

In the Senate of the United States,

September 29 (legislative day, September 25), 1995.

Resolved, That the bill from the House of Representatives (H.R. 1655) entitled “An Act to authorize appropriations for fiscal year 1996 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”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That this Act may be cited as the “Intelligence Authoriza-*
2 *tion Act for Fiscal Year 1996”.*

3 ***TITLE I—INTELLIGENCE***
4 ***ACTIVITIES***

5 ***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

6 *Funds are authorized to be appropriated for fiscal year*
7 *1996 for thehe conduct of the intelligence and intelligence-*
8 *related activities of the following elements of the United*
9 *States Government:*

1 (1) *The Central Intelligence Agency.*

2 (2) *The Department of Defense.*

3 (3) *The Defense Intelligence Agency.*

4 (4) *The National Security Agency.*

5 (5) *The Department of the Army, the Depart-*
6 *ment of the Navy, and the Department of the Air*
7 *Force.*

8 (6) *The Department of State.*

9 (7) *The Department of Treasury.*

10 (8) *The Department of Energy.*

11 (9) *The Federal Bureau of Investigation.*

12 (10) *The Drug Enforcement Administration.*

13 (11) *The National Reconnaissance Office.*

14 (12) *The Central Imagery Office.*

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

16 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
17 *CEILINGS.—The amounts authorized to be appropriated*
18 *under section 101, and the authorized personnel ceilings as*
19 *of September 30, 1996, for the conduct of the elements listed*
20 *in such section, are those specified in the classified Schedule*
21 *of Authorizations prepared by the Committee of Conference*
22 *to accompany () of the One Hundred and Fourth Con-*
23 *gress.*

24 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
25 *THORIZATIONS.—The Schedule of Authorizations shall be*

1 *made available to the Committee on Appropriations of the*
2 *Senate and House of Representatives and to the President.*
3 *The President shall provide for suitable distribution of the*
4 *Schedule, or of appropriate portions of the Schedule, within*
5 *the Executive Branch.*

6 *(c) SCOPE OF SCHEDULE.—For fiscal year 1996, the*
7 *Schedule of Authorizations referred to in subsections (a)*
8 *and (b) does not include the Schedule of Authorizations for*
9 *the Joint Military Intelligence Programs (JMIP).*

10 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

11 *(a) AUTHORITY FOR ADJUSTMENTS.—With the ap-*
12 *proval of the Director of the Office of Management and*
13 *Budget, the Director of Central Intelligence may authorize*
14 *employment of civilian personnel in excess of the number*
15 *authorized for fiscal year 1996 under section 102 of this*
16 *Act when the Director determines that such action is nec-*
17 *essary to the performance of important intelligence func-*
18 *tions, except that the number of personnel employed in ex-*
19 *cess of the number authorized under such section may not,*
20 *for any element of the intelligence community (as defined*
21 *in section 3(4) of the National Security Act of 1947 (50*
22 *U.S.C. 401(4)), exceed 2 percent of the number of civilian*
23 *personnel authorized under such section for such element.*

24 *(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Di-*
25 *rector of Central Intelligence shall notify the Permanent Se-*

1 *lect Committee on Intelligence of the House of Representa-*
2 *tives and the Select Committee on Intelligence of the Senate*
3 *prior to exercising the authority granted by this section.*

4 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
5 **COUNT.**

6 (a) *AUTHORIZATION OF APPROPRIATIONS.—(1) There*
7 *is authorized to be appropriated for the Intelligence Com-*
8 *munity Management Account of the Director of Central In-*
9 *telligence for fiscal year 1996 the sum of \$98,283,000.*

10 (2) *Funds made available under paragraph (1) for the*
11 *Advanced Research and Development Committee and the*
12 *Environmental Task Force shall remain available until*
13 *September 30, 1997.*

14 (b) *AUTHORIZED PERSONNEL LEVELS.—The Commu-*
15 *nity Management Staff of the Director of Central Intel-*
16 *ligence is authorized 247 full-time personnel as of Septem-*
17 *ber 30, 1996. Such personnel of the Community Manage-*
18 *ment Staff may be permanent employees of the Community*
19 *Management Staff or personnel detailed from other elements*
20 *of the United States Government.*

21 (c) *REIMBURSEMENT.—During the fiscal year 1996,*
22 *any officer or employee of the United States or any member*
23 *of the Armed Forces who is detailed to the Community*
24 *Management Staff from another element of the United*
25 *States Government shall be detailed on a reimbursable*

1 *basis, except that any such officer, employee, or member*
2 *may be detailed on a nonreimbursable basis for a period*
3 *of less than one year for the performance of temporary func-*
4 *tions as required by the Director of Central Intelligence.*

5 **TITLE II—CENTRAL INTEL-**
6 **LIGENCE AGENCY RETIRE-**
7 **MENT AND DISABILITY SYS-**
8 **TEM**

9 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

10 *There is authorized to be appropriated for the Central*
11 *Intelligence Agency Retirement and Disability Fund for fis-*
12 *cal year 1996 the sum of \$213,900,000.*

13 **TITLE III—GENERAL**
14 **PROVISIONS**

15 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
16 **BENEFITS AUTHORIZED BY LAW.**

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

22 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
23 **ACTIVITIES.**

24 *The authorization of appropriations by this Act shall*
25 *not be deemed to constitute authority for the conduct of any*

1 *intelligence activity which is not otherwise authorized by*
2 *the Constitution or the laws of the United States.*

3 **SEC. 303. APPLICATION OF SANCTIONS TO INTELLIGENCE**
4 **ACTIVITIES.**

5 *The National Security Act of 1947 (50 U.S.C.401 et*
6 *seq.) is amended by adding at the end thereof the following*
7 *new title:*

8 **“TITLE VIII—APPLICATION OF**
9 **SANCTIONS LAWS TO INTEL-**
10 **LIGENCE ACTIVITIES**

11 **“SEC. 801. DELAY OF SANCTIONS.**

12 *“Notwithstanding any other provision of law, the*
13 *President may delay the imposition of a sanction related*
14 *to the proliferation of weapons of mass destruction, their*
15 *delivery systems, or advanced conventional weapons when*
16 *he determines that to proceed without delay would seriously*
17 *risk the compromise of a sensitive intelligence source or*
18 *method or an ongoing criminal investigation. The President*
19 *shall terminate any such delay as soon as it is no longer*
20 *necessary to that purpose.*

21 **“SEC. 802. REPORTS.**

22 *“Whenever the President makes the determination re-*
23 *quired pursuant to section 801, the President shall prompt-*
24 *ly report to the Select Committee on Intelligence of the Sen-*
25 *ate and the Permanent Select Committee on Intelligence of*

1 *the House of Representatives the rationale and cir-*
2 *cumstances that led the President to exercise the authority*
3 *under section 801 with respect to an intelligence source or*
4 *method, and to the Judiciary Committees of the Senate and*
5 *the House of Representatives the rationale and cir-*
6 *cumstances that led the President to exercise the authority*
7 *under section 801 with respect to an ongoing criminal in-*
8 *vestigation. Such report shall include a description of the*
9 *efforts being made to implement the sanctions as soon as*
10 *possible and an estimate of the date on which the sanctions*
11 *will become effective.”.*

12 **SEC. 304. THRIFT SAVINGS PLAN FORFEITURE.**

13 *(a) IN GENERAL.—Section 8432(g) of title 5, United*
14 *States Code, is amended by adding at the end the following*
15 *new paragraph:*

16 *“(5) Notwithstanding any other provision of law,*
17 *contributions made by the Government for the benefit*
18 *of an employee under subsection (c), and all earnings*
19 *attributable to such contributions, shall be forfeited if*
20 *the employee’s annuity, or that of a survivor or bene-*
21 *ficiary, is forfeited pursuant to subchapter II of chap-*
22 *ter 83 of this title.”.*

23 *(b) EFFECTIVE DATE.—The amendment made by sub-*
24 *section (a) shall apply to offenses upon which the requisite*

1 annuity forfeitures are based occurring on or after the date
2 of enactment of this Act.

3 **SEC. 305. AUTHORITY TO RESTORE SPOUSAL PENSION BEN-**
4 **EFITS TO SPOUSES WHO COOPERATE IN**
5 **CRIMINAL INVESTIGATIONS AND PRE-**
6 **CAUTIONS FOR NATIONAL SECURITY OF-**
7 **FENSES.**

8 *Section 8312 of title 5, United States Code, is amended*
9 *by adding at the end the following new subsection:*

10 *“(e) Notwithstanding any other provision of law, the*
11 *spouse of an employee whose annuity or retired pay is for-*
12 *feited under this section or section 8313 after the enactment*
13 *of this subsection shall be eligible for spousal pension bene-*
14 *fits if the Attorney General determines that the spouse fully*
15 *cooperated with Federal authorities in the conduct of a*
16 *criminal investigation and subsequent prosecution of the*
17 *employee.”.*

18 **SEC. 306. AMENDMENT TO THE HATCH ACT REFORM**
19 **AMENDMENTS OF 1993.**

20 *Section 7325 of title 5, United States Code, is amended*
21 *by adding after “section 7323(a)” the following: “and para-*
22 *graph (2) of section 7323(b)”.*

23 **SEC. 307. REPORT ON PERSONNEL POLICIES.**

24 *(a) REPORT REQUIRED.—Not later than three months*
25 *after the date of enactment of this Act, the Director of*

1 *Central Intelligence shall submit to the intelligence commit-*
2 *tees of Congress a report describing personnel procedures,*
3 *and recommending necessary legislation, to provide for*
4 *mandatory retirement for expiration of time in class, com-*
5 *parable to the applicable provisions of section 607 of the*
6 *Foreign Service Act of 1980 (22 U.S.C. 4007), and termi-*
7 *nation based on relative performance, comparable to section*
8 *608 of the Foreign Service Act of 1980 (22 U.S.C. 4008),*
9 *and to provide for other personnel review systems, for all*
10 *civilian employees of the Central Intelligence Agency, the*
11 *National Security Agency, the Defense Intelligence Agency,*
12 *and the intelligence elements of the Army, Navy, Air Force,*
13 *and Marine Corps. The report shall also contain a descrip-*
14 *tion and analysis of voluntary separation incentive propos-*
15 *als, including a waiver of the two-percent penalty reduction*
16 *for early retirement.*

17 **(b) COORDINATION.**—*The preparation of the report re-*
18 *quired by subsection (a) shall be coordinated as appropriate*
19 *with elements of the intelligence community (as defined in*
20 *section 3(4) of the National Security Act of 1947 (50 U.S.C.*
21 *401(4)).*

22 **(c) DEFINITION.**—*As used in this section, the term “in-*
23 *telligence committees of Congress” means the Select Com-*
24 *mittee on Intelligence of the Senate and the Permanent Se-*

1 *lect Committee on Intelligence of the House of Representa-*
2 *tives.*

3 **SEC. 308. ASSISTANCE TO FOREIGN COUNTRIES.**

4 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
5 *sion of law, funds authorized to be appropriated by this*
6 *Act may be used to provide assistance to a foreign country*
7 *for counterterrorism efforts if—*

8 (1) *such assistance is provided for the purpose of*
9 *protecting the property of the United States Govern-*
10 *ment or the life and property of any United States*
11 *citizen, or furthering the apprehension of any indi-*
12 *vidual involved in any act of terrorism against such*
13 *property or persons; and*

14 (2) *the appropriate committees of Congress are*
15 *notified not later than 15 days prior to the provision*
16 *of such assistance.*

17 (b) *DEFINITION.*—*As used in this section, the term*
18 *“appropriate congressional committees” means the Select*
19 *Committee on Intelligence of the Senate and the Permanent*
20 *Select Committee on Intelligence of the House of Represent-*
21 *atives.*

1 **SEC. 309. REDUCTION IN AMOUNTS AUTHORIZED TO BE AP-**
2 **PROPRIATED FOR THE NATIONAL RECON-**
3 **NAISSANCE OFFICE FOR FISCAL YEAR 1996.**

4 *The total amount authorized to be appropriated for fis-*
5 *cal year 1996 for the National Reconnaissance Office*
6 *(NRO) shall be reduced by an amount equal to the amount*
7 *by which appropriations for the Department of Defense for*
8 *fiscal year 1996 are reduced to reflect the availability of*
9 *funds appropriated prior to fiscal year 1996 that have ac-*
10 *cumulated in the carry forward accounts for that Office.*

11 **SEC. 310. FINANCIAL MANAGEMENT OF THE NATIONAL RE-**
12 **CONNAISSANCE OFFICE.**

13 *(a) LIMITATION.—No funds are authorized to be car-*
14 *ried over into fiscal year 1997 or subsequent years for the*
15 *programs, projects, and activities of the National Recon-*
16 *naissance Office in excess of the amount necessary to pro-*
17 *vide for the ongoing mission of the NRO for one month.*

18 *(b) MANAGEMENT REVIEW.—(1) The Inspector Gen-*
19 *eral for the Central Intelligence Agency and the Inspector*
20 *General of the Department of Defense shall jointly under-*
21 *take a comprehensive review of the financial management*
22 *of the National Reconnaissance Office to evaluate the effec-*
23 *tiveness of policies and internal controls over the budget of*
24 *the National Reconnaissance Office, including the use of*
25 *forward funding, to ensure that National Reconnaissance*
26 *Office funds are used in accordance with the policies of the*

1 *Director of Central Intelligence and the Department of De-*
2 *fense, the guidelines of the National Reconnaissance Office,*
3 *and congressional direction.*

4 *(2) The review required by paragraph (1) shall—*

5 *(A) determine the quality of the development and*
6 *implementation of the budget process within the Na-*
7 *tional Reconnaissance Office at both the comptroller*
8 *and directorate level;*

9 *(B) assess the advantages and disadvantages of*
10 *the use of incremental versus full funding for con-*
11 *tracts entered into by the National Reconnaissance*
12 *Office;*

13 *(C) assess the advantages and disadvantages of*
14 *the National Reconnaissance Office's use of forward*
15 *funding;*

16 *(D) determine how the National Reconnaissance*
17 *Office defines, identifies, and justifies forward fund-*
18 *ing requirements;*

19 *(E) determine how the National Reconnaissance*
20 *Office tracks and manages forward funding;*

21 *(F) determine how the National Reconnaissance*
22 *Office plans to comply with congressional direction*
23 *regarding forward funding;*

24 *(G) determine whether or not a contract entered*
25 *into by the National Reconnaissance Office has ever*

1 encountered a contingency which required the utiliza-
2 tion of more than 30 days of forward funding;

3 (H) consider the proposal by the Director of
4 Central Intelligence for the establishment of a position
5 of a Chief Financial Officer, and assess how the func-
6 tions to be performed by that officer would enhance
7 the financial management of the National Reconnaissance
8 Office; and

9 (I) make recommendations, as appropriate, to
10 improve control and management of the budget process
11 of the National Reconnaissance Office.

12 (3) The President shall submit a report to the appro-
13 priate committees of the Congress setting forth the findings
14 of the review required by paragraph (1) not later than 90
15 days after the date of enactment of this Act, with an interim
16 report provided to those committees not later than 45 days
17 after the date of enactment of this Act.

18 (c) REPORT.—(1) Not later than January 30, 1996,
19 the President shall submit a report to the appropriate com-
20 mittees of the Congress on a proposal to subject the budget
21 of the intelligence community to greater oversight by the
22 Executive branch of Government.

23 (2) Such report shall include inter alia—

24 (A) consideration of establishing by statute a fi-
25 nancial control officer for the National Reconnaissance

1 *sance Office, other elements of the intelligence commu-*
2 *nity, and for the intelligence community as a whole;*
3 *and*

4 *(B) recommendations for procedures to be used*
5 *by the Office of Management and Budget for review*
6 *of the budget of the National Reconnaissance Office.*

7 *(d) DEFINITIONS.—As used in this section:*

8 *(1) INTELLIGENCE COMMUNITY.—The term “in-*
9 *telligence community” has the meaning given to the*
10 *term in section 3(4) of the National Security Act of*
11 *1947 (50 U.S.C. 401a(4)).*

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

14 **SEC. 401. EXTENSION OF THE CENTRAL INTELLIGENCE**
15 **AGENCY VOLUNTARY SEPARATION PAY ACT.**

16 *(a) EXTENSION OF AUTHORITY.—Section 2(f) of the*
17 *Central Intelligence Agency Voluntary Separation Pay Act*
18 *(50 U.S.C. 403–4(f)) is amended by striking “September*
19 *30, 1997” and inserting “September 30, 1999”.*

20 *(b) REMITTANCE OF FUNDS.—Section 2 of the Central*
21 *Intelligence Agency Voluntary Separation Pay Act (50*
22 *U.S.C. 403–4) is amended by inserting at the end the fol-*
23 *lowing new subsection:*

24 *“(i) REMITTANCE OF FUNDS.—The Director shall*
25 *remit to the Office of Personnel Management for deposit in*

1 *the Treasury of the United States to the credit of the Civil*
2 *Service Retirement and Disability Fund (in addition to*
3 *any other payments which the Director is required to make*
4 *under subchapter III of chapter 83 and subchapter II of*
5 *chapter 84 of title 5, United States Code), an amount equal*
6 *to 15 percent of the final basic pay of each employee who,*
7 *in fiscal year 1998 or fiscal year 1999, retires voluntarily*
8 *under section 8336, 8412, or 8414 of such title or resigns*
9 *and to whom a voluntary separation incentive payment has*
10 *been or is to be paid under this section.*

11 ***SEC. 402. VOLUNTEER SERVICE PROGRAM.***

12 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
13 *403a et seq.) is amended by adding at the end of the follow-*
14 *ing new section:*

15 ***“SEC. 20. VOLUNTEER SERVICE PROGRAM.***

16 *“(a) Notwithstanding any other provision of law, the*
17 *Director of Central Intelligence is authorized to establish*
18 *and maintain a program during fiscal years 1996 through*
19 *2001 to utilize the services contributed by not more than*
20 *50 retired annuitants who serve without compensation as*
21 *volunteers in aid of the review by the Central Intelligence*
22 *Agency for declassification or downgrading of classified in-*
23 *formation under applicable Executive Orders covering the*
24 *classification and declassification of national security in-*
25 *formation and Public Law 102–526.*

1 “(b) The Agency is authorized to use sums made avail-
2 able to the Agency by appropriations or otherwise for pay-
3 ing the costs incidental to the utilization of services contrib-
4 uted by individuals who serve without compensation as vol-
5 unteers in aid of the review by the Agency of classified in-
6 formation, including, but not limited to, the costs of train-
7 ing, transportation, lodging, subsistence, equipment, and
8 supplies. Agency officials may authorize either direct pro-
9 curement of, or reimbursement for, expenses incidental to
10 the effective use of volunteers, except that provision for such
11 expenses or services shall be in accordance with volunteer
12 agreements made with such individuals and that such sums
13 may not exceed \$100,000.

14 “(c) Notwithstanding the provision of any other law,
15 individuals who volunteer to provide services to the Agency
16 under this section shall be covered by and subject to the
17 provisions of—

18 “(1) the Federal Employees Compensation Act;

19 and

20 “(2) chapter 11 of title 18, United States Code,
21 as if they were employees or special Government employees
22 depending upon the days of expected service at the time they
23 begin their volunteer service.”.

1 **SEC. 403. AUTHORITIES OF THE INSPECTOR GENERAL OF**
2 **THE CENTRAL INTELLIGENCE AGENCY.**

3 (a) *REPORTS BY THE INSPECTOR GENERAL.*—Section
4 17(b)(5) of the Central Intelligence Act of 1949 (50 U.S.C.
5 403q) is amended to read as follows:

6 “(5) In accordance with section 535 of title 28,
7 United States Code, the Inspector General shall report
8 to the Attorney General any information, allegation,
9 or complaint received by the Inspector General relat-
10 ing to violations of Federal criminal law that involve
11 a program or operation of the Agency, consistent with
12 such guidelines as may be issued by the Attorney
13 General pursuant to paragraph (2). A copy of all
14 such reports shall be furnished to the Director.”.

15 (b) *EXCEPTION TO NONDISCLOSURE REQUIREMENT.*—
16 Section 17(e)(3)(A) of such Act is amended by inserting
17 after “investigation” the following: “or the disclosure is
18 made to an official of the Department of Justice responsible
19 for determining whether a prosecution should be under-
20 taken”.

21 **SEC. 404. REPORT ON LIAISON RELATIONSHIPS.**

22 (a) *ANNUAL REPORT.*—Section 502 of the National Se-
23 curity Act of 1947 (50 U.S.C. 413a) is amended—

24 (1) by striking “and” at the end of paragraph
25 (1);

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

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

4 “(3) annually submit to the intelligence commit-
5 tees a report describing all liaison relationships for
6 the preceding year, including—

7 “(A) the names of the governments and en-
8 tities;

9 “(B) the purpose of each relationship;

10 “(C) the resources dedicated (including per-
11 sonnel, funds, and materiel);

12 “(D) a description of the intelligence pro-
13 vided and received, including any reports on
14 human rights violations; and

15 “(E) any significant changes anticipated.”.

16 (b) DEFINITION.—Section 606 of such Act is amended
17 by adding at the end the following:

18 “(11) The term ‘liaison’ means any govern-
19 mental entity or individual with whom an intel-
20 ligence agency has established a relationship for the
21 purpose of obtaining information.”.

1 **TITLE V—DEPARTMENT OF DE-**
2 **FENSE INTELLIGENCE ACTIVI-**
3 **TIES**

4 **SEC. 501. COMPARABLE OVERSEAS BENEFITS AND ALLOW-**
5 **ANCES FOR CIVILIAN AND MILITARY PERSON-**
6 **NEL ASSIGNED TO THE DEFENSE INTEL-**
7 **LIGENCE AGENCY.**

8 (a) *TITLE 10.*—Title 10, United States Code, is
9 amended—

10 (1) in section 1605(a), by striking “and” after
11 “Defense Attache Offices” and inserting “or”; and

12 (2) in section 1605(a), by inserting “, and De-
13 fense Intelligence Agency employees assigned to duty
14 outside the United States,” after “outside the United
15 States,”.

16 (b) *TITLE 37.*—Title 37, United States Code, is
17 amended—

18 (1) in section 431(a), by striking “and” after
19 “Defense Attache Offices” and inserting “or”; and

20 (2) in section 431(a), by inserting “, and mem-
21 bers of the armed forces assigned to the Defense Intel-
22 ligence Agency and engaged in intelligence related du-
23 ties outside the United States,” after “outside the
24 United States”.

1 **SEC. 502. AUTHORITY TO CONDUCT COMMERCIAL ACTIVI-**
2 **TIES NECESSARY TO PROVIDE SECURITY FOR**
3 **AUTHORIZED INTELLIGENCE COLLECTION**
4 **ACTIVITIES ABROAD.**

5 *Section 431(a) of title 10, United States Code, is*
6 *amended by striking “1995” and inserting “2001”.*

7 **SEC. 503. MILITARY DEPARTMENTS’ CIVILIAN INTEL-**
8 **LIGENCE PERSONNEL MANAGEMENT SYSTEM:**
9 **ACQUISITION OF CRITICAL SKILLS.**

10 *(a) ESTABLISHMENT OF TRAINING PROGRAM.—Chap-*
11 *ter 81 of title 10, United States Code, is amended by adding*
12 *at the end thereof the following new section:*

13 **“§ 1599. Financial assistance to certain employees in**
14 **acquisition of critical skills**

15 *“(a) TRAINING PROGRAM.—The Secretary of Defense*
16 *shall establish an undergraduate training program with re-*
17 *spect to civilian employees in the Military Departments’*
18 *Civilian Intelligence Personnel Management System that is*
19 *similar in purpose, conditions, content, and administration*
20 *to the program which the Secretary of Defense established*
21 *under section 16 of the National Security Act of 1959 (50*
22 *U.S.C. 402 note) for civilian employees of the National Se-*
23 *curity Agency.*

24 *“(b) FUNDING OF TRAINING PROGRAM.—Any pay-*
25 *ments made by the Secretary to carry out the program re-*
26 *quired to be established by subsection (a) may be made in*

1 *any fiscal year only to the extent that appropriated funds*
2 *are available for that purpose.”.*

3 *(b) CLERICAL AMENDMENT.—The table of sections at*
4 *the beginning of that chapter is amended by adding at the*
5 *end thereof the following:*

“Sec. 1599. Financial assistance to certain employees in acquisition of critical skills.”.

6 ***SEC. 504. ENHANCEMENT OF CAPABILITIES OF CERTAIN IN-***
7 ***TELLIGENCE STATIONS.***

8 *(a) AUTHORITY.—(1) In addition to funds otherwise*
9 *available for such purpose, the Secretary of the Army is*
10 *authorized to transfer or reprogram funds for the enhance-*
11 *ment of the capabilities of the Bad Aibling Station and the*
12 *Menwith Hill Station, including improvements of facility*
13 *infrastructure and quality of life programs at both installa-*
14 *tions.*

15 *(2) The authority of paragraph (1) may be exercised*
16 *notwithstanding any other provision of law.*

17 *(b) FUNDING.—Funds available for the Army for oper-*
18 *ations and maintenance for any fiscal year shall be avail-*
19 *able to carry out subsection (a).*

20 *(c) CONGRESSIONAL NOTIFICATION.—Whenever the*
21 *Secretary of the Army determines that an amount to be*
22 *transferred or reprogrammed under this section would cause*
23 *the total amounts transferred or reprogrammed in that fis-*
24 *cal year to exceed \$1,000,000, the Secretary shall notify in*

1 *advance the Select Committee on Intelligence, the Commit-*
2 *tee on Armed Services, and the Committee on Appropria-*
3 *tions of the Senate and the Permanent Select Committee*
4 *on Intelligence, the Committee on National Security, and*
5 *the Committee on Appropriations of the House of Rep-*
6 *resentatives and provide a justification for the increased ex-*
7 *penditure.*

8 (d) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
9 *tion may be construed to modify or obviate existing law*
10 *or practice with regard to the transfer or reprogramming*
11 *of substantial sums of money from the Department of the*
12 *Army to the Bad Aibling or Menwith Hill Stations.*

13 ***TITLE VI—FEDERAL BUREAU OF***
14 ***INVESTIGATION***

15 ***SEC. 601. DISCLOSURE OF INFORMATION AND CONSUMER***
16 ***REPORTS TO FBI FOR COUNTERINTEL-***
17 ***LIGENCE PURPOSES.***

18 (a) *IN GENERAL.*—*The Fair Credit Reporting Act (15*
19 *U.S.C. 1681 et seq.) is amended by adding after section 623,*
20 *the following new section:*

21 ***“§ 624. Disclosures to FBI for counterintelligence pur-***
22 ***poses***

23 “(a) *IDENTITY OF FINANCIAL INSTITUTIONS.*—*Not-*
24 *withstanding section 604 or any other provision of this*
25 *title, a consumer reporting agency shall furnish to the Fed-*

1 eral Bureau of Investigation the names and addresses of
2 all financial institutions (as that term is defined in section
3 1101 of the Right to Financial Privacy Act of 1978) at
4 which a consumer maintains or has maintained an ac-
5 count, to the extent that information is in the files of the
6 agency, when presented with a written request for that in-
7 formation, signed by the Director of the Federal Bureau of
8 Investigation, or the Director's designee, which certifies
9 compliance with this section. The Director or the Director's
10 designee may make such a certification only if the Director
11 or the Director's designee has determined in writing that—

12 “(1) such information is necessary for the con-
13 duct of an authorized foreign counterintelligence in-
14 vestigation; and

15 “(2) there are specific and articulable facts giv-
16 ing reason to believe that the consumer—

17 “(A) is a foreign power (as defined in sec-
18 tion 101 of the Foreign Intelligence Surveillance
19 Act of 1978) or a person who is not a United
20 States person (as defined in such section 101)
21 and is an official of a foreign power; or

22 “(B) is an agent of a foreign power and is
23 engaging or has engaged in an act of inter-
24 national terrorism (as that term is defined in
25 section 101(c) of the Foreign Intelligence Surveil-

1 *lance Act of 1978) or clandestine intelligence ac-*
2 *tivities that involve or may involve a violation*
3 *of criminal statutes of the United States.*

4 “(b) *IDENTIFYING INFORMATION.*—*Notwithstanding*
5 *the provisions of section 604 or any other provision of this*
6 *title, a consumer reporting agency shall furnish identifying*
7 *information respecting a consumer, limited to name, ad-*
8 *dress, former addresses, places of employment, or former*
9 *places of employment, to the Federal Bureau of Investiga-*
10 *tion when presented with a written request, signed by the*
11 *Director or the Director’s designee, which certifies compli-*
12 *ance with this subsection. The Director or the Director’s des-*
13 *ignee may make such a certification only if the Director*
14 *or the Director’s designee has determined in writing that—*

15 “(1) *such information is necessary to the conduct*
16 *of an authorized counterintelligence investigation;*
17 *and*

18 “(2) *there is information giving reason to believe*
19 *that the consumer has been, or is about to be, in con-*
20 *tact with a foreign power or an agent of a foreign*
21 *power (as defined in section 101 of the Foreign Intel-*
22 *ligence Surveillance Act of 1978).*

23 “(c) *COURT ORDER FOR DISCLOSURE OF CONSUMER*
24 *REPORTS.*—*Notwithstanding section 604 or any other pro-*
25 *vision of this title, if requested in writing by the Director*

1 *of the Federal Bureau of Investigation, or a designee of the*
2 *Director, a court may issue an order ex parte directing a*
3 *consumer reporting agency to furnish a consumer report to*
4 *the Federal Bureau of Investigation, upon a showing in*
5 *camera that—*

6 “(1) *the consumer report is necessary for the con-*
7 *duct of an authorized foreign counterintelligence in-*
8 *vestigation; and*

9 “(2) *there are specific and articulable facts giv-*
10 *ing reason to believe that the consumer whose*
11 *consumer report is sought—*

12 “(A) *is an agent of a foreign power, and*

13 “(B) *is engaging or has engaged in an act*
14 *of international terrorism (as that term is de-*
15 *fined in section 101(c) of the Foreign Intelligence*
16 *Surveillance Act of 1978) or clandestine intel-*
17 *ligence activities that involve or may involve a*
18 *violation of criminal statutes of the United*
19 *States.*

20 *The terms of an order issued under this subsection shall*
21 *not disclose that the order is issued for purposes of a coun-*
22 *terintelligence investigation.*

23 “(d) *CONFIDENTIALITY.—No consumer reporting agen-*
24 *cy or officer, employee, or agent of a consumer reporting*
25 *agency shall disclose to any person, other than those officers,*

1 *employees, or agents of a consumer reporting agency nec-*
2 *essary to fulfill the requirement to disclose information to*
3 *the Federal Bureau of Investigation under this section, that*
4 *the Federal Bureau of Investigation has sought or obtained*
5 *the identity of financial institutions or a consumer report*
6 *respecting any consumer under subsection (a), (b), or (c),*
7 *and no consumer reporting agency or officer, employee, or*
8 *agent of a consumer reporting agency shall include in any*
9 *consumer report any information that would indicate that*
10 *the Federal Bureau of Investigation has sought or obtained*
11 *such information or a consumer report.*

12 “(e) *PAYMENT OF FEES.*—*The Federal Bureau of In-*
13 *vestigation shall, subject to the availability of appropria-*
14 *tions, pay to the consumer reporting agency assembling or*
15 *providing report or information in accordance with proce-*
16 *dures established under this section a fee for reimbursement*
17 *for such costs as are reasonably necessary and which have*
18 *been directly incurred in searching, reproducing, or trans-*
19 *porting books, papers, records, or other data required or re-*
20 *quested to be produced under this section.*

21 “(f) *LIMIT ON DISSEMINATION.*—*The Federal Bureau*
22 *of Investigation may not disseminate information obtained*
23 *pursuant to this section outside of the Federal Bureau of*
24 *Investigation, except to other Federal agencies as may be*
25 *necessary for the approval or conduct of a foreign counter-*

1 *intelligence investigation, or, where the information con-*
2 *cerns a person subject to the uniform Code of Military Jus-*
3 *tice, to appropriate investigative authorities within the*
4 *military department concerned as may be necessary for the*
5 *conduct of a joint foreign counterintelligence investigation.*

6 “(g) *RULES OF CONSTRUCTION.*—*Nothing in this sec-*
7 *tion shall be construed to prohibit information from being*
8 *furnished by the Federal Bureau of Investigation pursuant*
9 *to a subpoena or court order, in connection with a judicial*
10 *or administrative proceeding to enforce the provisions of*
11 *this Act. Nothing in this section shall be construed to au-*
12 *thorize or permit the withholding of information from the*
13 *Congress.*

14 “(h) *REPORTS TO CONGRESS.*—*On a semiannual*
15 *basis, the Attorney General shall fully inform the Perma-*
16 *nent Select Committee on Intelligence and the Committee*
17 *on Banking, Finance and Urban Affairs of the House of*
18 *Representatives, and the Select Committee on Intelligence*
19 *and the Committee on Banking, Housing, and Urban Af-*
20 *fairs of the Senate concerning all requests made pursuant*
21 *to subsections (a), (b), and (c).*

22 “(i) *DAMAGES.*—*Any agency or department of the*
23 *United States obtaining or disclosing any consumer reports,*
24 *records, or information contained therein in violation of*
25 *this section is liable to the consumer to whom such consumer*

1 *reports, records, or information relate in an amount equal*
2 *to the sum of—*

3 “(1) *\$100, without regard to the volume of*
4 *consumer reports, records, or information involved;*

5 “(2) *any actual damages sustained by the*
6 *consumer as a result of the disclosure;*

7 “(3) *if the violation is found to have been willful*
8 *or intentional, such punitive damages as a court may*
9 *allow; and*

10 “(4) *in the case of any successful action to en-*
11 *force liability under this subsection, the costs of the*
12 *action, together with reasonable attorney fees, as de-*
13 *termined by the court.*

14 “(j) *DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a*
15 *court determines that any agency or department of the*
16 *United States has violated any provision of this section and*
17 *the court finds that the circumstances surrounding the vio-*
18 *lation raise questions of whether or not an officer or em-*
19 *ployee of the agency or department acted willfully or inten-*
20 *tionally with respect to the violation, the agency or depart-*
21 *ment shall promptly initiate a proceeding to determine*
22 *whether or not disciplinary action is warranted against the*
23 *officer or employee who was responsible for the violation.*

24 “(k) *GOOD-FAITH EXCEPTION.—Notwithstanding any*
25 *other provision of this title, any consumer reporting agency*

1 *or agent or employee thereof making disclosure of consumer*
2 *reports or identifying information pursuant to this sub-*
3 *section in good-faith reliance upon a certification of the*
4 *Federal Bureau of Investigation pursuant to provisions of*
5 *this section shall not be liable to any person for such disclo-*
6 *sure under this title, the constitution of any State, or any*
7 *law or regulation of any State or any political subdivision*
8 *of any State.*

9 “(l) *LIMITATION OF REMEDIES.—Notwithstanding*
10 *any other provision of this title, the remedies and sanctions*
11 *set forth in this section shall be the only judicial remedies*
12 *and sanctions for violation of this section.*

13 “(m) *INJUNCTIVE RELIEF.—In addition to any other*
14 *remedy contained in this section, injunctive relief shall be*
15 *available to require compliance with the procedures of this*
16 *section. In the event of any successful action under this sub-*
17 *section, costs together with reasonable attorney fees, as de-*
18 *termined by the court, may be recovered.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of the Fair Credit Reporting Act (15 U.S.C.*
21 *1681 et seq.) is amended by adding after the item relating*
22 *to section 624 the following:*

“624. Disclosures to FBI for counterintelligence purposes.”.

1 **TITLE VII—TECHNICAL**
2 **CORRECTIONS**

3 **SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DI-**
4 **RECTOR OR DEPUTY DIRECTOR OF CENTRAL**
5 **INTELLIGENCE APPOINTED FROM COMMIS-**
6 **SIONED OFFICERS OF THE ARMED FORCES.**

7 *Section 102(c)(3)(C) of the National Security Act of*
8 *1947 (50 U.S.C. 403(c)(3)(C)) is amended—*

9 *(1) by striking “A” before “commissioned” and*
10 *inserting “An active duty”;*

11 *(2) by striking out “(including retired pay)”;*

12 *(3) by inserting “an active duty” after “payable*
13 *to”; and*

14 *(4) by striking “a” before “commissioned”.*

15 **SEC. 702. CHANGE OF OFFICE DESIGNATION IN CIA INFOR-**
16 **MATION ACT.**

17 *Section 701(b)(3) of the CIA Information Act of 1984*
18 *(50 U.S.C. 431(b)(3)) is amended by striking “Office of Se-*
19 *curity” and inserting “Office of Personnel Security”.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 1655

AMENDMENT

HR 1655 EAS---2

HR 1655 EAS---3

HR 1655 EAS---4

HR 1655 EAS---5