

105TH CONGRESS
2^D SESSION

H. R. 3694

IN THE SENATE OF THE UNITED STATES

MAY 7, 1998

Received; read twice and referred to the Select Committee on Intelligence

AN ACT

To authorize appropriations for fiscal year 1999 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Intelligence Authorization Act for Fiscal Year 1999”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Community management account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Application of sanctions laws to intelligence activities.
- Sec. 304. Sense of the Congress on intelligence community contracting.
- Sec. 305. Annual report on intelligence community cooperation with domestic
 Federal law enforcement agencies.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Enhanced protective authority for CIA personnel and family mem-
 bers.
- Sec. 402. Technical amendments.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

- Sec. 501. Extension of authority to engage in commercial activities as security
 for intelligence collection activities.

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

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 1999 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 the Treasury.

17 (8) The Department of Energy.

18 (9) The Federal Bureau of Investigation.

19 (10) The National Reconnaissance Office.

20 (11) The National Imagery and Mapping Agen-
21 cy.

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, 1999, 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. 3694 of the 105th 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 1999 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. COMMUNITY MANAGEMENT ACCOUNT.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated for the Community Manage-
10 ment Account of the Director of Central Intelligence for
11 fiscal year 1999 the sum of \$139,123,000. Within such
12 amount, funds identified in the classified Schedule of Au-
13 thorizations referred to in section 102(a) for the Advanced
14 Research and Development Committee shall remain avail-
15 able until September 30, 2000.

16 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
17 ments within the Community Management Account of the
18 Director of Central Intelligence is authorized 283 full-time
19 personnel as of September 30, 1999. Personnel serving in
20 such elements may be permanent employees of the Com-
21 munity Management Staff or personnel detailed from
22 other elements of the United States Government.

23 (c) CLASSIFIED AUTHORIZATIONS.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—In
25 addition to amounts authorized to be appropriated

1 for the Community Management Account by sub-
2 section (a), there is also authorized to be appro-
3 priated for the Community Management Account for
4 fiscal year 1999 such additional amounts as are
5 specified in the classified Schedule of Authorizations
6 referred to in section 102(a).

7 (2) AUTHORIZATION OF PERSONNEL.—In addi-
8 tion to the personnel authorized by subsection (b)
9 for elements of the Community Management Ac-
10 count as of September 30, 1999, there is authorized
11 such additional personnel for such elements as of
12 that date as is specified in the classified Schedule of
13 Authorizations.

14 (d) REIMBURSEMENT.—Except as provided in section
15 113 of the National Security Act of 1947, during fiscal
16 year 1999, any officer or employee of the United States
17 or a member of the Armed Forces who is detailed to the
18 staff of the Community Management Account from an-
19 other element of the United States Government shall be
20 detailed on a reimbursable basis, except that any such offi-
21 cer, employee or member may be detailed on a non-
22 reimbursable basis for a period of less than one year for
23 the performance of temporary functions as required by the
24 Director of Central Intelligence.

25 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

1 (1) IN GENERAL.—Of the amount appropriated
2 pursuant to the authorization in subsection (a), the
3 amount of \$27,000,000 shall be available for the
4 National Drug Intelligence Center. Within such
5 amount, funds provided for research, development,
6 test, and evaluation purposes shall remain available
7 until September 30, 2000, and funds provided for
8 procurement purposes shall remain available until
9 September 30, 2001.

10 (2) TRANSFER OF FUNDS.—The Director of
11 Central Intelligence shall transfer to the Attorney
12 General of the United States funds available for the
13 National Drug Intelligence Center under paragraph
14 (1). The Attorney General shall utilize funds so
15 transferred for the activities of the National Drug
16 Intelligence Center.

17 (3) LIMITATION.—Amounts available for the
18 National Drug Intelligence Center may not be used
19 in contravention of the provisions of section
20 103(d)(1) of the National Security Act of 1947 (50
21 U.S.C. 403–3(d)(1)).

22 (4) AUTHORITY.—Notwithstanding any other
23 provision of law, the Attorney General shall retain
24 full authority over the operations of the National
25 Drug Intelligence Center.

1 (f) TRANSFER AUTHORITY FOR FUNDS FOR SECUR-
2 RITY REQUIREMENTS AT OVERSEAS LOCATIONS.—

3 (1) IN GENERAL.—Of the amount appropriated
4 pursuant to the authorization in subsection (a), the
5 Director of Central Intelligence may transfer funds
6 to departments or other agencies for the sole pur-
7 pose of supporting certain intelligence community
8 security requirements at overseas locations, as speci-
9 fied by the Director.

10 (2) LIMITATION.—Amounts made available for
11 departments or agencies under paragraph (1) shall
12 be—

13 (A) transferred to the specific appropria-
14 tion;

15 (B) allocated to the specific account in the
16 specific amount, as determined by the Director;

17 (C) merged with funds in such account
18 that are available for architectural and engi-
19 neering support expenses at overseas locations;
20 and

21 (D) available only for the same purposes,
22 and subject to the same terms and conditions,
23 as the funds described in subparagraph (C).

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 Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 1999 the sum of \$201,500,000.

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
17 or 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
22 any intelligence activity which is not otherwise authorized
23 by the Constitution or the laws of the United States.

1 **SEC. 303. APPLICATION OF SANCTIONS LAWS TO INTEL-**
2 **LIGENCE ACTIVITIES.**

3 Section 905 of the National Security Act of 1947 (50
4 U.S.C. 441d) is amended by striking out “January 6,
5 1999” and inserting in lieu thereof “January 6, 2000”.

6 **SEC. 304. SENSE OF THE CONGRESS ON INTELLIGENCE**
7 **COMMUNITY CONTRACTING.**

8 It is the sense of the Congress that the Director of
9 Central Intelligence should continue to direct that ele-
10 ments of the intelligence community, whenever compatible
11 with the national security interests of the United States
12 and consistent with operational and security concerns re-
13 lated to the conduct of intelligence activities, and where
14 fiscally sound, should competitively award contracts in a
15 manner that maximizes the procurement of products prop-
16 erly designated as having been made in the United States.

17 **SEC. 305. ANNUAL REPORT ON INTELLIGENCE COMMUNITY**
18 **COOPERATION WITH DOMESTIC FEDERAL**
19 **LAW ENFORCEMENT AGENCIES.**

20 Not later than 90 days after the end of each fiscal
21 year ending after the date of the enactment of this Act,
22 the Director of Central Intelligence shall submit a report
23 to the Congress that describes the level of cooperation and
24 assistance provided to domestic Federal law enforcement
25 agencies by the intelligence community during such fiscal
26 year relating to the effort to stop the flow of illegal drugs

1 into the United States through the United States-Mexico
2 border and the United States-Canada border.

3 **TITLE IV—CENTRAL**
4 **INTELLIGENCE AGENCY**

5 **SEC. 401. ENHANCED PROTECTIVE AUTHORITY FOR CIA**
6 **PERSONNEL AND FAMILY MEMBERS.**

7 Section 5(a)(4) of the Central Intelligence Agency
8 Act of 1949 (50 U.S.C. 403f(a)(4)) is amended by striking
9 out “and the protection of Agency personnel and of defec-
10 tors, their families” and inserting in lieu thereof “and the
11 protection of current and former Agency personnel and
12 their immediate families, and defectors and their imme-
13 diate families”.

14 **SEC. 402. TECHNICAL AMENDMENTS.**

15 (a) CENTRAL INTELLIGENCE AGENCY ACT OF
16 1949.—(1) Section 5(a)(1) of the Central Intelligence
17 Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended—

18 (A) by striking out “subparagraphs (B) and (C)
19 of section 102(a)(2)” and inserting in lieu thereof
20 “paragraphs (2) and (3) of section 102(a)”;

21 (B) by striking out “(c)(5)” and inserting in
22 lieu thereof “(c)(6)”;

23 (C) by inserting “(3),” after “403(a)(2),”;

24 (D) by inserting “(c)(6), (d)” after “403–3”;

25 and

1 (E) by inserting “(a), (g)” after “403–4”.

2 (2) Section 6 of such Act (50 U.S.C. 403g) is amend-
3 ed by striking out “(c)(5)” each place it appears and in-
4 serting in lieu thereof “(c)(6)”.

5 (b) CENTRAL INTELLIGENCE AGENCY RETIREMENT
6 ACT.—Section 201(c) of the Central Intelligence Agency
7 Retirement Act (50 U.S.C. 2011(c)) is amended by strik-
8 ing out “(c)(5)” each place it appears and inserting in
9 lieu thereof “(c)(6)”.

10 **TITLE V—DEPARTMENT OF DE-**
11 **FENSE INTELLIGENCE AC-**
12 **TIVITIES**

13 **SEC. 501. EXTENSION OF AUTHORITY TO ENGAGE IN COM-**
14 **MERCIAL ACTIVITIES AS SECURITY FOR IN-**
15 **TELLIGENCE COLLECTION ACTIVITIES.**

16 Section 431(a) of title 10, United States Code, is
17 amended by striking out “December 31, 1998” and insert-
18 ing in lieu thereof “December 31, 2001”.

Passed the House of Representatives May 7, 1998.

Attest:

ROBIN H. CARLE,

Clerk.