

Union Calendar No. 107

103D CONGRESS
1ST SESSION

H. R. 2330

[Report No. 103-162, Parts I and II]

A BILL

To authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

JULY 21, 1993

Reported from the Committee on Armed Services, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 107

103^D CONGRESS
1ST SESSION

H. R. 2330

[Report No. 103-162, Parts I and II]

To authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1993

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

JUNE 29, 1993

Reported with an amendment, referred to the Committee on Armed Services for a period ending not later than July 16, 1993, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(c), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

JULY 16, 1993

Referral to the Committee on Armed Services extended for a period ending not later than July 21, 1993

JULY 21, 1993

Reported from the Committee on Armed Services, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 8, 1993]

A BILL

To authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the United States Government 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 1994”.*

6 **TITLE I—INTELLIGENCE**
7 **ACTIVITIES**

8 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 1994 for the conduct of the intelligence and intel-*
11 *ligence-related activities of the following elements of the*
12 *United States Government:*

13 (1) *The Central Intelligence Agency.*

14 (2) *The Department of Defense.*

15 (3) *The Defense Intelligence Agency.*

16 (4) *The National Security Agency.*

17 (5) *The National Reconnaissance Office.*

18 (6) *The Department of the Army, the Depart-*
19 *ment of the Navy, and the Department of the Air*
20 *Force.*

1 (7) *The Department of State.*

2 (8) *The Department of the Treasury.*

3 (9) *The Department of Energy.*

4 (10) *The Federal Bureau of Investigation.*

5 (11) *The Drug Enforcement Administration.*

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

7 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*
8 *CEILINGS.*—*The amounts authorized to be appropriated*
9 *under section 101, and the authorized personnel ceilings as*
10 *of September 30, 1994, for the conduct of the intelligence*
11 *and intelligence-related activities of the elements listed in*
12 *such section, are those specified in the classified Schedule*
13 *of Authorizations prepared to accompany the bill H.R. 2330*
14 *of the One Hundred Third Congress.*

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

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

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

1 1994 under section 102 of this Act when the Director deter-
2 mines that such action is necessary to the performance of
3 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) AUTHORIZATION 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 \$110,788,000. Within such
18 amounts authorized, funds identified for the Advanced Re-
19 search and Development Committee shall remain available
20 for two years.

21 (b) AUTHORIZED PERSONNEL LEVELS.—The Commu-
22 nity Management Account of the Director of Central Intel-
23 ligence is authorized 222 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 Staff from another element of the United States Gov-
7 ernment shall be detailed on a reimbursable basis, except
8 that any such officer, employee or member may be detailed
9 on a nonreimbursable basis for a period of less than one
10 year for the performance of temporary functions as required
11 by the Director of Central Intelligence.

12 **TITLE II—CENTRAL INTEL-**
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
19 fiscal year 1994 the sum of \$182,300,000.

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

21 (a) *IN GENERAL.*—The Central Intelligence Agency
22 Retirement Act is amended—

23 (1) in section 101(7) (50 U.S.C. 2001(7))—

24 (A) by striking the comma after “basic
25 pay” and inserting in lieu thereof “and”; and

1 (B) by striking “, and interest determined
2 under section 281”;

3 (2) in section 201(c) (50 U.S.C. 2011(c)), by
4 striking “the proviso of section 102(d)(3) of the Na-
5 tional Security Act of 1947 (50 U.S.C. 403(d)(3))”
6 and inserting in lieu thereof “section 103(c)(5) of the
7 National Security Act of 1947 (50 U.S.C. 403-
8 3(c)(5))”;

9 (3) in section 211(c)(2)(B) (50 U.S.C.
10 2021(c)(2)(B)), by striking “the requirement under
11 section 241(b)(4)” and inserting in lieu thereof “prior
12 notification of a current spouse”;

13 (4) in section 221 (50 U.S.C. 2031)—

14 (A) by striking “(or, in the case of an an-
15 nuity computed under section 232 and based on
16 less than 3 years, over the total service)” in sub-
17 section (a)(4);

18 (B) in subsection (f)(1)(A)—

19 (i) by inserting “after the participant’s
20 death” before the period in the first sen-
21 tence;

22 (ii) by striking “after the participant’s
23 death” in the second sentence;

1 (iii) by striking “(or is remarried if”
2 in subsection (g)(1) and inserting in lieu
3 thereof “(or, if remarried,”; and

4 (iv) by striking “(except as provided in
5 paragraph (2))” in subsection (j);

6 (5) in section 222 (50 U.S.C. 2032)—

7 (A) by striking “other” the first place it ap-
8 pears in subsection (a)(7) and inserting in lieu
9 thereof “survivor”;

10 (B) by inserting “the participant” before
11 “or does not qualify” in subsection (c)(3)(C);
12 and

13 (C) by inserting “spouse’s death or the”
14 after “month before the” in subsection (c)(4);

15 (6) in section 224(c)(1)(B)(i) (50 U.S.C.
16 2034(c)(1)(B)(i)), by striking “former participant”
17 and inserting in lieu thereof “retired participant”;

18 (7) in section 225(c) (50 U.S.C. 2035(c))—

19 (A) by striking “other” the first place it ap-
20 pears in paragraph (3) and inserting in lieu
21 thereof “survivor”; and

22 (B) by striking “1991” in paragraph (4)(A)
23 and inserting in lieu thereof “1990”;

1 (8) in section 231(d)(2) (50 U.S.C. 2051(d)(2)),
2 by striking “241(b)” and inserting in lieu thereof
3 “241(a)”;

4 (9) in section 232(b)(4) (50 U.S.C. 2052(b)(4)),
5 by striking “section 222” and inserting in lieu thereof
6 “section 224”;

7 (10) in section 234(b) (50 U.S.C. 2054(b)), by
8 striking “sections 241 and 281” and inserting in lieu
9 thereof “section 241”;

10 (11) in section 241 (50 U.S.C. 2071)—

11 (A) by striking “A lump-sum benefit that
12 would have been payable to a participant,
13 former participant, or annuitant, or to a survi-
14 vor annuitant, authorized by subsection (d) or
15 (e) of this section or by section 234(b) or 281(d)”
16 in subsection (c) and inserting in lieu thereof
17 “Lump-sum payments authorized by subsections
18 (d) through (f) of this section or by section
19 281(d)”;

20 (B) by redesignating subsection (f) as sub-
21 section (g) and inserting after subsection (e) the
22 following new subsection:

23 “(f) TERMINATION ON DEATH OF PARTICIPANT.—If a
24 retired participant dies, any annuity accrued and unpaid
25 shall be paid in accordance with subsection (c).”;

1 (12) in section 264(b) (50 U.S.C. 2094)—

2 (A) by inserting “and” after the semicolon
3 at the end of paragraph (2);

4 (B) by striking “and to any payment of a
5 return of contributions under section 234(a);
6 and” in paragraph (3) and inserting in lieu
7 thereof “, and the amount of any such pay-
8 ment;”; and

9 (C) by striking paragraph (4);

10 (13) in section 265 (50 U.S.C. 2095), by striking
11 “Act” in both places it appears and inserting in lieu
12 thereof “title”;

13 (14) in section 291(b)(2) (50 U.S.C. 2131(b)(2)),
14 by striking “or section 232(c)”; and

15 (15) in section 304(i)(1) (50 U.S.C. 2154(i)(1)),
16 by striking “section 102(a)(3)” and inserting in lieu
17 thereof “section 102(a)(4)”.

18 (b) *EFFECTIVE DATE.*—The amendments made by sub-
19 section (a) shall take effect as of February 1, 1993.

20 **SEC. 203. SURVIVOR ANNUITY, RETIREMENT ANNUITY, AND**
21 **HEALTH BENEFITS FOR CERTAIN EX-**
22 **SPOUSES OF CENTRAL INTELLIGENCE AGEN-**
23 **CY EMPLOYEES.**

24 (a) *SURVIVOR ANNUITY.*—

25 (1) *IN GENERAL.*—

1 (A) *ENTITLEMENT OF FORMER WIFE OR*
2 *HUSBAND.*—Any person who was divorced on or
3 before December 4, 1991, from a participant or
4 retired participant in the Central Intelligence
5 Agency Retirement and Disability System and
6 who was married to such participant for not less
7 than 10 years during such participant’s cred-
8 itable service, at least five years of which were
9 spent by the participant during the participant’s
10 service as an employee of the Central Intelligence
11 Agency outside the United States, or otherwise in
12 a position the duties of which qualified the par-
13 ticipant for designation by the Director of
14 Central Intelligence as a participant under sec-
15 tion 203 of the Central Intelligence Agency Re-
16 tirement Act (50 U.S.C. 2013), shall be entitled,
17 except to the extent such person is disqualified
18 under paragraph (2), to a survivor annuity
19 equal to 55 percent of the greater of—

20 (i) the unreduced amount of the par-
21 ticipant’s annuity, as computed under sec-
22 tion 221(a) of such Act; or

23 (ii) the unreduced amount of what
24 such annuity as so computed would be if the
25 participant had not elected payment of the

1 *lump-sum credit under section 294 of such*
2 *Act.*

3 *(B) REDUCTION IN SURVIVOR ANNUITY.—A*
4 *survivor annuity payable under this subsection*
5 *shall be reduced by an amount equal to any sur-*
6 *vivor annuity payments made to the former wife*
7 *or husband under section 226 of such Act.*

8 *(2) LIMITATIONS.—A former wife or husband is*
9 *not entitled to a survivor annuity under this sub-*
10 *section if—*

11 *(A) the former wife or husband remarries*
12 *before age 55, except that the entitlement of the*
13 *former wife or husband to such a survivor annu-*
14 *ity shall be restored on the date such remarriage*
15 *is dissolved by death, annulment, or divorce;*

16 *(B) the former wife or husband is less than*
17 *50 years of age; or*

18 *(C) the former wife or husband meets the*
19 *definition of “former spouse” that was in effect*
20 *under section 204(b)(4) of the Central Intel-*
21 *ligence Agency Retirement Act of 1964 for Cer-*
22 *tain Employees before December 4, 1991.*

23 *(3) COMMENCEMENT AND TERMINATION OF AN-*
24 *NUITY.—*

1 (A) *COMMENCEMENT OF ANNUITY.*—The en-
2 titlement of a former wife or husband to a survi-
3 vor annuity under this subsection shall com-
4 mence—

5 (i) *in the case of a former wife or hus-*
6 *band of a participant or retired participant*
7 *who is deceased as of October 1, 1994, be-*
8 *ginning on the later of—*

9 (I) *the 60th day after such date;*

10 *or*

11 (II) *the date on which the former*
12 *wife or husband reaches age 50; and*

13 (ii) *in the case of any other former*
14 *wife or husband, beginning on the latest*
15 *of—*

16 (I) *the date on which the partici-*
17 *part or retired participant to whom*
18 *the former wife or husband was mar-*
19 *ried dies;*

20 (II) *the 60th day after October 1,*
21 *1994; or*

22 (III) *the date on which the former*
23 *wife or husband attains age 50.*

24 (B) *TERMINATION OF ANNUITY.*—The enti-
25 titlement of a former wife or husband to a survi-

1 *vor annuity under this subsection terminates on*
2 *the last day of the month before the former wife's*
3 *or husband's death or remarriage before attain-*
4 *ing age 55. The entitlement of a former wife or*
5 *husband to such a survivor annuity shall be re-*
6 *stored on the date such remarriage is dissolved*
7 *by death, annulment, or divorce.*

8 (4) *ELECTION OF BENEFITS.*—*A former wife or*
9 *husband of a participant or retired participant shall*
10 *not become entitled under this subsection to a survi-*
11 *vor annuity or to the restoration of the survivor an-*
12 *nuity unless the former wife or husband elects to re-*
13 *ceive it instead of any other survivor annuity to*
14 *which the former wife or husband may be entitled*
15 *under the Central Intelligence Agency Retirement and*
16 *Disability System or any other retirement system for*
17 *Government employees on the basis of a marriage to*
18 *someone other than the participant.*

19 (5) *APPLICATION.*—

20 (A) *TIME LIMIT; WAIVER.*—*A survivor an-*
21 *nuity under this subsection shall not be payable*
22 *unless appropriate written application is pro-*
23 *vided to the Director, complete with any sup-*
24 *porting documentation which the Director may*
25 *by regulation require. Any such application shall*

1 *be submitted not later than October 1, 1995. The*
2 *Director may waive the application deadline*
3 *under the preceding sentence in any case in*
4 *which the Director determines that the cir-*
5 *cumstances warrant such a waiver.*

6 *(B) RETROACTIVE BENEFITS.—Upon ap-*
7 *proval of an application provided under sub-*
8 *paragraph (A), the appropriate survivor annuity*
9 *shall be payable to the former wife or husband*
10 *with respect to all periods before such approval*
11 *during which the former wife or husband was en-*
12 *titled to such annuity under this subsection, but*
13 *in no event shall a survivor annuity be payable*
14 *under this subsection with respect to any period*
15 *before October 1, 1994.*

16 *(6) RESTORATION OF ANNUITY.—Notwithstand-*
17 *ing paragraph (5)(A), the deadline by which an ap-*
18 *plication for a survivor annuity must be submitted*
19 *shall not apply in cases in which a former spouse's*
20 *entitlement to such a survivor annuity is restored*
21 *after October 1, 1994, under paragraph (2)(A) or*
22 *(3)(B).*

23 *(7) APPLICABILITY IN CASES OF PARTICIPANTS*
24 *TRANSFERRED TO FERS.—*

1 (A) *ENTITLEMENT.*—*Except as provided in*
2 *paragraph (2), this subsection shall apply to a*
3 *former wife or husband of a participant under*
4 *the Central Intelligence Agency Retirement and*
5 *Disability System who has elected to become sub-*
6 *ject to chapter 84 of title 5, United States Code.*

7 (B) *AMOUNT OF ANNUITY.*—*The survivor*
8 *annuity of a person covered by subparagraph*
9 *(A) shall be equal to 50 percent of the unreduced*
10 *amount of the participant’s annuity computed*
11 *in accordance with section 302(a) of the Federal*
12 *Employees’ Retirement System Act of 1986 and*
13 *shall be reduced by an amount equal to any sur-*
14 *vivor annuity payments made to the former wife*
15 *or husband under section 8445 of title 5, United*
16 *States Code.*

17 (b) *RETIREMENT ANNUITY.*—

18 (1) *IN GENERAL.*—

19 (A) *ENTITLEMENT OF FORMER WIFE OR*
20 *HUSBAND.*—*A person described in subsection*
21 *(a)(1)(A) shall be entitled, except to the extent*
22 *such former spouse is disqualified under para-*
23 *graph (2), to an annuity—*

24 (i) *if married to the participant*
25 *throughout the creditable service of the par-*

1 *participant, equal to 50 percent of the annuity*
2 *of the participant; or*

3 *(ii) if not married to the participant*
4 *throughout such creditable service, equal to*
5 *that former wife's or husband's pro rata*
6 *share of 50 percent of such annuity (deter-*
7 *mined in accordance with section*
8 *222(a)(1)(B) of the Central Intelligence*
9 *Agency Retirement Act (50 U.S.C. 2032*
10 *(a)(1)(B)).*

11 *(B) REDUCTION IN RETIREMENT ANNU-*
12 *ITIES.—*

13 *(i) AMOUNT OF REDUCTION.—An an-*
14 *nuity payable under this subsection shall be*
15 *reduced by an amount equal to any appor-*
16 *tionment payments payable to the former*
17 *wife or husband pursuant to the terms of a*
18 *court order incident to the dissolution of the*
19 *marriage of such former spouse and the*
20 *participant, former participant, or retired*
21 *participant.*

22 *(ii) DEFINITION OF TERMS.—For pur-*
23 *poses of clause (i):*

24 *(I) APPORTIONMENT.—The term*
25 *“apportionment” means a portion of a*

1 *retired participant's annuity payable*
2 *to a former wife or husband either by*
3 *the retired participant or the Govern-*
4 *ment in accordance with the terms of*
5 *a court order.*

6 (II) *COURT ORDER.*—*The term*
7 *“court order” means any decree of di-*
8 *vorce or annulment or any court order*
9 *or court-approved property settlement*
10 *agreement incident to such decree.*

11 (2) *LIMITATIONS.*—*A former wife or husband is*
12 *not entitled to an annuity under this subsection if—*

13 (A) *the former wife or husband remarries*
14 *before age 55, except that the entitlement of the*
15 *former wife or husband to an annuity under this*
16 *subsection shall be restored on the date such re-*
17 *marriage is dissolved by death, annulment, or*
18 *divorce;*

19 (B) *the former wife or husband is less than*
20 *50 years of age; or*

21 (C) *the former wife or husband meets the*
22 *definition of “former spouse” that was in effect*
23 *under section 204(b)(4) of the Central Intel-*
24 *ligence Agency Retirement Act of 1964 for Cer-*
25 *tain Employees before December 4, 1991.*

1 (3) *COMMENCEMENT AND TERMINATION.*—

2 (A) *RETIREMENT ANNUITIES.*—*The entitle-*
3 *ment of a former wife or husband to an annuity*
4 *under this subsection—*

5 (i) *shall commence on the later of—*

6 (I) *October 1, 1994;*

7 (II) *the day the participant upon*
8 *whose service the right to the annuity*
9 *is based becomes entitled to an annuity*
10 *under such Act; or*

11 (III) *such former wife's or hus-*
12 *band's 50th birthday; and*

13 (ii) *shall terminate on the earlier of—*

14 (I) *the last day of the month be-*
15 *fore the former wife or husband dies or*
16 *remarries before 55 years of age, except*
17 *that the entitlement of the former wife*
18 *or husband to an annuity under this*
19 *subsection shall be restored on the date*
20 *such remarriage is dissolved by death,*
21 *annulment, or divorce; or*

22 (II) *the date on which the annu-*
23 *ity of the participant terminates.*

24 (B) *DISABILITY ANNUITIES.*—*Notwithstand-*
25 *ing subparagraph (A)(i)(II), in the case of a*

1 *former wife or husband of a disability annu-*
2 *itant—*

3 *(i) the annuity of the former wife or*
4 *husband shall commence on the date on*
5 *which the participant would qualify on the*
6 *basis of the participant's creditable service*
7 *for an annuity under the Central Intel-*
8 *ligence Agency Retirement Act (other than a*
9 *disability annuity) or the date the disabil-*
10 *ity annuity begins, whichever is later; and*

11 *(ii) the amount of the annuity of the*
12 *former wife or husband shall be calculated*
13 *on the basis of the annuity for which the*
14 *participant would otherwise so qualify.*

15 *(C) ELECTION OF BENEFITS.—A former*
16 *wife or husband of a participant or retired par-*
17 *ticipant shall not become entitled under this sub-*
18 *section to an annuity or to the restoration of an*
19 *annuity unless the former wife or husband elects*
20 *to receive it instead of any survivor annuity to*
21 *which the former wife or husband may be enti-*
22 *tled under the Central Intelligence Agency Re-*
23 *tirement and Disability System or any other re-*
24 *tirement system for Government employees on*

1 *the basis of a marriage to someone other than the*
2 *participant.*

3 (D) *APPLICATION.*—

4 (i) *TIME LIMIT; WAIVER.*—*An annuity*
5 *under this subsection shall not be payable*
6 *unless appropriate written application is*
7 *provided to the Director of Central Intel-*
8 *ligence, complete with any supporting docu-*
9 *mentation which the Director may by regu-*
10 *lation require, not later than October 1,*
11 *1995. The Director may waive the applica-*
12 *tion deadline under the preceding sentence*
13 *in any case in which the Director deter-*
14 *mines that the circumstances warrant such*
15 *a waiver.*

16 (ii) *RETROACTIVE BENEFITS.*—*Upon*
17 *approval of an application under clause (i),*
18 *the appropriate annuity shall be payable to*
19 *the former wife or husband with respect to*
20 *all periods before such approval during*
21 *which the former wife or husband was enti-*
22 *tled to an annuity under this subsection,*
23 *but in no event shall an annuity be payable*
24 *under this subsection with respect to any*
25 *period before October 1, 1994.*

1 (4) *RESTORATION OF ANNUITIES.*—Notwith-
2 standing paragraph (3)(D)(i), the deadline by which
3 an application for a retirement annuity must be sub-
4 mitted shall not apply in cases in which a former
5 spouse's entitlement to such annuity is restored after
6 October 1, 1994, under paragraph (2)(A) or
7 (3)(A)(ii).

8 (5) *APPLICABILITY IN CASES OF PARTICIPANTS*
9 *TRANSFERRED TO FERS.*—The provisions of this sub-
10 section shall apply to a former wife or husband of a
11 participant under the Central Intelligence Agency Re-
12 tirement and Disability System who has elected to be-
13 come subject to chapter 84 of title 5, United States
14 Code. For purposes of this paragraph, any reference
15 in this section to a participant's annuity under the
16 Central Intelligence Agency Retirement and Disabil-
17 ity System shall be deemed to refer to the transferred
18 participant's annuity computed in accordance with
19 section 302(a) of the Federal Employees' Retirement
20 System Act of 1986.

21 (6) *SAVINGS PROVISION.*—Nothing in this sub-
22 section shall be construed to impair, reduce, or other-
23 wise affect the annuity or the entitlement to an annu-
24 ity of a participant or former participant under title

1 *II or III of the Central Intelligence Agency Retirement*
2 *Act.*

3 *(c) HEALTH BENEFITS.—*

4 *(1) IN GENERAL.—Section 16 of the Central In-*
5 *telligence Agency Act of 1949 (50 U.S.C. 403p) is*
6 *amended—*

7 *(A) by redesignating subsections (c) through*
8 *(e) as subsections (e) through (g), respectively;*
9 *and*

10 *(B) by inserting after subsection (b) the fol-*
11 *lowing:*

12 *“(c) ELIGIBILITY OF FORMER WIVES OR HUS-*
13 *BANDS.—(1) Notwithstanding subsections (a) and (b) and*
14 *except as provided in subsections (d), (e), and (f), an indi-*
15 *vidual—*

16 *“(A) who was divorced on or before December 4,*
17 *1991, from a participant or retired participant in the*
18 *Central Intelligence Agency Retirement and Disabil-*
19 *ity System or the Federal Employees Retirement Sys-*
20 *tem Special Category;*

21 *“(B) who was married to such participant for*
22 *not less than ten years during the participant’s cred-*
23 *itable service, at least five years of which were spent*
24 *by the participant during the participant’s service as*
25 *an employee of the Agency outside the United States,*

1 *or otherwise in a position the duties of which quali-*
2 *fied the participant for designation by the Director of*
3 *Central Intelligence as a participant under section*
4 *203 of the Central Intelligence Agency Retirement Act*
5 *(50 U.S.C. 2013); and*

6 *“(C) who was enrolled in a health benefits plan*
7 *as a family member at any time during the 18-month*
8 *period before the date of dissolution of the marriage*
9 *to such participant;*

10 *is eligible for coverage under a health benefits plan.*

11 *“(2) A former spouse eligible for coverage under para-*
12 *graph (1) may enroll in a health benefits plan in accord-*
13 *ance with subsection (b)(1), except that the election for such*
14 *enrollment must be submitted within 60 days after the date*
15 *on which the Director notifies the former spouse of such in-*
16 *dividual’s eligibility for health insurance coverage under*
17 *this subsection.*

18 *“(d) CONTINUATION OF ELIGIBILITY.—Notwithstand-*
19 *ing subsections (a), (b), and (c) and except as provided in*
20 *subsections (e) and (f), an individual divorced on or before*
21 *December 4, 1991, from a participant or retired partici-*
22 *pant in the Central Intelligence Agency Retirement and*
23 *Disability System or Federal Employees’ Retirement Sys-*
24 *tem Special Category who enrolled in a health benefits plan*
25 *following the dissolution of the marriage to such partici-*

1 *part may continue enrollment following the death of such*
2 *participant notwithstanding the termination of the retire-*
3 *ment annuity of such individual.”.*

4 (2) *CONFORMING AMENDMENTS.—(A) Subsection*
5 *(a) of such section is amended by striking “subsection*
6 *(c)(1)” and inserting in lieu thereof “subsection (e)”.*

7 (B) *Subsection (e)(2) of such section (as redesign-*
8 *ated by paragraph (1) of this section) is amended by*
9 *inserting “or to subsection (d)” after “subsection*
10 *(b)(1)”.*

11 (d) *SOURCE OF PAYMENT FOR ANNUITIES.—Annuities*
12 *provided under subsections (a) and (b) shall be payable*
13 *from the Central Intelligence Agency Retirement and Dis-*
14 *ability Fund maintained under section 202 of the Central*
15 *Intelligence Agency Retirement Act (50 U.S.C. 2012).*

16 (e) *EFFECTIVE DATE.—*

17 (1) *IN GENERAL.—Except as provided in para-*
18 *graph (2), subsections (a) and (b) shall take effect as*
19 *of October 1, 1994, the amendments made by sub-*
20 *section (c) shall apply to individuals on and after Oc-*
21 *tober 1, 1994, and no benefits provided pursuant to*
22 *those subsections shall be payable with respect to any*
23 *period before October 1, 1994.*

24 (2) *Section 16(d) of the Central Intelligence*
25 *Agency Act of 1949 (as added by subsection (c) of this*

1 *ligence Agency Retirement Act (50 U.S.C. 2011*
2 *et seq.)”*; and

3 (B) by striking “*title III of the Central In-*
4 *telligence Agency Retirement Act of 1964 for Cer-*
5 *tain Employees”* in subsection (d) and inserting
6 in lieu thereof “*title III of the Central Intel-*
7 *ligence Agency Retirement Act (50 U.S.C. 2151*
8 *et seq.)”*; and

9 (3) in section 855 (22 U.S.C. 4071d), by striking
10 “*under title II of the Central Intelligence Agency Re-*
11 *tirement Act of 1964 for Certain Employees or under*
12 *section 302(a) or 303(b) of that Act”* in subsection
13 (b)(2)(A)(ii) and inserting in lieu thereof “*under title*
14 *II of the Central Intelligence Agency Retirement Act*
15 *(50 U.S.C. 2011 et seq.) or under section 302(a) or*
16 *303(b) of that Act (50 U.S.C. 2152(a), 2153(b))”*.

17 (c) *INTERNAL REVENUE CODE OF 1986.*—Section
18 3121(b)(5)(H)(i) of the Internal Revenue Code of 1986 is
19 amended by striking “*section 307 of the Central Intelligence*
20 *Agency Retirement Act of 1964 for Certain Employees”* and
21 inserting in lieu thereof “*section 307 of the Central Intel-*
22 *ligence Agency Retirement Act (50 U.S.C. 2157)”*.

23 (d) *SOCIAL SECURITY ACT.*—Section 210(a)(5)(H)(i)
24 of the Social Security Act (42 U.S.C. 410(a)(5)(H)(i)) is
25 amended by striking “*section 307 of the Central Intelligence*

1 *Agency Retirement Act of 1964 for Certain Employees” and*
2 *inserting in lieu thereof “section 307 of the Central Intel-*
3 *ligence Agency Retirement Act (50 U.S.C. 2157)”.*

4 **TITLE III—GENERAL**
5 **PROVISIONS**

6 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
7 **BENEFITS AUTHORIZED BY LAW.**

8 *Appropriations authorized by this Act for salary, pay,*
9 *retirement, and other benefits for Federal employees may*
10 *be increased by such additional or supplemental amounts*
11 *as may be necessary for increases in such compensation or*
12 *benefits authorized by law.*

13 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
14 **ACTIVITIES.**

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

19 **SEC. 303. NATIONAL SECURITY SCHOLARSHIPS, FELLOW-**
20 **SHIPS, AND GRANTS.**

21 *(a) REPEAL.—Title VIII of Public Law 102–183 (50*
22 *U.S.C. 1901 et seq.) is repealed.*

23 *(b) RETURN OF FUNDS TO TREASURY.—All amounts*
24 *in the National Security Education Trust Fund established*
25 *pursuant to section 804 of such public law that are not obli-*

1 *gated on the date of enactment of this Act are transferred*
2 *to the Treasury of the United States as miscellaneous*
3 *receipts.*

4 **SEC. 304. ANNUAL REPORT ON INTELLIGENCE COMMUNITY**

5 *(a) ANNUAL DCI REPORT.—Title I of the National Se-*
6 *curity Act of 1947 is amended by adding at the end the*
7 *following new section:*

8 *“ANNUAL REPORT ON INTELLIGENCE COMMUNITY*
9 *ACTIVITIES*

10 *“SEC. 109. (a) IN GENERAL.—The Director of Central*
11 *Intelligence shall submit to Congress an annual report on*
12 *the activities of the intelligence community. The annual re-*
13 *port under this section shall be unclassified.*

14 *“(b) MATTERS TO BE COVERED IN ANNUAL RE-*
15 *PORT.—Each report under this section shall describe—*

16 *“(1) the activities of the intelligence community*
17 *during the preceding fiscal year, including significant*
18 *successes and failures that can be described in an un-*
19 *classified manner; and*

20 *“(2) the areas of the world and the issues that*
21 *the Director expects will require increased or unusual*
22 *attention from the intelligence community during the*
23 *next fiscal year.*

24 *“(c) TIME FOR SUBMISSION.—The report under this*
25 *section for any year shall be submitted at the same time*

1 *that the President submits the budget for the next fiscal year*
2 *pursuant to section 1105 of title 31, United States Code.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
4 *the first section of such Act is amended by inserting after*
5 *the item relating to section 108 the following new item:*

“Sec. 109. Annual report on intelligence community activities.”.

6 **SEC. 305. SECURITY REVIEWS.**

7 (a) *FINDINGS.*—*The Congress finds that—*

8 (1) *the President directed the Director of the In-*
9 *formation Security Oversight Office to review Execu-*
10 *tive Order 12356 and other directives relating to the*
11 *protection of national security information and to re-*
12 *port no later than November 30, 1993; and*

13 (2) *the Secretary of Defense and the Director of*
14 *Central Intelligence have established a joint security*
15 *commission to conduct a review of security practices*
16 *and procedures at the Department of Defense and the*
17 *Central Intelligence Agency and to report within 1*
18 *year of the establishment of the commission.*

19 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
20 *that—*

21 (1) *the Director of Central Intelligence, the Sec-*
22 *retary of Defense, and the Director of the Information*
23 *Security Oversight Office should conduct the reviews*
24 *referred to in subsection (a) with maximum consulta-*
25 *tion with each other; and*

1 (2) the results of these reviews should be incor-
2 porated into a consolidated recommendation for the
3 President.

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

6 **SEC. 401. SUPPORT FOR SCIENCE, MATHEMATICS, AND EN-**
7 **GINEERING EDUCATION.**

8 Section 5 of the Central Intelligence Agency Act of
9 1949 (50 U.S.C. 403f) is amended—

10 (1) by striking out “and” at the end of para-
11 graph (e);

12 (2) by striking out the period at the end of para-
13 graph (f) and inserting in lieu thereof “; and”; and

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

16 “(g) In recognition of the importance of science, math-
17 ematics, and engineering to the national security and in
18 order to encourage students to pursue studies in science,
19 mathematics, and engineering, the Director may carry out
20 a program to award cash prizes and visits to the Agency
21 (including the payment of costs associated with such visits)
22 for students who participate in high school science fairs
23 within the United States.”.

**TITLE V—DEPARTMENT OF
DEFENSE**

SEC. 501. FOREIGN LANGUAGE PROFICIENCY PAY.

(a) *RATES OF PROFICIENCY PAY.*—Subsection (b) of section 316 of title 37, United States Code, is amended to read as follows:

“(b)(1) The monthly rate for special pay under subsection (a) shall be determined by the Secretary concerned.

“(2) Special pay under subsection (a) may—

“(A) only be paid for the achievement of level 2 or greater on the defense language proficiency test in each of the categories of listening and reading; and

“(B) may not exceed the maximum monthly rates for the achievement of the levels designated in this subparagraph, or greater, of foreign language proficiency in the number of foreign languages specified, as follows:

<i>Maximum amount of monthly pay</i>	<i>Level of proficiency achievement in listening/reading/speaking</i>	<i>Number of foreign languages required</i>
\$450	3/3/3	2
\$300	3/3/3	1
\$200	3/3/0	1.”.

(b) *RESERVE COMPONENT PAY.*—Subsection (c)(1) of such section 316 is amended by striking “an increase in compensation equal to one-thirtieth of the monthly special pay authorized under subsection (b) for a member who is

1 entitled to basic pay under section 204 of this title” and
2 inserting in lieu thereof “a language proficiency mainte-
3 nance bonus, after testing, that may not exceed the maxi-
4 mum annualized rates of proficiency pay established under
5 subsection (b)”.

6 (c) *EFFECTIVE DATE.*—The amendments made by this
7 section shall take effect on October 1, 1993.

8 **SEC. 502. REPORTING ON INTELLIGENCE ACTIVITIES**
9 **OTHER THAN COVERT ACTIONS.**

10 Section 502 of the National Security Act of 1947 (50
11 U.S.C. 413a) is amended—

12 (1) by inserting “(a)” after “SEC. 502.”; and

13 (2) by adding at the end the following:

14 “(b) For the purposes of this section, the term ‘intel-
15 ligence activity’ includes any deployment of military intel-
16 ligence personnel serving in clandestine intelligence collec-
17 tion units.”.

18 **TITLE VI—ADDITIONAL**
19 **TECHNICAL AMENDMENTS.**

20 **SEC. 601. CENTRAL INTELLIGENCE AGENCY ACT OF 1949.**

21 The Central Intelligence Agency Act of 1949 is amend-
22 ed—

23 (1) in section 5(a) (50 U.S.C. 403f(a)), by strik-
24 ing “sections 102 and 303 of the National Security
25 Act of 1947 (Public Law 253, Eightieth Congress)” in

1 *the first sentence and inserting in lieu thereof “sec-*
2 *tions 103 and 104 of the National Security Act of*
3 *1947 (50 U.S.C. 403–3, 403–4)”;*

4 *(2) in the first sentence of section 6 (50 U.S.C.*
5 *403g), by striking “the proviso of section 102(d)(3) of*
6 *the National Security Act of 1947 (Public Law 253,*
7 *Eightieth Congress, first session)” and inserting in*
8 *lieu thereof “section 103(c)(5) of the National Secu-*
9 *rity Act of 1947 (50 U.S.C. 403–3(c)(5))”;* and

10 *(3) in section 19(b) (50 U.S.C. 403s(b))—*

11 *(A) by striking “SECTION 231” in the head-*
12 *ing after “(b)” and inserting in lieu thereof*
13 *“SECTION 232”;* and

14 *(B) by striking “section 231” in the matter*
15 *following paragraph (4) and inserting in lieu*
16 *thereof “section 232”.*

17 **SEC. 602. NATIONAL SECURITY ACT OF 1947.**

18 *Section 103(d)(3) of the National Security Act of 1947*
19 *(50 U.S.C. 403–3(d)(3)) is amended by striking “provid-*
20 *ing” and inserting in lieu thereof “provide”.*

21 **SEC. 603. CODIFICATION IN TITLE 10, UNITED STATES**
22 **CODE, OF CERTAIN PERMANENT PROVISIONS.**

23 *(a) INTELLIGENCE-RELATED PROVISION.—(1) Chap-*
24 *ter 21 of title 10, United States Code, is amended by insert-*
25 *ing after section 424 the following new section:*

1 **“§ 425. Disclosure of personnel information: exemption**
 2 **for National Reconnaissance Office**

3 “(a) *EXEMPTION FROM DISCLOSURE.*—Except as re-
 4 quired by the President or as provided in subsection (b),
 5 no provision of law shall be construed to require the disclo-
 6 sure of the name, title, or salary of any person employed
 7 by, or assigned or detailed to, the National Reconnaissance
 8 Office or the disclosure of the number of such persons.

9 “(b) *PROVISION OF INFORMATION TO CONGRESS.*—
 10 Subsection (a) does not apply with respect to the provision
 11 of information to Congress.”

12 (2) The table of sections at the beginning of subchapter
 13 I of such chapter is amended by adding at the end the fol-
 14 lowing new item:

*“425. Disclosure of personnel information: exemption for National Reconnaissance
 Office.”.*

15 (b) *CONFORMING REPEAL.*—Section 406 of the Intel-
 16 ligence Authorization Act for Fiscal Year 1993 (Public Law
 17 102–496; 10 U.S.C. 424 note) is repealed.

HR 2330 RH—2

HR 2330 RH—3

HR 2330 RH—4