

103^D CONGRESS
1ST SESSION

H. R. 2330

AMENDMENT

In the Senate of the United States,

November 8 (legislative day, November 2), 1993.

Resolved, That the bill from the House of Representatives (H.R. 2330) entitled “An Act to authorize appropriations for fiscal year 1994 for the 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 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
3 *telligence Authorization Act for Fiscal Year 1994”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *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.

Sec. 202. Technical corrections.

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. Temporary pay retention for certain FBI employees.

Sec. 304. Report on intelligence gaps.

Sec. 305. Amendment to section 307 of the National Security Act and ratification of a past transaction.

Sec. 306. Sense of Congress regarding disclosure of annual intelligence budget.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. General Counsel of the Central Intelligence Agency.

Sec. 402. Technical amendments to the CIA Act and National Security Act.

TITLE V—DEPARTMENT OF DEFENSE

Sec. 501. Foreign language proficiency pay for members of the reserve components of the Armed Forces.

Sec. 502. National Security Education Trust Fund.

TITLE VI—FEDERAL BUREAU OF INVESTIGATION

Sec. 601. Federal Bureau of Investigation counterintelligence access to consumer credit records.

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

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

4 *Funds are hereby authorized to be appropriated for fis-*
 5 *cal year 1994 for the conduct of the intelligence activities*
 6 *of the following elements of the United States Government:*

7 (1) *The Central Intelligence Agency.*

8 (2) *The Department of Defense.*

9 (3) *The Defense Intelligence Agency.*

10 (4) *The National Security Agency.*

11 (5) *The National Reconnaissance Office.*

12 (6) *The Central Imagery Office.*

13 (7) *The Department of the Army, the Depart-*
 14 *ment of the Navy, and the Department of the Air*
 15 *Force.*

16 (8) *The Department of State.*

1 (9) *The Department of the Treasury.*

2 (10) *The Department of Energy.*

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

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

5 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
6 *CEILINGS.*—*The amounts authorized to be appropriated*
7 *under section 101, and the authorized personnel ceilings as*
8 *of September 30, 1994, for the conduct of the intelligence*
9 *activities of the elements listed in such section, are those*
10 *specified in the classified Schedule of Authorizations pre-*
11 *pared by the Select Committee on Intelligence of the Senate*
12 *to accompany (S. 1301) of the One Hundred Third Con-*
13 *gress.*

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

22 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

23 (a) *AUTHORITY FOR ADJUSTMENTS.*—*The Director of*
24 *Central Intelligence may authorize employment of civilian*
25 *personnel in excess of the number authorized for fiscal year*

1 1994 under section 102 of this Act whenever the Director
2 determines that such action is necessary for the performance
3 of important intelligence functions, except that such number
4 may not, for any element of the intelligence community,
5 exceed 2 percent of the number of civilian personnel author-
6 ized under such section for such element.

7 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The Di-
8 rector of Central Intelligence shall promptly notify the Per-
9 manent Select Committee on Intelligence of the House of
10 Representatives and the Select Committee on Intelligence of
11 the Senate whenever the Director exercises the authority
12 granted by this section.

13 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

14 (a) AUTHORIZATIONS OF APPROPRIATIONS.—There is
15 authorized to be appropriated for the Community Manage-
16 ment Account of the Director of Central Intelligence for fis-
17 cal year 1994 the sum of \$144,588,000. Within such
18 amounts authorized, amounts identified for the Advanced
19 Research and Development Committee shall remain avail-
20 able for obligation through September 30, 1995.

21 (b) AUTHORIZED PERSONNEL LEVELS.—The Commu-
22 nity Management Account of the Director of Central Intel-
23 ligence is authorized 237 full-time personnel as of Septem-
24 ber 30, 1994. Such personnel of the Community Manage-
25 ment Account may be permanent employees of the Commu-

1 nity Management Account or personnel detailed from other
2 elements of the United States Government.

3 (c) *REIMBURSEMENT.*—During fiscal year 1994, any
4 officer or employee of the United States or a member of the
5 Armed Forces who is detailed to the Community Manage-
6 ment Account from another element of the United States
7 Government shall be detailed on a reimbursable basis, ex-
8 cept that any such officer, employee, or member may be de-
9 tailed on a nonreimbursable basis for a period of less than
10 1 year for the performance of temporary functions as re-
11 quired by the Director of Central Intelligence.

12 **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIRE-**
13 **LIGENCE AGENCY RETIRE-**
14 **MENT AND DISABILITY SYS-**
15 **TEM**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated for the Central
18 Intelligence Agency Retirement and Disability Fund for fis-
19 cal year 1994 the sum of \$182,300,000.

20 **SEC. 202. TECHNICAL CORRECTIONS.**

21 (a) *CORRECTIONS.*—The Central Intelligence Agency
22 Retirement Act (50 U.S.C. 2001 et seq.) is amended as fol-
23 lows:

24 (1) In section 101(7)—

1 (A) *strike out the comma after “basic pay”*
2 *and insert in lieu thereof “and”; and*

3 (B) *strike out “, and interest determined*
4 *under section 281”.*

5 (2) *In section 201(c), strike out “proviso of sec-*
6 *tion 102(d)(3) of the National Security Act of 1947,*
7 *(50 U.S.C. 403(d)(3))” and insert in lieu thereof “re-*
8 *quirement in section 103(c)(5) of the National Secu-*
9 *rity Act of 1947 (50 U.S.C. 403–3(c)(5))”.*

10 (3) *In section 211(c)(2)(B), strike out “the re-*
11 *quirement under section 241(b)(4)” and insert in lieu*
12 *thereof “prior notification of a current spouse, if any,*
13 *unless notification is waived under circumstances de-*
14 *scribed in section 221(b)(1)(D)”.*

15 (4) *In section 221—*

16 (A) *in subsection (a)(4), strike out “(or, in*
17 *the case of an annuity computed under section*
18 *232 and based on less than 3 years, over the*
19 *total service)”;*

20 (B) *in subsection (f)(1)(A)—*

21 (i) *insert “after the participant’s*
22 *death” before the period at the end of the*
23 *first sentence; and*

24 (ii) *strike out “after the participant’s*
25 *death” in the second sentence;*

1 (C) in subsection (g)(1), strike out “(or is
2 remarried” and insert in lieu thereof “(or is re-
3 married,”; and

4 (D) In subsection (j), strike out “(except as
5 provided in paragraph (2))”.

6 (5) In section 222—

7 (A) in subsection (a)(7), strike out “any
8 other annuity” the first time it appears and in-
9 sert in lieu thereof “any survivor annuity”;

10 (B) in subsection (c)(3)(C), insert “the par-
11 ticipant” before “or does not qualify”; and

12 (C) in subsection (c)(4), strike out “shall
13 terminate” and all that follows and insert in
14 lieu thereof “in the case of a spouse, shall termi-
15 nate on the last day of the month before the
16 spouse dies, and, in the case of a former spouse,
17 shall terminate on the last day of the month be-
18 fore the former spouse dies, or on the last day of
19 the month before the former spouse remarries be-
20 fore attaining age 55”.

21 (6) In section 224(c)(1)(B)(i), strike out “former
22 participant” and insert in lieu thereof “retired par-
23 ticipant”.

24 (7) In section 225(c)—

1 (A) in paragraph (3), strike out “any other
2 annuity” the first time it appears and insert in
3 lieu thereof “any survivor annuity”; and

4 (B) in paragraph (4)(A), strike out “1991”
5 and insert in lieu thereof “1990”.

6 (8) In section 231(d)(2), strike out “241(b)” and
7 insert in lieu thereof “241(a)”.

8 (9) In section 232(b)(4), strike out “section 222”
9 and insert in lieu thereof “section 224”.

10 (10) In section 234(b), strike out “sections 241
11 and 281” and insert in lieu thereof “section 241”.

12 (11) In section 241—

13 (A) in subsection (c), strike out “A lump-
14 sum benefit that would have been payable to a
15 participant, former participant, or annuitant,
16 or to a survivor annuitant, authorized by sub-
17 section (d) or (e) of this section or by section
18 234(b) or 281(d)” and insert in lieu thereof “A
19 lump-sum payment authorized by subsection (d)
20 or (e) of this section or by section 281(d) and a
21 payment of accrued and unpaid annuity author-
22 ized by subsection (f) of this section”;

23 (B) redesignate subsection (f) as subsection
24 (g); and

1 (C) insert after subsection (e) the following
2 new subsection (f):

3 “(f) *PAYMENT OF ACCRUED AND UNPAID ANNUITY*
4 *WHEN RETIRED PARTICIPANT DIES.*—If a retired partici-
5 pant dies, any annuity accrued and unpaid shall be paid
6 in accordance with subsection (c).”.

7 (12) In section 264(b)—

8 (A) in paragraph (2), insert “and” after the
9 semicolon at the end;

10 (B) in paragraph (3), strike out “and to
11 any payment of a return of contributions under
12 section 234(a); and” and insert in lieu thereof “,
13 and the amount of any such payment;”; and

14 (C) strike out paragraph (4).

15 (13) In section 265, strike out “Act” each place
16 it appears and insert in lieu thereof “title”.

17 (14) In section 291(b)(2), strike out “or section
18 232(c)”.

19 (15) In section 304(i)(1), strike out “section
20 102(a)(3)” and insert in lieu thereof “section
21 102(a)(4)”.

22 (b) *RETROACTIVE EFFECTIVE DATE.*—The amend-
23 ments made by subsection (a) shall be effective as of Feb-
24 ruary 1, 1993.

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
4 **BENEFITS AUTHORIZED BY LAW.**

5 *There are authorized to be appropriated to carry out*
6 *the purposes of this Act such additional amounts for fiscal*
7 *year 1994 as may be necessary for increases in salary, pay,*
8 *retirement, and other employee benefits authorized by law.*

9 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
10 **ACTIVITIES.**

11 *The authorization of appropriations in this Act does*
12 *not constitute authority for the conduct of any intelligence*
13 *activity which is not otherwise authorized by the Constitu-*
14 *tion or the laws of the United States.*

15 **SEC. 303. TEMPORARY PAY RETENTION FOR CERTAIN FBI**
16 **EMPLOYEES.**

17 *The Federal Employees Pay Comparability Act of*
18 *1990 as contained in section 529 of the Treasury, Postal*
19 *Service and General Government Appropriations Act, 1991*
20 *(Public Law 101–509) is amended by striking section 406*
21 *and inserting in lieu thereof:*

22 **“SEC. 406. FBI NEW YORK FIELD DIVISION.**

23 *“(a) No employee of the Federal Bureau of Investiga-*
24 *tion assigned to the New York Field Division prior to Sep-*
25 *tember 29, 1993 in a position covered by the demonstration*

1 project created by section 601 of the Intelligence Authoriza-
2 tion Act for Fiscal Year 1989 (Public Law 100-453), as
3 amended, shall have his or her total pay reduced as a result
4 of the termination of the demonstration project, unless that
5 employee ceases or has ceased at any time after that date
6 to be employed in a position covered by the demonstration
7 project: Provided, That, beginning on September 30, 1993,
8 any periodic payment under section 602(a)(2) of the Intel-
9 ligence Authorization Act for Fiscal Year 1989 for any such
10 employee shall be reduced by the amount of any increase
11 in basic pay under title 5, United States Code, including
12 an annual adjustment under section 5303, locality-based
13 comparability payment under section 5304, initiation or
14 increase in a special pay rate under section 5305, pro-
15 motion under section 5334, periodic step increase under sec-
16 tion 5335, merit increase under section 5404, or other in-
17 crease to basic pay under any provision of law.

18 “(b) The amendment made by subsection (a) shall take
19 effect as of September 30, 1993, and shall apply to the pay
20 of employees to whom the amendment applies that is earned
21 on or after that date.”

22 **SEC. 304. REPORT ON INTELLIGENCE GAPS.**

23 (a) *REPORT.*—The Director of Central Intelligence and
24 the Secretary of Defense jointly shall prepare and submit
25 by February 15, 1994, to the Select Committee on Intel-

1 *ligence, the Committee on Armed Services, and the Commit-*
2 *tee on Appropriations of the Senate, and to the Permanent*
3 *Select Committee on Intelligence, the Committee on Armed*
4 *Services, and the Committee on Appropriations of the*
5 *House of Representatives a report described in subsection*
6 *(b).*

7 *(b) CONTENTS OF REPORT.—The report required by*
8 *subsection (a) shall—*

9 *(1) identify and assess the critical gaps between*
10 *the information needs of the United States Govern-*
11 *ment and intelligence collection capabilities, to in-*
12 *clude the identification of topics and areas of the*
13 *world of significant interest to the United States to*
14 *which the application of additional resources, tech-*
15 *nology, or other efforts would generate new informa-*
16 *tion of high priority to senior officials of the United*
17 *States Government;*

18 *(2) identify and assess gaps in the ability of the*
19 *intelligence community (as defined in section 3(4) of*
20 *the National Security Act of 1947) to provide intel-*
21 *ligence support needed by the Armed Forces of the*
22 *United States and, in particular, by the commanders*
23 *of combatant commands established under section*
24 *161(a) of title 10, United States Code; and*

1 (3) contain joint recommendations of the Direc-
2 tor of Central Intelligence and the Secretary of De-
3 fense on appropriate means, to include specific budg-
4 etary adjustments, for reducing or eliminating the
5 gaps identified under paragraphs (1) and (2).

6 **SEC. 305. AMENDMENT TO SECTION 307 OF THE NATIONAL**
7 **SECURITY ACT AND RATIFICATION OF A PAST**
8 **TRANSACTION.**

9 (a) AMENDMENT TO SECTION 307 OF THE NATIONAL
10 SECURITY ACT OF 1947.—Section 307 of the National Secu-
11 rity Act of 1947 is amended by striking “provisions and
12 purposes of this Act” and inserting in lieu thereof “provi-
13 sions and purposes of this Act (other than the provisions
14 and purposes of sections 102, 103, 104, 105 and titles V,
15 VI, and VII)”.

16 (b) RATIFICATION OF FUNDING TRANSACTION.—Funds
17 obligated or expended for the Accelerated Architecture Ac-
18 quisition Initiative of the Plan to Improve the Imagery
19 Ground Architecture based upon the notification to the ap-
20 propriate committees of Congress by the Director of Central
21 Intelligence dated August 16, 1993 shall be deemed to have
22 been specifically authorized by the Congress for purposes of
23 section 504(a)(3) of the National Security Act of 1947.

1 **SEC. 306. SENSE OF CONGRESS REGARDING DISCLOSURE**
2 **OF ANNUAL INTELLIGENCE BUDGET.**

3 *It is the sense of Congress that, in each year, the aggre-*
4 *gate amount requested and authorized for, and spent on,*
5 *intelligence and intelligence-related activities should be dis-*
6 *closed to the public in an appropriate manner.*

7 **TITLE IV—CENTRAL**
8 **INTELLIGENCE AGENCY**

9 **SEC. 401. GENERAL COUNSEL OF THE CENTRAL INTEL-**
10 **LIGENCE AGENCY.**

11 *(a) POSITION ESTABLISHED.—The Central Intel-*
12 *ligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is*
13 *amended by adding at the end the following:*

14 *“GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE*
15 *AGENCY*

16 *“SEC. 20. (a) There is a General Counsel of the Central*
17 *Intelligence Agency appointed from civilian life by the*
18 *President, by and with the advice and consent of the Senate.*

19 *“(b) The General Counsel of the Central Intelligence*
20 *Agency is the chief legal officer of the Central Intelligence*
21 *Agency.*

22 *“(c) The General Counsel of the Central Intelligence*
23 *Agency shall perform such functions as the Director of*
24 *Central Intelligence may prescribe.”.*

1 (b) *PAY FOR POSITION.*—Section 5315 of title 5, Unit-
2 *ed States Code, is amended by adding at the end the follow-*
3 *ing:*

4 “General Counsel of the Central Intelligence
5 *Agency.*”.

6 (c) *EFFECTIVE DATE.*—The amendments made by this
7 *section shall take effect one year after the date of the enact-*
8 *ment of this Act.*

9 **SEC. 402. TECHNICAL AMENDMENTS TO THE CIA ACT AND**
10 **NATIONAL SECURITY ACT.**

11 (a) *AMENDMENTS TO CIA ACT.*—The Central Intel-
12 *ligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is*
13 *amended as follows:*

14 (1) *In section 5(a)—*

15 (A) *strike out “Bureau of the Budget” and*
16 *insert “Office of Management and Budget”; and*

17 (B) *strike out “sections 102 and 303” and*
18 *insert in lieu thereof “subparagraphs (B) and*
19 *(C) of section 102(a)(2), subsections (c)(5) and*
20 *(d) of section 103, subsections (a) and (g) of sec-*
21 *tion 104, and section 303”.*

22 (2) *In section 6, strike out “section 102(d)(3)”*
23 *and insert in lieu thereof “section 103(c)(5)”.*

24 (3) *In section 19(b)—*

1 (A) strike out “231” in the subsection head-
2 ing and in the matter after clause (iv) and in-
3 sert in lieu thereof “232”; and

4 (B) strike out “(50 U.S.C. 403 note)”.

5 (b) AMENDMENTS TO NATIONAL SECURITY ACT.—Sec-
6 tion 103(d)(3) of the National Security Act of 1947 is
7 amended by striking out “providing” and inserting in lieu
8 thereof “provide”.

9 **TITLE V—DEPARTMENT OF**
10 **DEFENSE**

11 **SEC. 501. FOREIGN LANGUAGE PROFICIENCY PAY FOR MEM-**
12 **BERS OF THE RESERVE COMPONENTS OF THE**
13 **ARMED FORCES.**

14 (a) BONUS AUTHORIZED.—Section 316(c) of title 37,
15 United States Code, is amended by striking out paragraphs
16 (1) and (2) and inserting in lieu thereof the following:

17 “(1) Under regulations prescribed by the Secretary
18 concerned, when a member of a reserve component who is
19 entitled to compensation under section 206 of this title
20 meets the requirements for special pay authorized in sub-
21 section (a), except the requirement prescribed in subsection
22 (a)(1), the member may be paid an annual foreign language
23 maintenance bonus.

24 “(2) The amount of the bonus under paragraph (1)
25 shall be determined by the Secretary concerned but may not

1 *exceed the annual equivalent of the maximum monthly rate*
2 *of special pay authorized under subsection (b) for a member*
3 *referred to in subsection (a).”.*

4 *(b) EFFECTIVE DATE.—The amendment made by sub-*
5 *section (a) shall take effect with respect to the first month*
6 *that begins more than 90 days after the date of the enact-*
7 *ment of this Act.*

8 **SEC. 502. NATIONAL SECURITY EDUCATION TRUST FUND.**

9 *(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY*
10 *EDUCATION TRUST FUND.—Section 804(e) of the Intel-*
11 *ligence Authorization Act, Fiscal Year 1992 (50 U.S.C.*
12 *1904(e)) is amended by adding at the end thereof the follow-*
13 *ing:*

14 *“(3) Any gifts of money shall be credited to and form*
15 *a part of the Fund.”.*

16 *(b) REPEAL OF AUTHORIZATION REQUIREMENT.—*
17 *Section 804(b) of such Act is amended—*

18 *(1) by striking “(1)”;*

19 *(2) by redesignating subparagraphs (A) and (B)*
20 *as paragraphs (1) and (2); and*

21 *(3) by striking paragraph (2).*

1 **TITLE VI—FEDERAL BUREAU OF**
2 **INVESTIGATION**

3 **SEC. 601. FEDERAL BUREAU OF INVESTIGATION COUNTER-**
4 **INTELLIGENCE ACCESS TO CONSUMER CRED-**
5 **IT RECORDS.**

6 *Section 608 of the Fair Credit Reporting Act (15*
7 *U.S.C. 1681f) is amended—*

8 (1) *by striking “Notwithstanding” and inserting*
9 *“(a) DISCLOSURE OF CERTAIN IDENTIFYING INFOR-*
10 *MATION.—Notwithstanding”;* and

11 (2) *by adding at the end the following new sub-*
12 *section:*

13 “(b) *DISCLOSURES TO THE FBI FOR COUNTERINTEL-*
14 *LIGENCE PURPOSES.—*

15 “(1) *CONSUMER REPORTS.—Notwithstanding the*
16 *provisions of section 604, a consumer reporting agen-*
17 *cy shall furnish a consumer report to the Federal Bu-*
18 *reau of Investigation when presented with a written*
19 *request for a consumer report, signed by the Director*
20 *of the Federal Bureau of Investigation (hereafter in*
21 *this section referred to as the ‘Director’) or the Direc-*
22 *tor’s designee, which certifies compliance with this*
23 *subsection. The Director or the Director’s designee*
24 *may make such a certification only if the Director or*

1 *the Director's designee has determined in writing*
2 *that—*

3 *“(A) such records are necessary for the con-*
4 *duct of an authorized foreign counterintelligence*
5 *investigation; and*

6 *“(B) there are specific and articulable facts*
7 *giving reason to believe that the consumer whose*
8 *consumer report is sought is a foreign power or*
9 *an agent of a foreign power, as defined in sec-*
10 *tion 101 of the Foreign Intelligence Surveillance*
11 *Act of 1978.*

12 *“(2) IDENTIFYING INFORMATION.—Notwithstand-*
13 *ing the provisions of section 604, a consumer report-*
14 *ing agency shall furnish identifying information re-*
15 *specting a consumer, limited to name, address, former*
16 *addresses, places of employment, or former places of*
17 *employment, to the Federal Bureau of Investigation*
18 *when presented with a written request, signed by the*
19 *Director or the Director's designee, which certifies*
20 *compliance with this subsection. The Director or the*
21 *Director's designee may make such a certification*
22 *only if the Director or the Director's designee has de-*
23 *termined in writing that—*

1 “(A) such information is necessary to the
2 conduct of an authorized foreign counterintel-
3 ligence investigation; and

4 “(B) there is information giving reason to
5 believe that the consumer has been, or is about
6 to be, in contact with a foreign power or an
7 agent of a foreign power, as defined in section
8 101 of the Foreign Intelligence Surveillance Act
9 of 1978.

10 “(3) *CONFIDENTIALITY.*—No consumer reporting
11 agency or officer, employee, or agent of such consumer
12 reporting agency may disclose to any person, other
13 than those officers, employees or agents of such agency
14 necessary to fulfill the requirement to disclose infor-
15 mation to the Federal Bureau of Investigation under
16 this subsection, that the Federal Bureau of Investiga-
17 tion has sought or obtained a consumer report or
18 identifying information respecting any consumer
19 under paragraph (1) or (2), nor shall such agency, of-
20 ficer, employee, or agent include in any consumer re-
21 port any information that would indicate that the
22 Federal Bureau of Investigation has sought or ob-
23 tained such a consumer report or identifying infor-
24 mation.

1 “(4) *PAYMENT OF FEES.*—The Federal Bureau of
2 Investigation shall, subject to the availability of ap-
3 propriations, pay to the consumer reporting agency
4 assembling or providing credit reports or identifying
5 information in accordance with procedures established
6 under this title, a fee for reimbursement for such costs
7 as are reasonably necessary and which have been di-
8 rectly incurred in searching for, reproducing, or
9 transporting books, papers, records, or other data re-
10 quired or requested to be produced under this sub-
11 section.

12 “(5) *LIMIT ON DISSEMINATION.*—The Federal
13 Bureau of Investigation may not disseminate infor-
14 mation obtained pursuant to this subsection outside of
15 the Federal Bureau of Investigation, except to the De-
16 partment of Justice as may be necessary for the ap-
17 proval or conduct of a foreign counterintelligence in-
18 vestigation.

19 “(6) *RULES OF CONSTRUCTION.*—Nothing in this
20 subsection shall be construed to prohibit information
21 from being furnished by the Federal Bureau of Inves-
22 tigation pursuant to a subpoena or court order, or in
23 connection with a judicial or administrative proceed-
24 ing to enforce the provisions of this Act. Nothing in

1 *this subsection shall be construed to authorize or per-*
2 *mit the withholding of information from the Congress.*

3 *“(7) REPORTS TO THE CONGRESS.—On a semi-*
4 *annual basis, the Attorney General of the United*
5 *States shall fully inform the Permanent Select Com-*
6 *mittee on Intelligence and the Committee on Banking,*
7 *Finance and Urban Affairs of the House of Rep-*
8 *resentatives, and the Select Committee on Intelligence*
9 *and the Committee on Banking, Housing, and Urban*
10 *Affairs of the Senate concerning all requests made*
11 *pursuant to paragraph (1) and (2).*

12 *“(8) DAMAGES.—Any agency or department of*
13 *the United States obtaining or disclosing credit re-*
14 *ports, records, or information contained therein in*
15 *violation of this subsection is liable to the consumer*
16 *to whom such records relate in an amount equal to*
17 *the sum of—*

18 *“(A) \$100, without regard to the volume of*
19 *records involved;*

20 *“(B) any actual damages sustained by the*
21 *consumer as a result of the disclosure;*

22 *“(C) such punitive damages as a court may*
23 *allow, where the violation is found to have been*
24 *willful or intentional; and*

1 “(D) in the case of any successful action to
2 enforce liability under this subsection, the costs
3 of the action, together with reasonable attorney’s
4 fees, as determined by the court.

5 “(9) *DISCIPLINARY ACTIONS FOR VIOLATIONS.*—
6 If a court determines that any agency or department
7 of the United States has violated any provision of this
8 subsection and the court finds that the circumstances
9 surrounding the violation raise questions of whether
10 or not an officer or employee of the agency or depart-
11 ment acted willfully or intentionally with respect to
12 the violation, the agency or department shall prompt-
13 ly initiate a proceeding to determine whether or not
14 disciplinary action is warranted against the officer or
15 employee who was responsible for the violation.

16 “(10) *GOOD-FAITH EXCEPTION.*—Any credit re-
17 porting agency or agent or employee thereof making
18 a disclosure of credit reports or identifying informa-
19 tion pursuant to this subsection in good-faith reliance
20 upon a certificate by the Federal Bureau of Investiga-
21 tion pursuant to provisions of this subsection shall
22 not be liable to any person for such disclosure under
23 this title, the constitution of any State, or any law
24 or regulation of any State or any political subdivi-
25 sion of any State.

1 “(11) *LIMITATION OF REMEDIES.*—*The remedies*
2 *and sanctions set forth in this subsection shall be the*
3 *only judicial remedies and sanctions for violations of*
4 *this subsection.*

5 “(12) *INJUNCTIVE RELIEF.*—*In addition to any*
6 *other remedy contained in this subsection, injunctive*
7 *relief shall be available to require compliance with the*
8 *procedures of this subsection. In the event of any suc-*
9 *cessful action under this subsection, costs together*
10 *with reasonable attorney’s fees, as determined by the*
11 *court, may be recovered.”.*

Attest:

Secretary.

HR 2330 EAS—2

HR 2330 EAS—3

HR 2330 EAS—4

HR 2330 EAS—5