

104TH CONGRESS
1ST SESSION

H. R. 1655

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1995

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

A BILL

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.

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 1996”.

1 **TITLE I—INTELLIGENCE**
2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 1996 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

8 (1) The Central Intelligence Agency.

9 (2) The Department of Defense.

10 (3) The Defense Intelligence Agency.

11 (4) The National Security Agency.

12 (5) The Department of the Army, the Depart-
13 ment of the Navy, and the Department of the Air
14 Force.

15 (6) The Department of State.

16 (7) The Department of Treasury.

17 (8) The Department of Energy.

18 (9) The Federal Bureau of Investigation.

19 (10) The Drug Enforcement Administration.

20 (11) The National Reconnaissance Office.

21 (12) The Central Imagery Office.

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

23 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
24 CEILINGS.—The amounts authorized to be appropriated
25 under section 101, and the authorized personnel ceilings

1 as of September 30, 1996, for the conduct of the intel-
2 ligence and intelligence-related activities of the elements
3 listed in such section, are those specified in the classified
4 Schedule of Authorizations prepared to accompany the bill
5 H.R. 1655 of the 104th Congress.

6 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
7 THORIZATIONS.—The Schedule of Authorizations shall be
8 made available to the Committees on Appropriations of
9 the Senate and House of Representatives and to the Presi-
10 dent. The President shall provide for suitable distribution
11 of the Schedule, or of appropriate portions of the Sched-
12 ule, within the executive branch.

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

14 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
15 proval of the Director of the Office of Management and
16 Budget, the Director of Central Intelligence may authorize
17 employment of civilian personnel in excess of the number
18 authorized for fiscal year 1996 under section 102 when
19 the Director of Central Intelligence determines that such
20 action is necessary to the performance of important intel-
21 ligence functions, except that the number of personnel em-
22 ployed in excess of the number authorized under such sec-
23 tion may not, for any element of the intelligence commu-
24 nity, exceed two percent of the number of civilian person-
25 nel authorized under such section for such element.

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

7 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
8 **COUNT.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for the Intelligence Commu-
11 nity Management Account of the Director of Central Intel-
12 ligence for fiscal year 1996 the sum of \$93,283,000. With-
13 in such amounts authorized, funds identified in the classi-
14 fied Schedule of Authorizations referred to in section
15 102(a) for the Advanced Research and Development Com-
16 mittee shall remain available until September 30, 1997.

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

24 (c) REIMBURSEMENT.—During fiscal year 1996, any
25 officer or employee of the United States or a member of

1 the Armed Forces who is detailed to the Community Man-
2 agement Staff from another element of the United States
3 Government shall be detailed on a reimbursable basis, ex-
4 cept that any such officer, employee or member may be
5 detailed on a nonreimbursable basis for a period of less
6 than one year for the performance of temporary functions
7 as required by the Director of Central Intelligence.

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

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated for the
14 Central Intelligence Agency Retirement and Disability
15 Fund for fiscal year 1996 the sum of \$213,900,000.

16 **TITLE III—GENERAL**
17 **PROVISIONS**

18 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
19 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
2 **ACTIVITIES.**

3 The authorization of appropriations by this Act shall
4 not be deemed to constitute authority for the conduct of
5 any intelligence activity which is not otherwise authorized
6 by the Constitution or the laws of the United States.

7 **SEC. 303. APPLICATION OF SANCTIONS LAWS TO INTEL-**
8 **LIGENCE ACTIVITIES.**

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

12 **“TITLE IX—APPLICATION OF**
13 **SANCTIONS LAWS TO INTEL-**
14 **LIGENCE ACTIVITIES**

15 “STAY OF SANCTIONS

16 “SEC. 901. Notwithstanding any other provision of
17 law, the President may stay the imposition of an economic,
18 cultural, diplomatic, or other sanction or related action by
19 the United States Government concerning a foreign coun-
20 try, organization, or person when the President deter-
21 mines that to proceed without delay would seriously risk
22 the compromise of an ongoing criminal investigation or an
23 intelligence source or method. The President shall lift any
24 such stay when the President determines that such stay
25 is no longer necessary to that purpose.

“REPORTS

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2 “SEC. 902. Whenever any stay is imposed pursuant
3 to section 901, and whenever the duration of any such
4 stay exceeds 120 days, the President shall promptly report
5 to the Select Committee on Intelligence of the Senate and
6 the Permanent Select Committee on Intelligence of the
7 House of Representatives the rationale and circumstances
8 that led the President to exercise the stay authority with
9 respect to an intelligence source or method, and to the
10 Judiciary Committees of the Senate and the House of
11 Representatives the rationale and circumstances that led
12 the President to exercise the stay authority with respect
13 to an ongoing criminal investigation.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in the first section of such Act is amended by adding at
16 the end thereof the following:

“TITLE IX—APPLICATION OF SANCTIONS LAWS TO
INTELLIGENCE ACTIVITIES

“Sec. 901. Stay of sanctions.

“Sec. 902. Reports.”.

17 **SEC. 304. SECRECY AGREEMENTS USED IN INTELLIGENCE**
18 **ACTIVITIES.**

19 Notwithstanding any other provision of law not spe-
20 cifically referencing this section, a nondisclosure policy
21 form or agreement that is to be executed by a person con-
22 nected with the conduct of an intelligence or intelligence-
23 related activity, other than an employee or officer of the

1 United States Government, may contain provisions appro-
2 priate to the particular activity for which such document
3 is to be used. Such form or agreement shall, at a mini-
4 mum, require that the person will not disclose any classi-
5 fied information received in the course of such activity un-
6 less specifically authorized to do so by the United States
7 Government.

8 **SEC. 305. LIMITATION ON AVAILABILITY OF FUNDS FOR**
9 **AUTOMATIC DECLASSIFICATION OF**
10 **RECORDS OVER 25 YEARS OLD.**

11 Amounts authorized to be appropriated by this Act
12 may not be used to carry out the provisions of section 3.4
13 of Executive Order 12958 until after the President has
14 submitted a budget request that specifies the costs of car-
15 rying out such section and funds have been authorized to
16 be appropriated to carry out the provisions of section 3.4
17 of Executive Order 12958.

18 **TITLE IV—CENTRAL**
19 **INTELLIGENCE AGENCY**

20 **SEC. 401. EXTENSION OF THE CIA VOLUNTARY SEPARATION**
21 **PAY ACT.**

22 Section 2(f) of the Central Intelligence Agency Vol-
23 untary Separation Pay Act (50 U.S.C. 403–4(f)), is
24 amended by striking out “September 30, 1997” and in-
25 serting in lieu thereof “September 30, 1999”.

1 **SEC. 402. VOLUNTEER SERVICE PROGRAM.**

2 (a) GENERAL AUTHORITY.—The Director of Central
3 Intelligence is authorized to establish and maintain a pro-
4 gram from fiscal years 1996 through 2001 to utilize the
5 services contributed by not more than 50 annuitants who
6 serve without compensation as volunteers in aid of system-
7 atic or mandatory review for declassification or downgrad-
8 ing of classified information of the Central Intelligence
9 Agency under applicable Executive orders governing the
10 classification and declassification of national security in-
11 formation and Public Law 102–526.

12 (b) COSTS INCIDENTAL TO SERVICES.—The Director
13 is authorized to use sums made available to the Central
14 Intelligence Agency by appropriations or otherwise for
15 paying the costs incidental to the utilization of services
16 contributed by individuals under subsection (a). Such
17 costs may include (but need not be limited to) training,
18 transportation, lodging, subsistence, equipment, and sup-
19 plies. The Director may authorize either direct procure-
20 ment of equipment, supplies, and services, or reimburse-
21 ment for, expenses incidental to the effective use of volun-
22 teers. Such expenses or services shall be in accordance
23 with volunteer agreements made with such individuals.
24 Sums made available for such costs may not exceed
25 \$100,000.

1 (c) APPLICATION OF CERTAIN PROVISIONS OF
2 LAW.—A volunteer under this section shall be considered
3 to be a Federal employee for the purposes of subchapter
4 I of title 81 (relating to compensation of Federal employ-
5 ees for work injuries) and section 1346(b) and chapter
6 171 of title 28 (relating to tort claims). A volunteer under
7 this section shall be covered by and subject to the provi-
8 sions of chapter 11 of title 18 of the United States Code
9 as if they were employees or special Government employ-
10 ees depending upon the days of expected service at the
11 time they begin volunteering.

12 **TITLE V—DEPARTMENT OF DE-**
13 **FENSE INTELLIGENCE AC-**
14 **TIVITIES**

15 **SEC. 501. EXTENSION OF AUTHORITY TO CONDUCT INTEL-**
16 **LIGENCE COMMERCIAL ACTIVITIES.**

17 Section 431(a) of title 10, United States Code, is
18 amended by striking out “1995” and inserting in lieu
19 thereof “1998”.

20 **TITLE VI—TECHNICAL**
21 **AMENDMENTS**

22 **SEC. 601. CHANGE OF DESIGNATION OF CIA OFFICE OF SE-**
23 **CURITY.**

24 Section 701(b)(3) of the National Security Act of
25 1947 (50 U.S.C. 431(b)(3)), is amended by striking out

- 1 “Office of Security” and inserting in lieu thereof “Office
- 2 of Personnel Security”.

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