

Public Law 101-193
101st Congress

An Act

To authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Nov. 30, 1989
[H.R. 2748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1990".

Intelligence
Authorization
Act, Fiscal Year
1990.

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1990 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1990, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany H.R. 2748 of the One Hundred First Congress. That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

President of U.S.

PERSONNEL CEILING ADJUSTMENTS

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1990 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number

may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS
IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1990 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1990 the sum of \$26,900,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1990. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1990, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1990, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS
CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1990, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

**TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM AND RELATED PROVISIONS****AUTHORIZATION OF APPROPRIATIONS**

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1990 the sum of \$154,900,000.

ELIGIBILITY FOR ANNUITY

SEC. 302. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

- (1) by redesignating section 236 as section 237; and
- (2) by inserting after section 235 the following new section:

50 USC 403 note.

“ELIGIBILITY FOR ANNUITY

“SEC. 236. A participant must complete, within the last two years before any separation from service, except a separation because of death or disability, at least one year of creditable civilian service during which he or she is subject to this title before he or she or his or her survivors are eligible for an annuity under this title based on the separation. If a participant, except a participant separated from the service because of death or disability, fails to meet the service requirement of the preceding sentence, the amounts deducted from his or her pay during the period for which no eligibility is established based on the separation shall be returned to him or her on the separation. Failure to meet this service requirement does not deprive the individual or his or her survivors of annuity rights which attached on a previous separation.”.

**PRECEDENCE OF SECTION 224 SURVIVOR BENEFITS OVER SECTION 232
DEATH-IN-SERVICE BENEFITS**

SEC. 303. Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

50 USC 403 note.

- (1) by adding at the end of paragraph (1) thereof the following new sentence: “Payment of death-in-service benefits for former spouses is also subject to paragraph (4) of this subsection.”; and

- (2) by adding after paragraph (3) thereof the following:

“(4) If a former spouse eligible for death-in-service benefits under provisions of this section is or becomes eligible for survivor benefits under section 224, the benefits provided under this section will not be payable and will be superseded by the benefits provided in section 224.”.

COMPUTATION OF SURVIVOR BENEFIT FOR FORMER SPOUSES

SEC. 304. (a) Section 224(a)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by striking out “and also by an amount” and all that follows through “by the United States”.

50 USC 403 note.

(b) The amendment made by this section shall be effective as of October 1, 1986.

Effective date.
50 USC 403 note.

SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN CIA EMPLOYEES'
SERVICE ABROAD

SEC. 305. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN EMPLOYEES'
SERVICE ABROAD

50 USC 403r.

"SEC. 18. (a) Notwithstanding any provision of chapter 83 of title 5, United States Code, the annuity under subchapter III of such chapter of an officer or employee of the Central Intelligence Agency who retires on or after October 1, 1989, is not designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and has served abroad as an officer or employee of the Agency on or after January 1, 1987, shall be computed as provided in subsection (b).

"(b)(1) The portion of the annuity relating to such service abroad that is actually performed at any time during the officer's or employee's first ten years of total service shall be computed at the rate and using the percent of average pay specified in section 8339(a)(3) of title 5, United States Code, that is normally applicable only to so much of an employee's total service as exceeds ten years.

"(2) The portion of the annuity relating to service abroad as described in subsection (a) but that is actually performed at any time after the officer's or employee's first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5, United States Code; but, in addition, the officer or employee shall be deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer's or employee's annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

"(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) shall be computed as provided in the provisions of section 8339(a) of title 5, United States Code, that would otherwise be applicable to such service.

"(4) For purposes of this subsection, the term 'total service' has the meaning given such term under chapter 83 of title 5, United States Code.

"(c) For purposes of subsections (f) through (m) of section 8339 of title 5, United States Code, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o) of section 8339 of title 5, United States Code.

"(d) The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5, United States Code."

PORTABILITY OF OVERSEAS SERVICE RETIREMENT BENEFIT

50 USC 403r-1.

SEC. 306. The special accrual rates provided by section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees and by section 18 of the Central Intelligence Agency Act

of 1949 for computation of the annuity of an individual who has served abroad as an officer or employee of the Central Intelligence Agency shall be used to compute that portion of the annuity of such individual relating to such service abroad whether or not the individual is employed by the Central Intelligence Agency at the time of retirement from Federal service.

DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS

SEC. 307. (a) The Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), is amended by adding after section 18 the following new section:

"SPECIAL RULES FOR DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS WITH RESPECT TO CERTAIN EMPLOYEES

"SEC. 19. (a) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5, United States Code, who— 50 USC 403s.

"(i) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

"(ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;

"(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under section 203; and

"(iv) satisfies the requirements for disability retirement under section 8337 of title 5, United States Code—

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in such section 231, in lieu of an annuity computed as provided by section 8337 of title 5, United States Code.

"(b) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, United States Code, who—

"(i) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

"(ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;

"(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

"(iv) is survived by a widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, who would otherwise be entitled to an annuity under section 8341 of title 5, United States Code—

such widow or widower, former spouse, and/or child or children of such officer or employee shall be entitled to an annuity computed in accordance with such section 232, in lieu of an annuity computed in accordance with section 8341 of title 5, United States Code.

“(c) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who—

“(i) has completed at least eighteen months of civilian service creditable under section 8411 of title 5, United States Code;

“(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

“(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

“(iv) satisfies the requirements for disability retirement under subchapter V of chapter 84, title 5, United States Code—

shall, on the officer's or employee's own application or an application by the Director, be retired on an annuity computed as if the officer or employee, prior to becoming disabled, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the annuity amount that would otherwise be computed under subchapter V of chapter 84 of title 5, United States Code.

“(d) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who—

“(i) has at least eighteen months of civilian service creditable under section 8411 of title 5, United States Code;

“(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

“(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

“(iv) is survived by a widow or widower, former spouse, and/or child or children as defined in section 8441 of title 5, United States Code, who would be entitled to a lump-sum survivor benefit, a survivor annuity and/or if applicable, a supplementary annuity, under subchapter IV of chapter 84, title 5, United States Code—

the survivor benefit or benefits of such widow or widower, former spouse, and/or child or children shall be computed as if the officer or employee, prior to death, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the benefit amount or amounts that would otherwise be computed pursuant to subchapter IV of chapter 84, title 5, United States Code.

“(e)(1) The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities, and shall be payable from the

Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"(2) The annuities and/or other benefits provided under subsections (c) and (d) of this section shall be deemed to be annuities and/or benefits under chapter 84 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities and/or benefits, but shall be payable from the Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees."

(b) The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end of title II the following new section:

**"PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL
SERVICE RETIREMENT SYSTEM ANNUITIES**

"SEC. 295. Notwithstanding any other provision of law, the amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund."

50 USC 403 note.

**TITLE IV—CENTRAL INTELLIGENCE AGENCY
ADMINISTRATIVE PROVISIONS**

REMOTE SENSING PROCUREMENT AUTHORITY

SEC. 401. In the performance of its functions, the Central Intelligence Agency may use its funds to procure commercial remote sensing data by whatever means the Agency deems to be appropriate notwithstanding any provision of law directing the procurement of such data through other Government agencies.

**TITLE V—IMPROVEMENTS TO PERSONNEL AUTHORITIES
FOR INTELLIGENCE COMPONENTS OF THE DEPARTMENT
OF DEFENSE**

SPECIAL PAY FOR FOREIGN LANGUAGE PROFICIENCY

SEC. 501. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1592. Foreign language proficiency: special pay

"(a) The Secretary of Defense may pay special pay under this section to a civilian officer or employee of the Department of Defense who—

"(1) has been certified as being proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by civilian personnel of the Department is important for the effective collection, production, or dissemination of foreign intelligence information; and

"(2) is serving in a position, or is subject to assignment to a position, in which proficiency in that language facilitates

performance of officially assigned intelligence or intelligence-related duties.

“(b) The annual rate of special pay under subsection (a) shall be determined by the Secretary of Defense.

“(c) Special pay under this section may be paid in addition to any compensation authorized under section 1604(b) of this title for which an officer or employee is eligible.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

“1592. Foreign language proficiency: special pay.”.

Effective date.
50 USC 1592
note.

(b) Section 1592 of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning on or after the later of—

(1) October 1, 1989, or

(2) the date of the enactment of this Act.

DEFENSE INTELLIGENCE COLLEGE GIFT ACCEPTANCE AUTHORITY

SEC. 502. (a) Chapter 155 of title 10, United States Code, is amended by adding at the end thereof the following new section:

Real property.

“§ 2607. Acceptance of gifts for the Defense Intelligence College

“(a) The Secretary of Defense may accept, hold, administer, and use any gift (including any gift of an interest in real property) made for the purpose of aiding and facilitating the work of the Defense Intelligence College and may pay all necessary expenses in connection with the acceptance of such a gift.

“(b) Money, and proceeds from the sale of property, received as a gift under subsection (a) shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary of Defense to the extent provided in annual appropriation Acts.

“(c) Subsection (c) of section 2601 of this title applies to property that is accepted under subsection (a) in the same manner that such subsection applies to property that is accepted under subsection (a) of that section.

“(d) In this section, the term ‘gift’ includes a bequest of personal property or a devise of real property.”.

(b) The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:

“2607. Acceptance of gifts for the Defense Intelligence College.”.

PERMANENT AUTHORITY TO TERMINATE EMPLOYMENT OF CIVILIAN INTELLIGENCE OFFICERS AND EMPLOYEES OF MILITARY DEPARTMENTS AND OF THE DEFENSE INTELLIGENCE AGENCY

SEC. 503. (a) Section 1590(e)(1) of title 10, United States Code, is amended by striking out “, during fiscal years 1988 and 1989,”.

(b) Section 1604(e)(1) of such title is amended by striking out “, during fiscal years 1988 and 1989,”.

DEFENSE ATTACHÉ DEATH GRATUITY

Armed Forces.
Terrorism.

SEC. 504. (a) During fiscal year 1990, the Secretary of Defense may pay a death gratuity identical to that payable under section 1489(b) of title 10, United States Code, to the surviving dependents of a member of the Armed Forces who, while serving on active duty

assigned to a Defense attaché office outside the United States, died as a result of hostile or terrorist activities.

(b) The death gratuity referred to in subsection (a) may be paid with respect to an individual who died on or after June 15, 1988.

(c) The Secretary of Defense shall submit to Congress no later than March 1, 1990, a report concerning the advisability of permanent law permitting the payment of death gratuities to the survivors of any member of the armed services who, while on active duty assigned to a Defense attaché office outside the United States, dies as a result of hostile or terrorist activities.

Reports.

**SPECIAL ANNUITY COMPUTATION RULES FOR PERIODS OF SERVICE
ABROAD FOR CERTAIN DIA AND NSA EMPLOYEES**

SEC. 505. (a) Section 1605(a) of title 10, United States Code, is amended—

(1) by striking out “who are subject to chapter 84 of title 5,” in the last sentence; and

(2) by striking out the period at the end and inserting in lieu thereof “and in section 18 of the Central Intelligence Agency Act of 1949.”

(b) Section 9(b) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in paragraph (1)(B), by striking “(including special” and all that follows through “note)); and” and inserting in lieu thereof a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof “; and”; and

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

“(3) special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) and in section 18 of the Central Intelligence Agency Act of 1949.”

**REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF UNITED STATES ARMY
RUSSIAN INSTITUTE**

SEC. 506. (a) For purposes of section 319(c) of the Immigration and Nationality Act (8 U.S.C. 1430(c)), the United States Army Russian Institute, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of this section.

8 USC 1430 note.

(b) Subsection (a) shall apply with respect to periods of employment before, on, or after the date of the enactment of this Act.

Effective date.

(c) No more than two persons per year may be naturalized based on the provisions of subsection (a).

Naturalized persons.

(d) Each instance of naturalization based on the provisions of subsection (a) shall be reported to the Committees on the Judiciary of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to such naturalization.

Reports.

DEFENSE INTELLIGENCE AGENCY ACQUISITION OF CRITICAL SKILLS

SEC. 507. (a)(1) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1608. Financial assistance to certain employees in acquisition of critical skills"

Education.

"(a) The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees of the Defense Intelligence Agency that is similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

"(b) Any payments made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose."

(2) The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:

"1608. Financial assistance to certain employees in acquisition of critical skills."

Effective date.
10 USC 1608
note.

(b) Section 1608 of title 10, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

TITLE VI—FBI NEW YORK FIELD DIVISION DEMONSTRATION PROJECT

FBI NEW YORK FIELD DIVISION DEMONSTRATION PROJECT

102 Stat. 1911.

SEC. 601. (a) Section 601(a)(2) of the Intelligence Authorization Act, Fiscal Year 1989 is amended by striking out "who are subject by policy and practice to directed geographical transfer or reassignment".

Effective date.

(b) The amendment made by subsection (a) shall take effect on October 1, 1989.

President of U.S.

(c) In preparing for submission to the Congress the Budget of the United States for Fiscal Year 1991, the President shall take into account and, to the greatest extent possible, incorporate into such budget the recommendations of the National Advisory Commission on Law Enforcement as established by section 6160 of the Anti-Drug Abuse Act of 1988.

PERSONNEL CEILING ON UNITED STATES AND SOVIET MISSIONS

SEC. 602. It is the sense of the Congress that the ceiling on permanent positions at the United States Mission to the Soviet Union and the Soviet Mission to the United States should not be increased unless—

(a) the President determines that such increase is essential to the effective functioning of the United States Mission to the Soviet Union; and

(b) the FBI is provided sufficient additional resources to fulfill its responsibilities resulting from the increased number of permanent positions at the Soviet Mission to the United States.

FBI INVESTIGATIONS OF ESPIONAGE BY PERSONS EMPLOYED BY OR ASSIGNED TO UNITED STATES DIPLOMATIC MISSIONS ABROAD

28 USC 533 note.

SEC. 603. Subject to the authority of the Attorney General, the FBI shall supervise the conduct of all investigations of violations of the espionage laws of the United States by persons employed by or assigned to United States diplomatic missions abroad. All depart-

Reports.

ments and agencies shall report immediately to the FBI any information concerning such a violation. All departments and agencies shall provide appropriate assistance to the FBI in the conduct of such investigations. Nothing in this provision shall be construed as establishing a defense to any criminal, civil, or administrative action.

TITLE VII—GENERAL PROVISIONS

INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

SEC. 701. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 702. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

PRESIDENTIAL REPORT ON COORDINATION OF DRUG INTELLIGENCE ACTIVITIES

SEC. 703. Not later than April 1, 1990, the President shall submit to Congress a report describing how intelligence activities relating to narcotics trafficking can be integrated, including coordinating the collection and analysis of intelligence information, ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies of the United States Government responsible for interdiction, eradication, law enforcement, and other counternarcotics activities, and coordinating and controlling all counternarcotics intelligence activities.

TITLE VIII—INSPECTOR GENERAL FOR CENTRAL INTELLIGENCE AGENCY

INSPECTOR GENERAL FOR CENTRAL INTELLIGENCE AGENCY

SEC. 801. Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended to read as follows:

“SEC. 17. INSPECTOR GENERAL FOR THE AGENCY.

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

“(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

“(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

“(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to

the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

President of U.S.

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Agency, and prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, or public administration.

Reports.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

Classified information.

"(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

Reports.

"(5) In accordance with section 535 of title 28, United States Code, the Director shall report to the Attorney General any information, allegation, or complaint received from the Inspector General, relating to violations of Federal criminal law involving any officer or employee of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Inspector General.

President of U.S.

"(6) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other

serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than June 30 and December 31 of each year, prepare and submit to the Director of Central Intelligence a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period. Within thirty days, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

Classified
information.

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

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

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus upon the Director or Acting Director; or

"(C) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

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

Contracts.

Records.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

Law
enforcement
and crime.
Fraud.
Safety.

"(3) The Inspector General is authorized to receive and investigate complaints or information from an employee of the Agency concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, it is the sense of Congress that the Inspector General should create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

“(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(f) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of Central Intelligence in consultation with the intelligence committees, the Director of Central Intelligence shall include in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

“(g) TRANSFER.—There shall be transferred to the Office the office of the Agency referred to as the ‘Office of Inspector General.’ The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such ‘Office of Inspector General’ are hereby transferred to the Office established pursuant to this section.”.

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Approved November 30, 1989.

LEGISLATIVE HISTORY—H.R. 2748 (S. 1324):

HOUSE REPORTS: No. 101-215, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services); and No. 101-367 (Comm. of Conference).

SENATE REPORTS: No. 101-78 and No. 101-174 (Select Comm. on Intelligence) and No. 101-151 (Comm. on Armed Services), all accompanying S. 1324.

CONGRESSIONAL RECORD, Vol. 135 (1989):

Oct. 12, considered and passed House.

Nov. 7, considered and passed Senate, amended.

Nov. 17, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Nov. 30, Presidential statement.