESTABLISHMENT.*—*In order to—*

1 “(1) create an objective and effective office, ap-
2 propriately accountable to Congress, to initiate and
3 conduct independently inspections, investigations,
4 and audits relating to programs and operations of the
5 National Security Agency;

6 “(2) provide leadership and recommend policies
7 designed to promote economy, efficiency, and effective-
8 ness in the administration of such programs and op-
9 erations, and detect fraud and abuse in such pro-
10 grams and operations;

11 “(3) provide a means for keeping the Director
12 fully and currently informed about problems and de-
13 ficiencies relating to the administration of such pro-
14 grams and operations, and the necessity for and the
15 progress of corrective actions; and

16 “(4) in the manner prescribed by this section,
17 ensure that the Senate Select Committee on Intel-
18 ligence and the House Permanent Select Committee
19 on Intelligence (hereafter in this section referred to
20 collectively as the ‘intelligence committees’) are kept
21 similarly informed of significant problems and defi-
22 ciencies as well as the necessity for and the progress
23 of corrective actions,

1 *there is hereby established in the National Security Agency*
2 *an Office of Inspector General (hereafter in this section re-*
3 *ferred to as the 'Office').*

4 “(b) *APPOINTMENT; SUPERVISION; REMOVAL.—(1)*
5 *There shall be at the head of the Office an Inspector General*
6 *who shall be appointed by the Director of the National Secu-*
7 *rity Agency. This appointment shall be made without re-*
8 *gard to political affiliation and shall be solely on the basis*
9 *of integrity, compliance with the security standards of the*
10 *National Security Agency, and prior experience in the field*
11 *of foreign intelligence and in a Federal office of Inspector*
12 *General. Such appointment shall also be made on the basis*
13 *of demonstrated ability in accounting, financial analysis,*
14 *law, management analysis, public administration, or au-*
15 *diting.*

16 “(2) *The Inspector General shall report directly to and*
17 *be under the general supervision of the Director.*

18 “(3) *The Director may prohibit the Inspector General*
19 *from initiating, carrying out, or completing any audit, in-*
20 *spection, or investigation if the Director determines that*
21 *such prohibition is necessary to protect vital national secu-*
22 *rity interests of the United States.*

23 “(4) *If the Director exercises any power under para-*
24 *graph (3), the Director shall submit an appropriately clas-*
25 *sified statement of the reasons for the exercise of such power*

1 *within seven days to the intelligence committees. The Direc-*
2 *tor shall advise the Inspector General at the time such re-*
3 *port is submitted, and, to the extent consistent with the pro-*
4 *tection of intelligence sources and methods, provide the In-*
5 *pector General with a copy of any such report. In such*
6 *cases, the Inspector General may submit such comments to*
7 *the intelligence committees that the Director considers ap-*
8 *propriate.*

9 “(5) *The Director shall report to the Inspector General*
10 *of the Department of Defense any information, allegation,*
11 *or complaint received from the Inspector General estab-*
12 *lished under this section, relating to violations of Federal*
13 *criminal law involving any officer or employee of the Na-*
14 *tional Security Agency, consistent with such guidelines as*
15 *may be issued by the Inspector General of the Department*
16 *of Defense. A copy of all such reports shall be furnished to*
17 *the Inspector General established under this section.*

18 “(6) *The Inspector General may be removed from office*
19 *only by the Director. The Director shall immediately com-*
20 *municate in writing to the intelligence committees the rea-*
21 *sons for any such removal.*

22 “(c) *DUTIES AND RESPONSIBILITIES.—It shall be the*
23 *duty and responsibility of the Inspector General appointed*
24 *under this section—*

1 “(1) to provide policy direction for, and to plan,
2 conduct, supervise, and coordinate independently, the
3 inspections, investigations, and audits relating to the
4 programs and operations of the National Security
5 Agency to ensure they are conducted efficiently and in
6 accordance with applicable law and regulations;

7 “(2) to keep the Director fully and currently in-
8 formed concerning violations of law and regulations,
9 fraud and other serious problems, abuses and defi-
10 ciencies that may occur in such programs and oper-
11 ations, and to report the progress made in implement-
12 ing corrective action;

13 “(3) to take due regard for the protection of in-
14 telligence sources and methods in the preparation of
15 all reports issued by the Office, and, to the extent con-
16 sistent with the purpose and objective of such reports,
17 take such measures as may be appropriate to mini-
18 mize the disclosure of intelligence sources and methods
19 described in such reports; and

20 “(4) in the execution of the responsibilities of the
21 Inspector General, to comply with generally accepted
22 government auditing standards.

23 “(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF
24 SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNC-
25 TIONAL PROBLEMS.—(1) The Inspector General shall, not

1 *later than January 31 and July 31 of each year, prepare*
2 *and submit to the Director a classified semiannual report*
3 *summarizing the activities of the Office during the imme-*
4 *diately preceding six-month period ending December 31 (of*
5 *the preceding year) and June 30, respectively. Within thir-*
6 *ty days, the Director shall transmit such reports to the in-*
7 *telligence committees with any comments the Director may*
8 *deem appropriate. Such reports shall, at a minimum, in-*
9 *clude a list of the title or subject of each inspection, inves-*
10 *tigation, or audit conducted during the reporting period*
11 *and—*

12 “(A) *a description of significant problems,*
13 *abuses, and deficiencies relating to the administration*
14 *of programs and operations of the National Security*
15 *Agency identified by the Office during the reporting*
16 *period;*

17 “(B) *a description of the recommendations for*
18 *corrective action made by the Office during the re-*
19 *porting period with respect to significant problems,*
20 *abuses, or deficiencies identified in subparagraph (A);*

21 “(C) *a statement of whether corrective action has*
22 *been completed on each significant recommendation*
23 *described in previous semiannual reports, and, in a*
24 *case where corrective action has been completed, a de-*
25 *scription of such corrective action;*

1 “(D) a certification that the Inspector General
2 has had full and direct access to all information rel-
3 evant to the performance of the functions of the In-
4 spector General;

5 “(E) a description of all cases occurring during
6 the reporting period where the Inspector General
7 could not obtain documentary evidence relevant to
8 any inspection, audit, or investigation due to the lack
9 of authority to subpoena such information; and

10 “(F) such recommendations as the Inspector
11 General may wish to make concerning legislation to
12 promote economy and efficiency in the administra-
13 tion of programs and operations undertaken by the
14 National Security Agency, and to detect and elimi-
15 nate fraud and abuse in such programs and oper-
16 ations.

17 “(2) The Inspector General shall report immediately
18 to the Director whenever the Inspector General becomes
19 aware of particularly serious or flagrant problems, abuses,
20 or deficiencies relating to the administration of programs
21 or operations. The Director shall transmit such report to
22 the intelligence committees within seven calendar days, to-
23 gether with any comments the Director considers appro-
24 priate.

25 “(3) In the event that—

1 “(A) the Inspector General is unable to resolve
2 any differences with the Director affecting the execu-
3 tion of the Inspector General’s duties or responsibil-
4 ities; or

5 “(B) the Inspector General, after exhausting all
6 possible alternatives, is unable to obtain significant
7 documentary information in the course of an inves-
8 tigation, inspection, or audit,
9 the Inspector General shall immediately report such matter
10 to the intelligence committees.

11 “(4) Pursuant to title V of the National Security Act
12 of 1947, the Director shall submit to the intelligence com-
13 mittees any report or findings and recommendations of an
14 inspection, investigation, or audit conducted by the Office
15 which has been requested by the Chairman or Ranking Mi-
16 nority Member of either committee.

17 “(e) *AUTHORITIES OF THE INSPECTOR GENERAL.*—(1)
18 The Inspector General shall have direct and prompt access
19 to the Director when necessary for any purpose pertaining
20 to the performance of the duties of the Inspector General.

21 “(2) The Inspector General shall have access to any
22 employee or any employee of a contractor of the National
23 Security Agency whose testimony is needed for the perform-
24 ance of the duties of the Inspector General. In addition, the
25 Inspector General shall have direct access to all records, re-

1 *ports, audits, reviews, documents, papers, recommenda-*
2 *tions, or other material which relate to the programs and*
3 *operations with respect to which the Inspector General has*
4 *responsibilities under this section. Failure on the part of*
5 *any employee or contractor to cooperate with the Inspector*
6 *General shall be grounds for appropriate administrative ac-*
7 *tions by the Director, to include loss of employment or the*
8 *termination of an existing contractual relationship.*

9 “(3) *The Inspector General is authorized to receive and*
10 *investigate complaints or information from any person con-*
11 *cerning the existence of an activity constituting a violation*
12 *of laws, rules, or regulations, or mismanagement, gross*
13 *waste of funds, abuse of authority, or a substantial and spe-*
14 *cific danger to the public health and safety. Once such com-*
15 *plaint or information has been received from an employee*
16 *of the National Security Agency—*

17 “(A) *the Inspector General shall not disclose the*
18 *identity of the employee without the consent of the*
19 *employee, unless the Inspector General determines*
20 *that such disclosure is unavoidable during the course*
21 *of the investigation; and*

22 “(B) *no action constituting a reprisal, or threat*
23 *of reprisal, for making such complaint may be taken*
24 *by any employee of the National Security Agency in*
25 *a position to take such actions, unless the complaint*

1 *was made or the information was disclosed with the*
2 *knowledge that it was false or with willful disregard*
3 *for its truth or falsity.*

4 *“(4) The Inspector General shall have authority to ad-*
5 *minister to or take from any person an oath, affirmation,*
6 *or affidavit, whenever necessary in the performance of du-*
7 *ties of the Inspector General, which oath, affirmation, or*
8 *affidavit when administered or taken by or before an em-*
9 *ployee of the Office designated by the Inspector General*
10 *shall have the same force and effect as if administered or*
11 *taken by or before an officer having a seal.*

12 *“(5) The Inspector General shall be provided with ap-*
13 *propriate and adequate office space at central and field of-*
14 *fice locations, together with such equipment, office supplies,*
15 *maintenance services, and communications facilities and*
16 *services as may be necessary for the operation of such of-*
17 *fices.*

18 *“(6) Subject to applicable law and the policies of the*
19 *Director, the Inspector General shall select, appoint and*
20 *employ such officers and employees as may be necessary to*
21 *carry out the functions of the Inspector General. In making*
22 *such selections, the Inspector General shall ensure that such*
23 *officers and employees have the requisite training and expe-*
24 *rience to enable the Inspector General to carry out the du-*
25 *ties of the Inspector General effectively. In this regard, the*

1 *Inspector General shall create within the organization of*
2 *the Inspector General a career cadre of sufficient size to pro-*
3 *vide appropriate continuity and objectivity needed for the*
4 *effective performance of the duties of the Inspector General.*

5 “(7) *Subject to the concurrence of the Director, the In-*
6 *spector General may request such information or assistance*
7 *as may be necessary for carrying out the duties and respon-*
8 *sibilities of the Inspector General from any Federal agency.*
9 *Upon request of the Inspector General for such information*
10 *or assistance, the head of the Federal agency involved shall,*
11 *insofar as is practicable and not in contravention of any*
12 *existing statutory restriction or regulation of the Federal*
13 *agency concerned, furnish to the Inspector General, or to*
14 *an authorized designee, such information or assistance.*

15 “(f) *RELATIONSHIP WITH INSPECTOR GENERAL OF*
16 *THE DEPARTMENT OF DEFENSE.—Nothing in this section*
17 *shall be construed to affect the authorities and responsibil-*
18 *ities of the Inspector General of the Department of Defense.*

19 “(g) *SEPARATE BUDGET ACCOUNT.—Beginning with*
20 *fiscal year 1996, there shall be included in the National*
21 *Foreign Intelligence Program budget a separate account for*
22 *the Office of Inspector General established pursuant to this*
23 *section.*

24 “(h) *TRANSFER.—There shall be transferred to the Of-*
25 *fice the office of the National Security Agency referred to*

1 *as the ‘Office of Inspector General’. The personnel, assets,*
2 *liabilities, contracts, property, records, and unexpended*
3 *balances of appropriations, authorizations, allocations, and*
4 *other funds employed, held, used, arising from, or available*
5 *to such ‘Office of Inspector General’ are hereby transferred*
6 *to the Office established pursuant to this section.”.*

7 (c) CIA.—Section 17 of the Central Intelligence Agen-
8 cy Act of 1949 (50 U.S.C. 403q) is amended—

9 (1) in subsection (b)(1)—

10 (A) by striking “foreign intelligence.” and
11 inserting “foreign intelligence and in a Federal
12 office of Inspector General.”;

13 (B) by striking “or” after “analysis.”; and

14 (C) by striking the period at the end thereof
15 and inserting “, or auditing.”;

16 (2) in subsection (c)(1), by striking “to conduct”
17 and inserting “to plan, conduct”;

18 (3) in subsection (d)(1)—

19 (A) by striking “June 30 and December 31”
20 and inserting “January 31 and July 31”;

21 (B) by striking “period.” at the end of the
22 first sentence and inserting “periods ending De-
23 cember 31 (of the preceding year) and June 30,
24 respectively.”; and

1 (C) by inserting “of receipt of such reports”
2 after “thirty days”;

3 (4) in subsection (d)(3)(C), by inserting “inspec-
4 tion, or audit,” after “investigation,”;

5 (5) in subsection (d)(4), by inserting “or find-
6 ings and recommendations” after “report”; and

7 (6) in subsection (e)(6)—

8 (A) by striking “it is the sense of Congress
9 that”; and

10 (B) by striking “should” and inserting
11 “shall”.

12 **TITLE VII—CLASSIFICATION** 13 **MANAGEMENT**

14 **SEC. 701. DECLASSIFICATION PLAN.**

15 Each agency of the National Foreign Intelligence Pro-
16 gram to which is appropriated more than \$1,000,000 in
17 the security, countermeasures, and related activities struc-
18 tural category for fiscal year 1995 shall allocate at least
19 two percent of their total expenditure in this structural cat-
20 egory for fiscal year 1995 to the classification management
21 consolidated expenditure center, to be used for the following
22 activities:

23 (1) Development of a phased plan to implement
24 declassification guidelines contained in the executive
25 order which replaces Executive Order 12356. Each

1 *such agency shall provide the plan to Congress within*
2 *90 days after the beginning of fiscal year 1995 or 90*
3 *days after the publication of such replacement execu-*
4 *tive order, whichever is later. This plan shall include*
5 *an accounting of the amount of archived material,*
6 *levels of classification, types of storage media and lo-*
7 *cations, review methods to be employed, and estimated*
8 *costs of the declassification activity itself; as well as*
9 *an assessment by the agency of the appropriate types*
10 *and amounts of information to be maintained in the*
11 *future, how it will be stored, safeguarded, and re-*
12 *viewed, and the projected costs of these classification*
13 *management activities for the succeeding five years.*

14 *(2) Commencement of the process of declassifica-*
15 *tion and reduction of the amount of archived classi-*
16 *fied documents maintained by each agency.*

17 *(3) Submission of a report to the Permanent Se-*
18 *lect Committee on Intelligence of the House of Rep-*
19 *resentatives and the Select Committee on Intelligence*
20 *of the Senate within 90 days after the end of fiscal*
21 *year 1995 on the progress made in carrying out para-*
22 *graph (2), with reference to the plan required by*
23 *paragraph (1).*

1 **SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF IN-**
2 **FORMATION.**

3 (a) *PLAN.*—Not later than 90 days after the date of
4 enactment of this Act, the President shall develop a plan,
5 and issue an executive order for its implementation, which
6 provides for the classification and declassification of infor-
7 mation. It is the sense of Congress that the plan should pro-
8 vide for the following:

9 (1) A test for the classification of information
10 which balances the public's right to know against
11 identifiable harm to the national security which will
12 result from public disclosure.

13 (2) A narrow definition of the categories of infor-
14 mation subject to classification to avoid excessive clas-
15 sification.

16 (3) Classification periods of reasonably short du-
17 ration, and a determination of the date when or event
18 upon which declassification of such information shall
19 occur, with a recognition that extension of such pe-
20 riod may be required in certain circumstances.

21 (4) Automatic declassification at the expiration
22 of the classification period.

23 (b) *SUBMISSION TO CONGRESS; EFFECTIVE DATE.*—
24 The plan and executive order referred to in subsection (a)
25 may not take effect until after 30 days after the date on
26 which such plan and proposed regulation is submitted to

1 *the Permanent Select Committee on Intelligence and the*
 2 *Committee on Government Operations of the House of Rep-*
 3 *resentatives and the Select Committee on Intelligence and*
 4 *the Committee on Governmental Affairs of the Senate.*

5 **TITLE VIII—**
 6 **COUNTERINTELLIGENCE**

7 **SEC. 801. ACCESS TO CLASSIFIED INFORMATION.**

8 *(a) IN GENERAL.—The National Security Act of 1947*
 9 *(50 U.S.C. 401 et seq.) is amended by adding at the end*
 10 *thereof the following new title:*

11 *“TITLE VIII—ACCESS TO CLASSIFIED*
 12 *INFORMATION*

13 *“RULE OF APPLICATION*

14 *“SEC. 801. The President and Vice President, Members*
 15 *of the Congress (including any Resident Commissioner and*
 16 *Delegate to the House of Representatives), Justices of the*
 17 *Supreme Court, and Federal judges appointed by the Presi-*
 18 *dent shall, by virtue of their elected or appointed positions,*
 19 *be entitled to access to classified information needed for the*
 20 *performance of their governmental functions without regard*
 21 *to the other provisions of this title.*

22 *“REGULATIONS*

23 *“SEC. 802. (a) The President shall, within 180 days*
 24 *after enactment of this title, direct the issuance of a regula-*
 25 *tion to implement this title.*

1 “(b) The regulation issued pursuant to subsection (a)
2 may not take effect until after 30 days after the date on
3 which the regulation is submitted to the Congress.

4 “CONSENT FOR ACCESS TO FINANCIAL INFORMATION

5 “SEC. 803. Except as may be provided for in the regu-
6 lation issued under section 802 of this title, after such regu-
7 lation takes effect, no person shall be given access to classi-
8 fied information by any department, agency, or office of
9 the executive branch unless such person has provided con-
10 sent in accordance with this section. Such consent shall be
11 provided to the investigative agency responsible for conduct-
12 ing the security investigation of such person, or in the case
13 of a person who is an employee of the legislative branch
14 or the judicial branch, to the employing office of such em-
15 ployee. Such consent shall be provided during the initial
16 background investigation, for such times as access to such
17 information is maintained, and for three years thereafter.
18 Such consent shall permit access to—

19 “(1) financial records held by a financial agency
20 or financial institution;

21 “(2) consumer reports held by a consumer credit
22 reporting agency; and

23 “(3) records maintained by commercial entities
24 within the United States pertaining to any travel by
25 the person outside the United States.

1 *“REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES*

2 *“SEC. 804. (a)(1) Any authorized investigative agency*
3 *may request from any financial agency, financial institu-*
4 *tion, or consumer credit reporting agency such financial*
5 *records and consumer reports as are necessary in order to*
6 *conduct any authorized law enforcement investigation, for-*
7 *eign counterintelligence inquiry, or security determination.*
8 *Any authorized investigative agency may also request*
9 *records maintained by any commercial entity within the*
10 *United States pertaining to travel by a person outside the*
11 *United States.*

12 *“(2) Requests may be made under this section where—*

13 *“(A) the records sought pertain to a person who*
14 *is or was an employee required, as a condition of ac-*
15 *cess to classified information, to provide consent, dur-*
16 *ing a background investigation, for such time as ac-*
17 *cess to the information is maintained, and for three*
18 *years thereafter, permitting access to financial*
19 *records, other financial information, consumer re-*
20 *ports, and travel records; and*

21 *“(B) there are reasonable grounds to believe,*
22 *based upon specific and articulable facts available to*
23 *it, that the person is, or may be, disclosing classified*
24 *information in an unauthorized manner to a foreign*
25 *power or agent of a foreign power, or in the course*

1 *of any background investigation or reinvestigation,*
2 *an issue of otherwise unexplained affluence or exces-*
3 *sive indebtedness arises.*

4 *“(3) Each such request shall—*

5 *“(A) be accompanied by a written certification*
6 *signed by the department or agency head or deputy*
7 *department or agency head concerned and shall cer-*
8 *tify that—*

9 *“(i) the person concerned is an employee*
10 *within the meaning of paragraph (2)(A);*

11 *“(ii) the request is being made pursuant to*
12 *an authorized inquiry or investigation and is*
13 *authorized under this section; and*

14 *“(iii) the records or information to be re-*
15 *viewed are records or information which the em-*
16 *ployee has previously agreed to make available to*
17 *the authorized investigative agency for review;*

18 *“(B) contain a copy of the agreement referred to*
19 *in subparagraph (A)(iii);*

20 *“(C) identify specifically or by category the*
21 *records or information to be reviewed; and*

22 *“(D) inform the recipient of the request of the*
23 *prohibition described in subsection (b).*

24 *“(4) The authorized investigative agency shall prompt-*
25 *ly notify the person who is the subject of a request under*

1 *this section relating to a background investigation or*
2 *reinvestigation for records, reports, or other information.*

3 “(b) Notwithstanding any other provision of law and
4 *except as provided in subsection (a)(4), no governmental*
5 *or private entity, or officer, employee, or agent of such en-*
6 *tity, may disclose to any person, other than those officers,*
7 *employees, or agents of such entity necessary to satisfy a*
8 *request made under this section, that such entity has re-*
9 *ceived or satisfied a request made by an authorized inves-*
10 *tigative agency under this section.*

11 “(c)(1) Notwithstanding any other provision of law ex-
12 *cept section 6103 of the Internal Revenue Code of 1986, an*
13 *entity receiving a request for records or information under*
14 *subsection (a) shall, if the request satisfies the requirements*
15 *of this section, make available such records or information*
16 *within 30 days for inspection or copying, as may be appro-*
17 *priate, by the agency requesting such records or informa-*
18 *tion.*

19 “(2) Any entity (including any officer, employee or
20 *agent thereof) that discloses records or information for in-*
21 *spection or copying pursuant to this section in good faith*
22 *reliance upon the certifications made by an agency pursu-*
23 *ant to this section shall not be liable for any such disclosure*
24 *to any person under this title, the constitution of any State,*

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

3 “(d) *Subject to the availability of appropriations*
4 *therefor, any agency requesting records or information*
5 *under this section may reimburse a private entity for any*
6 *cost reasonably incurred by such entity in responding to*
7 *such request, including the cost of identifying, reproducing,*
8 *or transporting records or other data.*

9 “(e) *An agency receiving records or information pur-*
10 *suant to a request under this section may disseminate the*
11 *records or information obtained pursuant to such request*
12 *outside the agency only to the agency employing the em-*
13 *ployee who is the subject of the records or information, to*
14 *the Department of Justice for law enforcement or foreign*
15 *counterintelligence purposes, or, with respect to dissemina-*
16 *tion to an agency of the United States, only if such infor-*
17 *mation is clearly relevant to the authorized responsibilities*
18 *of such agency relating to security determinations, law en-*
19 *forcement, or counterintelligence.*

20 “(f) *Any agency that discloses records or information*
21 *received pursuant to a request under this section in viola-*
22 *tion of subsection (e) shall be liable to the person to whom*
23 *the records relate in an amount equal to the sum of—*

24 “(1) *\$100, without regard to the volume of*
25 *records involved;*

1 *proposed for access to classified information to*
2 *ascertain whether such persons satisfy the cri-*
3 *teria for obtaining and retaining access to such*
4 *information;*

5 *“(B) in the case of the House of Representa-*
6 *tives, an agency designated by the Speaker of the*
7 *House;*

8 *“(C) in the case of the Senate, an agency*
9 *designated by the President pro tempore of the*
10 *Senate;*

11 *“(D) in the case of an agency of the legisla-*
12 *tive branch, an agency designated by the head of*
13 *such agency; and*

14 *“(E) in the case of the judiciary, an agency*
15 *designated by the Director of the Administrative*
16 *Office of the United States Courts, under the di-*
17 *rection of the Chief Justice of the United States;*

18 *“(3) the term ‘classified information’ means any*
19 *information that has been determined pursuant to*
20 *Executive Order No. 12356 of April 2, 1982, or suc-*
21 *cessor orders, or the Atomic Energy Act of 1954, to*
22 *require protection against unauthorized disclosure*
23 *and that is so designated;*

1 “(4) the term ‘consumer credit reporting agency’
2 has the meaning given such term in section 603 of the
3 Consumer Credit Protection Act (15 U.S.C. 1681a));

4 “(5) the term ‘employee’ includes any person
5 who receives a salary or compensation of any kind
6 from the United States Government, is a contractor
7 of the United States Government or an employee
8 thereof, is an unpaid consultant of the United States
9 Government, or otherwise acts for or on behalf of the
10 United States Government;

11 “(6) the term ‘employee of the legislative branch’
12 means an individual (other than a Member of, and a
13 Resident Commissioner or Delegate to, the Congress)
14 whose salary is paid by—

15 “(A) the Director of Non-legislative and Fi-
16 nancial Services of the House of Representatives;

17 “(B) the Secretary of the Senate; or

18 “(C) an agency of the legislative branch;

19 “(7) the terms ‘financial agency’ and ‘financial
20 institution’ have the meaning given such terms in sec-
21 tion 5312 of title 31, United States Code; and

22 “(8) the term ‘State’ means any State of the
23 United States, the District of Columbia, the Common-
24 wealth of Puerto Rico, the Trust Territory of the Pa-

1 “(1) leading to the arrest or conviction, in any
2 country, of any individual or individuals for commis-
3 sion of an act of espionage against the United States;

4 “(2) leading to the arrest or conviction, in any
5 country, of any individual or individuals for conspir-
6 ing or attempting to commit an act of espionage
7 against the United States; or

8 “(3) leading to the prevention or frustration of
9 an act of espionage against the United States.”.

10 (b) *DEFINITIONS.*—Section 3077 of such title is
11 amended—

12 (1) by striking “and” at the end of paragraph
13 (6);

14 (2) by striking the period at the end of para-
15 graph (7) and inserting “; and”; and

16 (3) by adding at the end the following new para-
17 graph:

18 “(8) ‘act of espionage’ means an activity that is
19 a violation of—

20 “(A) section 793, 794, or 798 of title 18,
21 United States Code; or

22 “(B) section 4 of the Subversive Activities
23 Control Act of 1950.”.

1 *in the District of Columbia or in any other district author-*
2 *ized by law.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
4 *chapter 211 of such title is amended by inserting after the*
5 *item relating to section 3238 the following:*

“3239. Espionage and related offenses not committed in any district.”.

6 ***SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CER-***
7 ***TAIN ESPIONAGE LAWS.***

8 (a) *IN GENERAL.*—*Section 798 of title 18, United*
9 *States Code, is amended by adding at the end the following*
10 *new subsection:*

11 “(d)(1) *Any person convicted of a violation of this sec-*
12 *tion shall forfeit to the United States irrespective of any*
13 *provision of State law—*

14 “(A) *any property constituting, or derived from,*
15 *any proceeds the person obtained, directly or indi-*
16 *rectly, as the result of such violation; and*

17 “(B) *any of the person’s property used, or in-*
18 *tended to be used, in any manner or part, to commit,*
19 *or to facilitate the commission of, such violation.*

20 “(2) *The court, in imposing sentence on a defendant*
21 *for a conviction of a violation of this section, shall order*
22 *that the defendant forfeit to the United States all property*
23 *described in paragraph (1).*

24 “(3) *Except as provided in paragraph (4), the provi-*
25 *sions of subsections (b), (c), and (e) through (p) of section*

1 413 of the Comprehensive Drug Abuse Prevention and Con-
2 trol Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)), shall
3 apply to—

4 “(A) property subject to forfeiture under this
5 subsection;

6 “(B) any seizure or disposition of such property;
7 and

8 “(C) any administrative or judicial proceeding
9 in relation to such property,

10 if not inconsistent with this subsection.

11 “(4) Notwithstanding section 524(c) of title 28, there
12 shall be deposited in the Crime Victims Fund in the Treas-
13 ury all amounts from the forfeiture of property under this
14 subsection remaining after the payment of expenses for for-
15 feiture and sale authorized by law.

16 “(5) As used in this subsection, the term ‘State’ means
17 any State of the United States, the District of Columbia,
18 the Commonwealth of Puerto Rico, the Trust Territory of
19 the Pacific Islands, and any territory or possession of the
20 United States.”.

21 (b) AMENDMENTS FOR CONSISTENCY IN APPLICATION
22 OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3)
23 of such title is amended in the matter preceding subpara-
24 graph (A) by striking out “(o)” each place it appears and
25 inserting in lieu thereof “(p)”.

1 (2) Section 794(d)(3) of such title is amended in the
2 matter preceding subparagraph (A) by striking out “(o)”
3 each place it appears and inserting in lieu thereof “(p)”.

4 (c) *SUBVERSIVE ACTIVITIES CONTROL ACT.*—Section
5 4 of the Subversive Activities Control Act of 1950 (50
6 U.S.C. 783) is amended by adding at the end the following
7 new subsection:

8 “(e)(1) Any person convicted of a violation of this sec-
9 tion shall forfeit to the United States irrespective of any
10 provision of State law—

11 “(A) any property constituting, or derived from,
12 any proceeds the person obtained, directly or indi-
13 rectly, as the result of such violation; and

14 “(B) any of the person’s property used, or in-
15 tended to be used, in any manner or part, to commit,
16 or to facilitate the commission of, such violation.

17 “(2) The court, in imposing sentence on a defendant
18 for a conviction of a violation of this section, shall order
19 that the defendant forfeit to the United States all property
20 described in paragraph (1).

21 “(3) Except as provided in paragraph (4), the provi-
22 sions of subsections (b), (c), and (e) through (p) of section
23 413 of the Comprehensive Drug Abuse Prevention and Con-
24 trol Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)) shall
25 apply to—

1 “(A) property subject to forfeiture under this
2 subsection;

3 “(B) any seizure or disposition of such property;
4 and

5 “(C) any administrative or judicial proceeding
6 in relation to such property,
7 if not inconsistent with this subsection.

8 “(4) Notwithstanding section 524(c) of title 28, there
9 shall be deposited in the Crime Victims Fund in the Treas-
10 ury all amounts from the forfeiture of property under this
11 subsection remaining after the payment of expenses for for-
12 feiture and sale authorized by law.

13 “(5) As used in this subsection, the term ‘State’ means
14 any State of the United States, the District of Columbia,
15 the Commonwealth of Puerto Rico, the Trust Territory of
16 the Pacific Islands, and any territory or possession of the
17 United States.”.

18 **SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PER-**
19 **SONS CONVICTED OF ESPIONAGE IN FOREIGN**
20 **COURTS INVOLVING UNITED STATES INFOR-**
21 **MATION.**

22 Section 8312 of title 5, United States Code, is amended
23 by adding at the end thereof the following new subsection:

24 “(d)(1) For purposes of subsections (b)(1) and (c)(1),
25 an offense within the meaning of such subsections is estab-

1 *lished if the Attorney General of the United States certifies*
2 *to the agency administering the annuity or retired pay con-*
3 *cerned—*

4 “(A) *that an individual subject to this chapter*
5 *has been convicted by an impartial court of appro-*
6 *priate jurisdiction within a foreign country in cir-*
7 *cumstances in which the conduct violates the provi-*
8 *sions of law enumerated in subsections (b)(1) and*
9 *(c)(1), or would violate such provisions had such con-*
10 *duct taken place within the United States, and that*
11 *such conviction is not being appealed or that final ac-*
12 *tion has been taken on such appeal;*

13 “(B) *that such conviction was obtained in ac-*
14 *cordance with procedures that provided the defendant*
15 *due process rights comparable to such rights provided*
16 *by the United States Constitution, and such convic-*
17 *tion was based upon evidence which would have been*
18 *admissible in the courts of the United States; and*

19 “(C) *that such conviction occurred after the date*
20 *of enactment of this subsection.*

21 “(2) *Any certification made pursuant to this sub-*
22 *section shall be subject to review by the United States Court*
23 *of Claims based upon the application of the individual con-*
24 *cerned, or his or her attorney, alleging that any of the con-*
25 *ditions set forth in subparagraphs (A), (B), or (C) of para-*

1 *graph (1), as certified by the Attorney General, have not*
2 *been satisfied in his or her particular circumstances.*
3 *Should the court determine that any of these conditions has*
4 *not been satisfied in such case, the court shall order any*
5 *annuity or retirement benefit to which the person concerned*
6 *is entitled to be restored and shall order that any payments*
7 *which may have been previously denied or withheld to be*
8 *paid by the department or agency concerned.”.*

9 **SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN**
10 **PERSONNEL WITHIN THE INTELLIGENCE**
11 **COMPONENTS OF THE DEPARTMENT OF DE-**
12 **FENSE.**

13 (a) *CONSOLIDATION OF AUTHORITY.*—

14 (1) *IN GENERAL.*—Chapter 81 of title 10, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 1599. Post employment assistance regarding certain**
18 **civilian intelligence personnel**

19 “(a) *Notwithstanding any other provision of law, the*
20 *Secretary of Defense may use appropriated funds to assist*
21 *a civilian employee who has been in a sensitive position*
22 *in an intelligence agency or component of the Department*
23 *of Defense and who is found to be ineligible for continued*
24 *access to Sensitive Compartmented Information and em-*
25 *ployment with the intelligence agency or component, or*

1 *whose employment with the intelligence agency or compo-*
2 *ment has been terminated—*

3 *“(1) in finding and qualifying for subsequent*
4 *employment;*

5 *“(2) in receiving treatment of medical or psycho-*
6 *logical disabilities; and*

7 *“(3) in providing necessary financial support*
8 *during periods of unemployment.*

9 *“(b) Assistance may be provided under subsection (a)*
10 *only if the Secretary determines that such assistance is es-*
11 *sential to maintain the judgment and emotional stability*
12 *of such employee and avoid circumstances that might lead*
13 *to the unlawful disclosure of classified information to which*
14 *such employee had access. Assistance provided under this*
15 *section for an employee shall not be provided any longer*
16 *than five years after the termination of the employment of*
17 *the employee.*

18 *“(c) The Secretary may, to the extent and in the man-*
19 *ner determined by the Secretary to appropriate, delegate*
20 *the authority to provide assistance under this section.*

21 *“(d) The Secretary shall report annually to the Com-*
22 *mittees on Appropriations of the Senate and House of Rep-*
23 *resentatives, the Select Committee on Intelligence of the*
24 *Senate, and the Permanent Select Committee on Intel-*

1 *ligence of the House of Representatives with respect to any*
 2 *expenditure made pursuant to this section.*

3 “(e) For the purposes of this section, the term ‘intel-
 4 *ligence agency or component’ means the National Security*
 5 *Agency, the Defense Intelligence Agency, the National Re-*
 6 *connaisance Office, the Central Imagery Office, and the in-*
 7 *telligence components of the military departments.’”*

8 (2) *The table of sections of Chapter 81 of such title*
 9 *is amended by adding after the item relating to section 1598*
 10 *the following new item:*

*“1599. Post employment assistance regarding certain civilian intelligence person-
 nel.”*

11 (b) *REPEAL OF DUPLICATIVE AUTHORITY.—*

12 (1) *DEFENSE INTELLIGENCE AGENCY.—Para-*
 13 *graph (4) of Section 1604(e) of title 10, United States*
 14 *Code, is repealed.*

15 (2) *NATIONAL SECURITY AGENCY.—Section 17 of*
 16 *the National Security Agency Act of 1959 (50 U.S.C.*
 17 *402 note) is repealed.*

18 (c) *SAVINGS PROVISION.—The repeals made by sub-*
 19 *section (b) do not affect rights and duties that matured be-*
 20 *fore the date of enactment of this section.*

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