

H. R. 4299

AN ACT

To authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Intelligence Authoriza-
5 tion Act for Fiscal Year 1995”.

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

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

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1995 for the conduct of the intelligence and
11 intelligence-related activities of the following elements of
12 the United States Government:

- 13 (1) The Central Intelligence Agency.
14 (2) The Department of Defense.
15 (3) The Defense Intelligence Agency.

1 (4) The National Security Agency.

2 (5) The National Reconnaissance Office.

3 (6) The Department of the Army, the Depart-
4 ment of the Navy, and the Department of the Air
5 Force.

6 (7) The Department of State.

7 (8) The Department of the Treasury.

8 (9) The Department of Energy.

9 (10) The Federal Bureau of Investigation.

10 (11) The Drug Enforcement Administration.

11 (12) The Central Imagery Office.

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

13 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
14 CEILINGS.—The amounts authorized to be appropriated
15 under section 101, and the authorized personnel ceilings
16 as of September 30, 1995, for the conduct of the intel-
17 ligence and intelligence-related activities of the elements
18 listed in such section, are those specified in the classified
19 Schedule of Authorizations prepared to accompany the bill
20 H.R. 4299 of the One Hundred Third Congress.

21 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
22 THORIZATIONS.—The Schedule of Authorizations shall be
23 made available to the Committees on Appropriations of
24 the Senate and House of Representatives and to the Presi-
25 dent. The President shall provide for suitable distribution

1 of the Schedule, or of appropriate portions of the Sched-
2 ule, within the executive branch.

3 **SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated for the Community Manage-
6 ment Account of the Director of Central Intelligence for
7 fiscal year 1995 the sum of \$91,800,000. Within such
8 amounts authorized, funds identified in the classified
9 Schedule of Authorizations referred to in section 102(a)
10 for the Advanced Research and Development Committee
11 and the Environmental Task Force shall remain avail-
12 able until September 30, 1996.

13 (b) AUTHORIZED PERSONNEL LEVELS.—The Com-
14 munity Management Account of the Director of Central
15 Intelligence is authorized 209 full-time personnel as of
16 September 30, 1995. Such personnel of the Community
17 Management Account may be permanent employees of the
18 Community Management Account or personnel detailed
19 from other elements of the United States Government.

20 (c) REIMBURSEMENT.—During fiscal year 1995, any
21 officer or employee of the United States or a member of
22 the Armed Forces who is detailed to the Community Man-
23 agement Staff from another element of the United States
24 Government shall be detailed on a reimbursable basis, ex-
25 cept that any such officer, employee or member may be

1 detailed on a nonreimbursable basis for a period of less
2 than one year for the performance of temporary functions
3 as required by the Director of Central Intelligence.

4 **TITLE II—CENTRAL INTEL-**
5 **LIGENCE AGENCY RETIRE-**
6 **MENT AND DISABILITY SYS-**
7 **TEM**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for the
10 Central Intelligence Agency Retirement and Disability
11 Fund for fiscal year 1995 the sum of \$198,000,000.

12 **TITLE III—GENERAL**
13 **PROVISIONS**

14 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
15 **BENEFITS AUTHORIZED BY LAW.**

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

21 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
22 **ACTIVITIES.**

23 The authorization of appropriations by this Act shall
24 not be deemed to constitute authority for the conduct of

1 any intelligence activity which is not otherwise authorized
2 by the Constitution or laws of the United States.

3 **SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**
4 **PRODUCTS.**

5 (a) SENSE OF CONGRESS.—It is the sense of the Con-
6 gress that, to the greatest extent practicable, all equip-
7 ment and products purchased with funds made available
8 in this Act should be American-made.

9 (b) NOTICE REQUIREMENT.—In providing financial
10 assistance to, or entering into any contract with, any en-
11 tity using funds made available in this Act, the head of
12 each agency of the Federal or District of Columbia govern-
13 ment, to the greatest extent practicable, shall provide to
14 such entity a notice describing the statement made in sub-
15 section (a) by the Congress.

16 **SEC. 304. DISCLOSURE OF CLASSIFIED INFORMATION BY**
17 **MEMBERS OF CONGRESS.**

18 During the fiscal year 1995, no element of the United
19 States Government for which funds are authorized in this
20 Act may provide any classified information concerning or
21 derived from the intelligence or intelligence related activi-
22 ties of any such element to a Member of the House of
23 Representatives unless and until a copy of the following
24 oath of secrecy has been signed by that Member and has
25 been published in the Congressional Record.

1 “I do solemnly swear that I will not willfully di-
2 rectly or indirectly disclose to any unauthorized per-
3 son any classified information received from any de-
4 partment of the Government funded in the Intel-
5 ligence Authorization Act for Fiscal Year 1995 in
6 the course of my duties as a Member of the United
7 States House of Representatives, except pursuant to
8 the Rules and Procedures of the House.”.

9 **SEC. 305. DISCLOSURE OF CLASSIFIED INFORMATION BY**
10 **MEMBERS OF CONGRESS AND EXECUTIVE**
11 **BRANCH OFFICERS AND EMPLOYEES.**

12 During the fiscal year 1995, no element of the United
13 States Government for which funds are authorized in this
14 Act may provide any classified information concerning or
15 derived from the intelligence or intelligence-related activi-
16 ties of such element to a Member of Congress or to an
17 officer or employee of the executive branch of the United
18 States Government unless and until a copy of the following
19 oath of secrecy has been signed by that Member, or officer
20 or employee, as the case may be, and has been published,
21 in an appropriate manner, in the Congressional Record:

22 “I do solemnly swear that I will not willfully di-
23 rectly or indirectly disclose to any unauthorized per-
24 son any classified information received from any de-
25 partment of the Government funded in the Intel-

1 ligence Authorization Act for Fiscal Year 1995 in
2 the course of my duties as a Member of Congress
3 (except pursuant to the rules and procedures of the
4 appropriate House of the Congress), or as an officer
5 or employee in the executive branch of the Govern-
6 ment, as the case may be.”.

7 As used in this section, the term “Member of Congress”
8 means a Member of the Senate or a Representative in,
9 or a Delegate or Resident Commissioner to, the House of
10 Representatives.

11 **TITLE IV—CENTRAL**
12 **INTELLIGENCE AGENCY**

13 **SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZA-**
14 **TION.**

15 Section 4(a)(5) of the Central Intelligence Agency
16 Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

17 (1) in subparagraph (A)—

18 (A) by striking “, not the result of vicious
19 habits, intemperance, or misconduct on his
20 part,”;

21 (B) by striking “he shall deem” and in-
22 serting “the Director deems”;

23 (C) by striking “section 10 of the Act of
24 March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)”

1 and inserting “section 5731 of title 5, United
2 States Code”;

3 (D) by striking “his recovery” and insert-
4 ing “the recovery of such officer or employee”;
5 and

6 (E) by striking “his return to his post”
7 and inserting “the return to the post of duty of
8 such officer or employee”;

9 (2) in subparagraph (B), by striking “his opin-
10 ion” both places it appears and inserting “the opin-
11 ion of the Director”; and

12 (3) in subparagraph (C), by striking “, not the
13 result of vicious habits, intemperance, or misconduct
14 on his part,”.

15 **TITLE V—DEPARTMENT OF DE-**
16 **FENSE INTELLIGENCE AC-**
17 **TIVITIES**

18 **SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL**
19 **MANAGEMENT.**

20 (a) GENERAL PROVISIONS.—Chapter 83 of title 10,
21 United States Code, is amended as follows:

22 (1) By amending the heading of the chapter to
23 read as follows:

1 **“CHAPTER 83—DEFENSE INTELLIGENCE**
2 **AGENCY AND CENTRAL IMAGERY OF-**
3 **FICE CIVILIAN PERSONNEL”.**

4 (2) In section 1601—

5 (A) by inserting “and the Central Imagery
6 Office” after “Defense Intelligence Agency” in
7 subsection (a);

8 (B) by inserting “or the Central Imagery
9 Office” after “outside the Defense Intelligence
10 Agency” and inserting “, the Central Imagery
11 Office,” after “to the Defense Intelligence
12 Agency” in subsection (d); and

13 (C) by inserting “and the Central Imagery
14 Office” after “Defense Intelligence Agency” in
15 subsection (e).

16 (3) In section 1602, by inserting “and Central
17 Imagery Office” after “Defense Intelligence Agen-
18 cy”.

19 (4) In section 1604—

20 (A) by inserting “and the Central Imagery
21 Office,” after “Defense Intelligence Agency” in
22 subsection (a)(1);

23 (B) by inserting “or the Central Imagery
24 Office” after “Defense Intelligence Agency” in

1 both places it occurs in the second sentence of
2 subsection (b);

3 (C) by inserting “or the Central Imagery
4 Office” after “Defense Intelligence Agency” in
5 subsection (c);

6 (D) by inserting “and the Central Imagery
7 Office” after “Defense Intelligence Agency” in
8 subsection (d);

9 (E) by inserting “or the Central Imagery
10 Office” after “Defense Intelligence Agency” in
11 subsection (e)(1); and

12 (F) in subsection (e)(3)—

13 (i) by amending the first sentence to
14 read as follows: “The Secretary of Defense
15 may delegate authority under this sub-
16 section only to the Deputy Secretary of
17 Defense, the Director of the Defense Intel-
18 ligence Agency, the Director of the Central
19 Imagery Office, or all three.”; and

20 (ii) by striking “either” and inserting
21 “any”.

22 (b) CONFORMING CHANGE TO TITLE 10.—The items
23 relating to chapter 83 in the tables of chapters at the be-
24 ginning of subtitle A, and at the beginning of part II of

1 subtitle A, of title 10, United States Code, are amended
2 to read as follows:

“83. Defense Intelligence Agency and Central Imagery Office Civil-
ian Personnel 1601”.

3 (c) CHAPTER 23 OF TITLE 5.—Section
4 2302(a)(2)(C)(ii) of title 5, United States Code, is amend-
5 ed by inserting “the Central Imagery Office,” after “De-
6 fense Intelligence Agency,”.

7 (d) CHAPTER 31 OF TITLE 5.—Section
8 3132(a)(1)(B) of title 5, United States Code, is amended
9 by inserting “the Central Imagery Office,” after “Defense
10 Intelligence Agency,”.

11 (e) CHAPTER 43 OF TITLE 5.—Section
12 4301(1)(B)(ii) of title 5, United States Code, is amended
13 by inserting “the Central Imagery Office,” after “Defense
14 Intelligence Agency,”.

15 (f) CHAPTER 47 OF TITLE 5.—Section
16 4701(a)(1)(B) of title 5, United States Code, is amended
17 by inserting “the Central Imagery Office,” after “Defense
18 Intelligence Agency,”.

19 (g) CHAPTER 51 OF TITLE 5.—Section 5102(a)(1)
20 of title 5, United States Code, is amended—

21 (1) by striking “or” at the end of clause (ix);

22 (2) by striking the period at the end of clause

23 (x) and inserting “; or”; and

24 (3) by adding at the end the following:

1 “(xi) the Central Imagery Office, Depart-
2 ment of Defense.”.

3 (h) CHAPTER 51 OF TITLE 5.—Section 5342(a)(1)
4 of title 5, United States Code, is amended—

5 (1) by striking “or” at the end of subparagraph
6 (J);

7 (2) by inserting “or” after the semicolon at the
8 end of subparagraph (K); and

9 (3) by adding at the end the following:

10 “(L) the Central Imagery Office, Depart-
11 ment of Defense;”.

12 (i) ADDITIONAL LEAVE TRANSFER PROGRAMS.—(1)
13 Section 6339(a)(1) of title 5, United States Code, is
14 amended—

15 (A) by striking “and” at the end of subpara-
16 graph (D);

17 (B) by redesignating subparagraph (E) as sub-
18 paragraph (F); and

19 (C) by inserting after subparagraph (D) the fol-
20 lowing new subparagraph (E):

21 “(E) the Central Imagery Office; and”.

22 (2) Section 6339(a)(2) of such title is amended—

23 (A) by striking “and” at the end of subpara-
24 graph (D);

1 (B) by redesignating subparagraph (E) as sub-
2 paragraph (F);

3 (C) by inserting after subparagraph (D) the fol-
4 lowing new subparagraph (E):

5 “(E) with respect to the Central Imagery
6 Office, the Director of the Central Imagery Of-
7 fice; and”; and

8 (D) in subparagraph (F), as redesignated by
9 subparagraph (B) of this paragraph, by striking
10 “paragraph (1)(E)” and inserting “paragraph
11 (1)(F)” both places it appears.

12 (j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of
13 title 5, United States Code, is amended—

14 (1) by striking “or” at the end of subparagraph
15 (F);

16 (2) by inserting “or” at the end of subpara-
17 graph (G); and

18 (3) by adding at the end the following:

19 “(H) the Central Imagery Office;”.

20 (k) CHAPTER 73 OF TITLE 5.—Section
21 7323(b)(2)(B)(i) of title 5, United States Code, is
22 amended—

23 (1) by striking “or” at the end of subclause
24 (XI); and

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

1 “(XIII) the Central Imagery Office; or”.

2 (l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of
3 title 5, United States Code, is amended by inserting “the
4 Central Imagery Office,” after “Defense Intelligence
5 Agency,”.

6 (m) ETHICS IN GOVERNMENT ACT OF 1978.—Sec-
7 tion 105(a)(1) of the Ethics in Government Act of 1978
8 (5 U.S.C. App.) is amended by inserting “the Central Im-
9 agery Office,” after “Defense Intelligence Agency,”.

10 (n) EMPLOYEE POLYGRAPH PROTECTION ACT OF
11 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph
12 Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is
13 amended by inserting “the Central Imagery Office,” after
14 “Defense Intelligence Agency,”.

15 **SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION**
16 **BY DEPARTMENT OF DEFENSE INTEL-**
17 **LIGENCE PERSONNEL OUTSIDE OF THE UNIT-**
18 **ED STATES.**

19 (a) GENERAL PROVISIONS.—Chapter 21 of title 10,
20 United States Code, is amended by adding at the end
21 thereof the following new section:

1 **“§ 426. Disclosure of governmental affiliation by De-**
2 **partment of Defense intelligence person-**
3 **nel outside the United States**

4 “Notwithstanding section 552a(e)(3) of title 5 or any
5 other provision of law, Department of Defense intelligence
6 personnel shall not be required, outside the United States,
7 to give notice of governmental affiliation to potential Unit-
8 ed States person sources during the initial assessment
9 contact. For the purposes of this section, the term ‘United
10 States’ includes the Commonwealth of Puerto Rico, the
11 Commonwealth of the Northern Mariana Islands, and any
12 territory or possession of the United States.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for subchapter I of such chapter is amended by adding
15 at the end thereof the following new item:

“426. Disclosure of governmental affiliation by Department of Defense intel-
ligence personnel outside the United States.”.

16 **TITLE VI—INSPECTORS**
17 **GENERAL**

18 **SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.**

19 (a) DIA.—

20 (1) PURPOSES.—The purposes of this sub-
21 section are to—

22 (A) create an objective and effective office,
23 appropriately accountable to the Congress, to
24 initiate and conduct independently inspections,

1 investigations, and audits relating to programs
2 and operations of the Defense Intelligence
3 Agency;

4 (B) provide leadership and recommend
5 policies designed to promote economy, effi-
6 ciency, and effectiveness in the administration
7 of such programs and operations, and detect
8 fraud and abuse in such programs and oper-
9 ations;

10 (C) provide a means for keeping the Direc-
11 tor of the Defense Intelligence Agency fully and
12 currently informed about problems and defi-
13 ciencies relating to the administration of such
14 programs and operations, and the necessity for
15 and the progress of corrective actions; and

16 (D) in the manner prescribed by the
17 amendments made by this subsection, ensure
18 that the Senate Select Committee on Intel-
19 ligence and the House Permanent Select Com-
20 mittee on Intelligence are kept similarly in-
21 formed of significant problems and deficiencies
22 as well as the necessity for and the progress of
23 corrective actions.

1 (2) ESTABLISHMENT OF OFFICE OF INSPECTOR
2 GENERAL.—The first section 8G of the Inspector
3 General Act of 1978 (5 U.S.C. App.) is amended—

4 (A) in subsection (a)(2) by inserting after
5 “the United States International Trade Com-
6 mission,” the following: “the Defense Intel-
7 ligence Agency,”; and

8 (B) by adding at the end the following:

9 “(i)(1) The Inspector General of the Defense Intel-
10 ligence Agency shall be appointed by the Director of the
11 Defense Intelligence Agency (in this subsection referred
12 to as the ‘Director’) without regard to political affiliation
13 and on the basis of integrity, compliance with the security
14 standards of the Defense Intelligence Agency, and prior
15 experience in the field of foreign intelligence and in a Fed-
16 eral office of Inspector General.

17 “(2)(A) Notwithstanding the second sentence of sec-
18 tion 8G(d), the Director may prohibit the Inspector Gen-
19 eral of the Defense Intelligence Agency from initiating,
20 carrying out, or completing any audit, inspection, or inves-
21 tigation if the Director determines that such prohibition
22 is necessary to protect vital national security interests of
23 the United States.

24 “(B) If the Director exercises any power under sub-
25 paragraph (A), the Director shall submit an appropriately

1 classified statement of the reasons for the exercise of such
2 power within 7 days to the intelligence committees. The
3 Director shall advise the Inspector General at the time
4 such report is submitted, and, to the extent consistent
5 with the protection of intelligence sources and methods,
6 provide the Inspector General with a copy of any such re-
7 port. In such cases, the Inspector General may submit
8 such comments to the intelligence committees that the Di-
9 rector considers appropriate.

10 “(3) The Inspector General of the Defense Intel-
11 ligence Agency shall take due regard for the protection
12 of intelligence sources and methods in the preparation of
13 all reports issued by the Office of Inspector General of
14 the Defense Intelligence Agency, and, to the extent con-
15 sistent with the purpose and objective of such reports, take
16 such measures as may be appropriate to minimize the dis-
17 closure of intelligence sources and methods described in
18 such reports.

19 “(4)(A) The Inspector General of the Defense Intel-
20 ligence Agency shall, not later than January 31 and July
21 31 of each year, prepare and submit to the Director a clas-
22 sified semiannual report summarizing the activities of the
23 Office of Inspector General of the Defense Intelligence
24 Agency during the immediately preceding 6-month period
25 ending December 31 (of the preceding year) and June 30,

1 respectively. Within 30 days after receipt of such reports,
2 the Director shall transmit such reports to the intelligence
3 committees with any comments the Director may deem ap-
4 propriate. Such reports shall, at a minimum, include a list
5 of the title or subject of each inspection, investigation, or
6 audit conducted during the reporting period and—

7 “(i) a description of significant problems,
8 abuses, and deficiencies relating to the administra-
9 tion of programs and operations of the Defense In-
10 telligence Agency identified by the Office during the
11 reporting period;

12 “(ii) a description of the recommendations for
13 corrective action made by the Office during the re-
14 porting period with respect to significant problems,
15 abuses, or deficiencies identified in clause (i);

16 “(iii) a statement of whether corrective action
17 has been completed on each significant recommenda-
18 tion described in previous semiannual reports, and,
19 in a case where corrective action has been com-
20 pleted, a description of such corrective action;

21 “(iv) a certification that the Inspector General
22 has had full and direct access to all information rel-
23 evant to the performance of the functions of the In-
24 specter General;

1 “(v) a description of all cases occurring during
2 the reporting period where the Inspector General
3 could not obtain documentary evidence relevant to
4 any inspection, audit, or investigation due to the
5 lack of authority to subpoena such information; and

6 “(vi) such recommendations as the Inspector
7 General may wish to make concerning legislation to
8 promote economy and efficiency in the administra-
9 tion of programs and operations undertaken by the
10 Defense Intelligence Agency, and to detect and
11 eliminate fraud and abuse in such programs and op-
12 erations.

13 “(B) The Inspector General of the Defense Intel-
14 ligence Agency shall report immediately to the Director
15 whenever the Inspector General becomes aware of particu-
16 larly serious or flagrant problems, abuses, or deficiencies
17 relating to the administration of programs or operations.
18 The Director shall transmit such report to the intelligence
19 committees within 7 calendar days, together with any com-
20 ments the Director considers appropriate.

21 “(C) In the event that—

22 “(i) the Inspector General of the Defense Intel-
23 ligence Agency is unable to resolve any differences
24 with the Director affecting the execution of the In-
25 spector General’s duties or responsibilities; or

1 “(ii) the Inspector General, after exhausting all
2 possible alternatives, is unable to obtain significant
3 documentary information in the course of an inves-
4 tigation, inspection, or audit,
5 the Inspector General shall immediately report such mat-
6 ter to the intelligence committees.

7 “(D) Section 5 shall not apply to the Inspector Gen-
8 eral and the Office of Inspector General of the Defense
9 Intelligence Agency.

10 “(5) Subject to applicable law and the policies of the
11 Director, the Inspector General of the Defense Intelligence
12 Agency shall select, appoint, and employ such officers and
13 employees as may be necessary to carry out the functions
14 of the Inspector General. In making such selections, the
15 Inspector General shall ensure that such officers and em-
16 ployees have the requisite training and experience to en-
17 able the Inspector General to carry out the duties of the
18 Inspector General effectively. In this regard, the Inspector
19 General shall create within the organization of the Inspec-
20 tor General a career cadre of sufficient size to provide ap-
21 propriate continuity and objectivity needed for the effec-
22 tive performance of the duties of the Inspector General.

23 “(6) Beginning with fiscal year 1996, there shall be
24 included in the National Foreign Intelligence Program

1 budget a separate account for the Office of Inspector Gen-
2 eral of the Defense Intelligence Agency.

3 “(7) In this subsection, the term ‘intelligence commit-
4 tees’ means the Permanent Select Committee on Intel-
5 ligence of the House of Representatives and the Select
6 Committee on Intelligence of the Senate.”.

7 (3) IMPLEMENTATION.—The Director of the
8 Defense Intelligence Agency shall, by not later than
9 60 days after the date of the enactment of this Act
10 and in accordance with the amendments made by
11 this subsection—

12 (A) establish the Office of Inspector Gen-
13 eral of the Defense Intelligence Agency;

14 (B) appoint the Inspector General of the
15 Defense Intelligence Agency; and

16 (C) transfer to that Office the office of the
17 Defense Intelligence Agency on the day before
18 the date of the enactment of this Act known as
19 the “Office of Inspector General”.

20 (4) TRANSFER OF RESOURCES OF EXISTING OF-
21 FICE.—The personnel, assets, liabilities, contracts,
22 property, records, and unexpended balances of ap-
23 propriations, authorizations, allocations, and other
24 funds employed, held, used, arising from, or avail-
25 able to the office in the Defense Intelligence Agency

1 on the day before the date of the enactment of this
2 Act known as “Office of Inspector General” are
3 hereby transferred to the Office of Inspector General
4 of the Defense Intelligence Agency established under
5 the amendments made by this subsection.

6 (5) TERMINATION OF EXISTING OFFICE.—The
7 office in the Defense Intelligence Agency on the day
8 before the date of the enactment of this Act known
9 as “Office of Inspector General” is terminated effec-
10 tive on the date of the establishment of the Office
11 of Inspector General of the Defense Intelligence
12 Agency pursuant to the amendments made by this
13 subsection.

14 (6) CONFORMING AMENDMENT.—The first sec-
15 tion 8G of the Inspector General Act of 1978 (5
16 U.S.C. App.) is amended in subsection (c) by strik-
17 ing “subsection (f)” and inserting “subsections (f)
18 and (i)”.

19 (7) REPORTS TO INTELLIGENCE COMMIT-
20 TEES.—

21 (A) REPORTING REQUIREMENT.—Sub-
22 chapter I of chapter 21 of title 10, United
23 States Code, is amended after section 426, as
24 added by section 502 of this Act, by inserting
25 the following new section:

1 **“§ 427. Reports on activities of the Office of Inspector**
2 **General of the Defense Intelligence**
3 **Agency**

4 “(a) REPORTING REQUIREMENT.—The Director of
5 the Defense Intelligence Agency shall submit to the intel-
6 ligence committees any report or findings and rec-
7 ommendations of an inspection, investigation, or audit
8 conducted by the Office of Inspector General of the De-
9 fense Intelligence Agency which has been requested by the
10 Chairman or Ranking Minority Member of either of the
11 intelligence committees.

12 “(b) INTELLIGENCE COMMITTEES DEFINED.—In
13 this section, the term ‘intelligence committees’ means the
14 Permanent Select Committee on Intelligence of the House
15 of Representatives and the Select Committee on Intel-
16 ligence of the Senate.”.

17 (B) CLERICAL AMENDMENT.—The analysis
18 at the beginning of subchapter I of chapter 23
19 of title 10, United States Code, is amended by
20 adding at the end the following:

“427. Reports on activities of the Office of Inspector General of the Defense
Intelligence Agency.”.

21 (b) NSA.—

22 (1) PURPOSES.—The purposes of this sub-
23 section are to—

1 (A) create an objective and effective office,
2 appropriately accountable to Congress, to initi-
3 ate and conduct independently inspections, in-
4 vestigations, and audits relating to programs
5 and operations of the National Security Agency;

6 (B) provide leadership and recommend
7 policies designed to promote economy, effi-
8 ciency, and effectiveness in the administration
9 of such programs and operations, and detect
10 fraud and abuse in such programs and oper-
11 ations;

12 (C) provide a means for keeping the Direc-
13 tor of the National Security Agency fully and
14 currently informed about problems and defi-
15 ciencies relating to the administration of such
16 programs and operations, and the necessity for
17 and the progress of corrective actions; and

18 (D) in the manner prescribed by the
19 amendments made by this subsection, ensure
20 that the Senate Select Committee on Intel-
21 ligence and the House Permanent Select Com-
22 mittee on Intelligence are kept similarly in-
23 formed of significant problems and deficiencies
24 as well as the necessity for and the progress of
25 corrective actions.

1 (2) ESTABLISHMENT OF OFFICE OF INSPECTOR
2 GENERAL.—The first section 8G of that Act is
3 amended—

4 (A) in subsection (a)(2), as amended by
5 subsection (a)(2) of this section, by inserting
6 after “the Defense Intelligence Agency,” the
7 following: “the National Security Agency,”; and

8 (B) by adding after subsection (i), as
9 added by subsection (a)(2) of this section, the
10 following:

11 “(j)(1) The Inspector General of the National Secu-
12 rity Agency shall be appointed by the Director of the Na-
13 tional Security Agency (in this subsection referred to as
14 the ‘Director’) without regard to political affiliation and
15 on the basis of integrity, compliance with the security
16 standards of the National Security Agency, and prior ex-
17 perience in the field of foreign intelligence and in a Fed-
18 eral office of Inspector General.

19 “(2)(A) Notwithstanding the second sentence of sec-
20 tion 8G(d), the Director may prohibit the Inspector Gen-
21 eral of the National Security Agency from initiating, car-
22 rying out, or completing any audit, inspection, or inves-
23 tigation if the Director determines that such prohibition
24 is necessary to protect vital national security interests of
25 the United States.

1 “(B) If the Director exercises any power under sub-
2 paragraph (A), the Director shall submit an appropriately
3 classified statement of the reasons for the exercise of such
4 power within 7 days to the intelligence committees. The
5 Director shall advise the Inspector General at the time
6 such report is submitted, and, to the extent consistent
7 with the protection of intelligence sources and methods,
8 provide the Inspector General with a copy of any such re-
9 port. In such cases, the Inspector General may submit
10 such comments to the intelligence committees that the Di-
11 rector considers appropriate.

12 “(3) The Inspector General of the National Security
13 Agency shall take due regard for the protection of intel-
14 ligence sources and methods in the preparation of all re-
15 ports issued by the Office of Inspector General of the Na-
16 tional Security Agency, and, to the extent consistent with
17 the purpose and objective of such reports, take such meas-
18 ures as may be appropriate to minimize the disclosure of
19 intelligence sources and methods described in such re-
20 ports.

21 “(4)(A) The Inspector General of the National Secu-
22 rity Agency shall, not later than January 31 and July 31
23 of each year, prepare and submit to the Director a classi-
24 fied semiannual report summarizing the activities of the
25 Office of Inspector General of the National Security Agen-

1 cy during the immediately preceding 6-month period end-
2 ing December 31 (of the preceding year) and June 30,
3 respectively. Within 30 days after receipt of such reports,
4 the Director shall transmit such reports to the intelligence
5 committees with any comments the Director may deem ap-
6 propriate. Such reports shall, at a minimum, include a list
7 of the title or subject of each inspection, investigation, or
8 audit conducted during the reporting period and—

9 “(i) a description of significant problems,
10 abuses, and deficiencies relating to the administra-
11 tion of programs and operations of the National Se-
12 curity Agency identified by the Office during the re-
13 porting period;

14 “(ii) a description of the recommendations for
15 corrective action made by the Office during the re-
16 porting period with respect to significant problems,
17 abuses, or deficiencies identified in clause (i);

18 “(iii) a statement of whether corrective action
19 has been completed on each significant recommenda-
20 tion described in previous semiannual reports, and,
21 in a case where corrective action has been com-
22 pleted, a description of such corrective action;

23 “(iv) a certification that the Inspector General
24 has had full and direct access to all information rel-

1 evant to the performance of the functions of the In-
2 specter General;

3 “(v) a description of all cases occurring during
4 the reporting period where the Inspector General
5 could not obtain documentary evidence relevant to
6 any inspection, audit, or investigation due to the
7 lack of authority to subpoena such information; and

8 “(vi) such recommendations as the Inspector
9 General may wish to make concerning legislation to
10 promote economy and efficiency in the administra-
11 tion of programs and operations undertaken by the
12 National Security Agency, and to detect and elimi-
13 nate fraud and abuse in such programs and oper-
14 ations.

15 “(B) The Inspector General of the National Security
16 Agency shall report immediately to the Director whenever
17 the Inspector General becomes aware of particularly seri-
18 ous or flagrant problems, abuses, or deficiencies relating
19 to the administration of programs or operations. The Di-
20 rector shall transmit such report to the intelligence com-
21 mittees within 7 calendar days, together with any com-
22 ments the Director considers appropriate.

23 “(C) In the event that—

24 “(i) the Inspector General of the National Secu-
25 rity Agency is unable to resolve any differences with

1 the Director affecting the execution of the Inspector
2 General's duties or responsibilities; or

3 “(ii) the Inspector General, after exhausting all
4 possible alternatives, is unable to obtain significant
5 documentary information in the course of an inves-
6 tigation, inspection, or audit,

7 the Inspector General shall immediately report such mat-
8 ter to the intelligence committees.

9 “(D) Section 5 shall not apply to the Inspector Gen-
10 eral and the Office of Inspector General of the National
11 Security Agency.

12 “(5) Subject to applicable law and the policies of the
13 Director, the Inspector General of the National Security
14 Agency shall select, appoint, and employ such officers and
15 employees as may be necessary to carry out the functions
16 of the Inspector General. In making such selections, the
17 Inspector General shall ensure that such officers and em-
18 ployees have the requisite training and experience to en-
19 able the Inspector General to carry out the duties of the
20 Inspector General effectively. In this regard, the Inspector
21 General shall create within the organization of the Inspec-
22 tor General a career cadre of sufficient size to provide ap-
23 propriate continuity and objectivity needed for the effec-
24 tive performance of the duties of the Inspector General.

1 “(6) Beginning with fiscal year 1996, there shall be
2 included in the National Foreign Intelligence Program
3 budget a separate account for the Office of Inspector Gen-
4 eral of the National Security Agency.

5 “(7) In this subsection, the term ‘intelligence commit-
6 tees’ means the Permanent Select Committee on Intel-
7 ligence of the House of Representatives and the Select
8 Committee on Intelligence of the Senate.”.

9 (3) IMPLEMENTATION.—The Director of the
10 National Security Agency shall, by not later than 60
11 days after the date of the enactment of this Act and
12 in accordance with the amendments made by this
13 subsection—

14 (A) establish the Office of Inspector Gen-
15 eral of the National Security Agency;

16 (B) appoint the Inspector General of the
17 National Security Agency; and

18 (C) transfer to that Office the office of the
19 National Security Agency on the day before the
20 date of the enactment of this Act known as the
21 “Office of Inspector General”.

22 (4) TRANSFER OF RESOURCES OF EXISTING OF-
23 FICE.—The personnel, assets, liabilities, contracts,
24 property, records, and unexpended balances of ap-
25 propriations, authorizations, allocations, and other

1 funds employed, held, used, arising from, or avail-
2 able to the office in the National Security Agency on
3 the day before the date of the enactment of this Act
4 known as “Office of Inspector General” are hereby
5 transferred to the Office of Inspector General of the
6 National Security Agency established under the
7 amendments made by this subsection.

8 (5) TERMINATION OF EXISTING OFFICE.—The
9 office in the National Security Agency on the day
10 before the date of the enactment of this Act known
11 as “Office of Inspector General” is terminated effec-
12 tive on the date of the establishment of the Office
13 of Inspector General of the National Security Agen-
14 cy pursuant to the amendments made by this sub-
15 section.

16 (6) CONFORMING AMENDMENTS.—The first sec-
17 tion 8G of the Inspector General Act of 1978 (5
18 U.S.C. App.) is amended in subsection (c), as
19 amended by subsection (a)(6) of this section, by
20 striking “subsections (f) and (i)” and inserting
21 “subsections (f), (i), and (j)”.

22 (7) REPORTS TO INTELLIGENCE COMMIT-
23 TEES.—The National Security Agency Act of 1959
24 (50 U.S.C. 402 note) is amended by adding at the
25 end the following:

1 “SEC. 19. (a) The Director of the National Security
2 Agency shall submit to the intelligence committees any re-
3 port or findings and recommendations of an inspection,
4 investigation, or audit conducted by the Office of Inspector
5 General of the National Security Agency which has been
6 requested by the Chairman or Ranking Minority Member
7 of either of the intelligence committees.

8 “(b) In this section, the term ‘intelligence commit-
9 tees’ means the Permanent Select Committee on Intel-
10 ligence of the House of Representatives and the Select
11 Committee on Intelligence of the Senate.”.

12 (8) RELATIONSHIP OF INSPECTOR GENERAL OF
13 DEPARTMENT OF DEFENSE TO THOSE OF DIA AND
14 NSA.—Section 8 of the Inspector General Act of
15 1978 (5 U.S.C. App.) is amended by adding at the
16 end the following:

17 “(h)(1) The Inspector General of the Department of
18 Defense shall not have any authority to conduct any activ-
19 ity with respect to any matter that the Secretary of De-
20 fense determines relates solely to the Defense Intelligence
21 Agency or the National Security Agency.

22 “(2) Upon request of the Inspector General of the
23 Defense Intelligence Agency or the National Security
24 Agency, the Inspector General of the Department of De-
25 fense may provide to the Inspector General making the

1 request such resources (including personnel) as are appro-
2 priate to enable that Inspector General to carry out activi-
3 ties authorized by this Act.”.

4 (c) CIA.—Section 17 of the Central Intelligence
5 Agency Act of 1949 (50 U.S.C. 403q) is amended—

6 (1) in subsection (b)(1)—

7 (A) by striking “foreign intelligence.” and
8 inserting “foreign intelligence and in a Federal
9 office of Inspector General.”;

10 (B) by striking “or” after “analysis,”; and

11 (C) by striking the period at the end there-
12 of and inserting “, or auditing.”;

13 (2) in subsection (c)(1), by striking “to con-
14 duct” and inserting “to plan, conduct”;

15 (3) in subsection (d)(1)—

16 (A) by striking “June 30 and December
17 31” and inserting “January 31 and July 31”;

18 (B) by striking “period.” at the end of the
19 first sentence and inserting “periods ending De-
20 cember 31 (of the preceding year) and June 30,
21 respectively.”; and

22 (C) by inserting “of receipt of such re-
23 ports” after “thirty days”;

24 (4) in subsection (d)(3)(C), by inserting “in-
25 spection, or audit,” after “investigation,”;

1 (5) in subsection (d)(4), by inserting “or find-
2 ings and recommendations” after “report”; and

3 (6) in subsection (e)(6)—

4 (A) by striking “it is the sense of Congress
5 that”; and

6 (B) by striking “should” and inserting
7 “shall”.

8 **TITLE VII—CLASSIFICATION**
9 **MANAGEMENT**

10 **SEC. 701. DECLASSIFICATION PLAN.**

11 Each agency of the National Foreign Intelligence
12 Program to which is appropriated more than \$1,000,000
13 in the security, countermeasures, and related activities
14 structural category for fiscal year 1995 shall allocate at
15 least two percent of their total expenditure in this struc-
16 tural category for fiscal year 1995 to the classification
17 management consolidated expenditure center, to be used
18 for the following activities:

19 (1) Development of a phased plan to implement
20 declassification guidelines contained in the executive
21 order which replaces Executive Order 12356. Each
22 such agency shall provide the plan to Congress with-
23 in 90 days after the beginning of fiscal year 1995
24 or 90 days after the publication of such replacement
25 executive order, whichever is later. This plan shall

1 include an accounting of the amount of archived ma-
2 terial, levels of classification, types of storage media
3 and locations, review methods to be employed, and
4 estimated costs of the declassification activity itself;
5 as well as an assessment by the agency of the appro-
6 priate types and amounts of information to be main-
7 tained in the future, how it will be stored, safe-
8 guarded, and reviewed, and the projected costs of
9 these classification management activities for the
10 succeeding five years.

11 (2) Commencement of the process of declas-
12 sification and reduction of the amount of archived
13 classified documents maintained by each agency.

14 (3) Submission of a report to the Permanent
15 Select Committee on Intelligence of the House of
16 Representatives and the Select Committee on Intel-
17 ligence of the Senate within 90 days after the end
18 of fiscal year 1995 on the progress made in carrying
19 out paragraph (2), with reference to the plan re-
20 quired by paragraph (1).

21 **SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF IN-**
22 **FORMATION.**

23 (a) PLAN.—Not later than 90 days after the date of
24 enactment of this Act, the President shall develop a plan,
25 and issue an executive order for its implementation, which

1 provides for the classification and declassification of infor-
2 mation. It is the sense of Congress that the plan should
3 provide for the following:

4 (1) A test for the classification of information
5 which balances the public's right to know against
6 identifiable harm to the national security which will
7 result from public disclosure.

8 (2) A narrow definition of the categories of in-
9 formation subject to classification to avoid excessive
10 classification.

11 (3) Classification periods of reasonably short
12 duration, and a determination of the date when or
13 event upon which declassification of such informa-
14 tion shall occur, with a recognition that extension of
15 such period may be required in certain cir-
16 cumstances.

17 (4) Automatic declassification at the expiration
18 of the classification period.

19 (b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—
20 The plan and executive order referred to in subsection (a)
21 may not take effect until after 30 days after the date on
22 which such plan and proposed regulation is submitted to
23 the Permanent Select Committee on Intelligence and the
24 Committee on Government Operations of the House of
25 Representatives and the Select Committee on Intelligence

1 and the Committee on Governmental Affairs of the Sen-
2 ate.

3 **SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICA-**
4 **TION.**

5 Not later than 7 days after the date of the enactment
6 of this Act, the Director of Central Intelligence shall sub-
7 mit to the Permanent Select Committee on Intelligence of
8 the House of Representatives and the Select Committee
9 on Intelligence of the Senate a report (in a classified and
10 unclassified form) which identifies the following:

11 (1) The cost of classifying documents and keep-
12 ing information classified by each agency within the
13 intelligence community.

14 (2) The number of personnel within each such
15 agency assigned to classifying documents and keep-
16 ing information classified.

17 (3) A plan to reduce expenditures for
18 classifying information and for keeping information
19 classified, which shall include specific expenditure re-
20 duction goals for fiscal year 1995 for each such
21 agency.

1 **TITLE VIII—**
2 **COUNTERINTELLIGENCE**

3 **SEC. 801. ACCESS TO CLASSIFIED INFORMATION.**

4 (a) IN GENERAL.—The National Security Act of
5 1947 (50 U.S.C. 401 et seq.) is amended by adding at
6 the end thereof the following new title:

7 “TITLE VIII—ACCESS TO CLASSIFIED
8 INFORMATION

9 “RULE OF APPLICATION

10 “SEC. 801. The President and Vice President, Mem-
11 bers of the Congress (including any Resident Commis-
12 sioner and Delegate to the House of Representatives),
13 Justices of the Supreme Court, and Federal judges ap-
14 pointed by the President shall, by virtue of their elected
15 or appointed positions, be entitled to access to classified
16 information needed for the performance of their govern-
17 mental functions without regard to the other provisions
18 of this title.

19 “REGULATIONS

20 “SEC. 802. (a) The President shall, within 180 days
21 after enactment of this title, direct the issuance of a regu-
22 lation to implement this title.

23 “(b) The regulation issued pursuant to subsection (a)
24 may not take effect until after 30 days after the date on
25 which the regulation is submitted to the Congress.

1 “CONSENT FOR ACCESS TO FINANCIAL INFORMATION

2 “SEC. 803. Except as may be provided for in the reg-
3 ulation issued under section 802 of this title, after such
4 regulation takes effect, no person shall be given access to
5 classified information by any department, agency, or office
6 of the executive branch unless such person has provided
7 consent in accordance with this section. Such consent shall
8 be provided to the investigative agency responsible for con-
9 ducting the security investigation of such person, or in the
10 case of a person who is an employee of the legislative
11 branch or the judicial branch, to the employing office of
12 such employee. Such consent shall be provided during the
13 initial background investigation, for such times as access
14 to such information is maintained, and for three years
15 thereafter. Such consent shall permit access to—

16 “(1) financial records held by a financial agency
17 or financial institution;

18 “(2) consumer reports held by a consumer cred-
19 it reporting agency; and

20 “(3) records maintained by commercial entities
21 within the United States pertaining to any travel by
22 the person outside the United States.

23 “REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

24 “SEC. 804. (a)(1) Any authorized investigative agen-
25 cy may request from any financial agency, financial insti-
26 tution, or consumer credit reporting agency such financial

1 records and consumer reports as are necessary in order
2 to conduct any authorized law enforcement investigation,
3 foreign counterintelligence inquiry, or security determina-
4 tion. Any authorized investigative agency may also request
5 records maintained by any commercial entity within the
6 United States pertaining to travel by a person outside the
7 United States.

8 “(2) Requests may be made under this section
9 where—

10 “(A) the records sought pertain to a person
11 who is or was an employee required, as a condition
12 of access to classified information, to provide con-
13 sent, during a background investigation, for such
14 time as access to the information is maintained, and
15 for three years thereafter, permitting access to fi-
16 nancial records, other financial information,
17 consumer reports, and travel records; and

18 “(B) there are reasonable grounds to believe,
19 based upon specific and articulable facts available to
20 it, that the person is, or may be, disclosing classified
21 information in an unauthorized manner to a foreign
22 power or agent of a foreign power, or in the course
23 of any background investigation or reinvestigation,
24 an issue of otherwise unexplained affluence or exces-
25 sive indebtedness arises.

1 “(3) Each such request shall—

2 “(A) be accompanied by a written certification
3 signed by the department or agency head or deputy
4 department or agency head concerned and shall cer-
5 tify that—

6 “(i) the person concerned is an employee
7 within the meaning of paragraph (2)(A);

8 “(ii) the request is being made pursuant to
9 an authorized inquiry or investigation and is
10 authorized under this section; and

11 “(iii) the records or information to be re-
12 viewed are records or information which the
13 employee has previously agreed to make avail-
14 able to the authorized investigative agency for
15 review;

16 “(B) contain a copy of the agreement referred
17 to in subparagraph (A)(iii);

18 “(C) identify specifically or by category the
19 records or information to be reviewed; and

20 “(D) inform the recipient of the request of the
21 prohibition described in subsection (b).

22 “(4) The authorized investigative agency shall
23 promptly notify the person who is the subject of a request
24 under this section relating to a background investigation

1 or reinvestigation for records, reports, or other informa-
2 tion.

3 “(b) Notwithstanding any other provision of law and
4 except as provided in subsection (a)(4), no governmental
5 or private entity, or officer, employee, or agent of such
6 entity, may disclose to any person, other than those offi-
7 cers, employees, or agents of such entity necessary to sat-
8 isfy a request made under this section, that such entity
9 has received or satisfied a request made by an authorized
10 investigative agency under this section.

11 “(c)(1) Notwithstanding any other provision of law
12 except section 6103 of the Internal Revenue Code of 1986,
13 an entity receiving a request for records or information
14 under subsection (a) shall, if the request satisfies the re-
15 quirements of this section, make available such records or
16 information within 30 days for inspection or copying, as
17 may be appropriate, by the agency requesting such records
18 or information.

19 “(2) Any entity (including any officer, employee or
20 agent thereof) that discloses records or information for in-
21 spection or copying pursuant to this section in good faith
22 reliance upon the certifications made by an agency pursu-
23 ant to this section shall not be liable for any such disclo-
24 sure to any person under this title, the constitution of any

1 State, or any law or regulation of any State or any politi-
2 cal subdivision of any State.

3 “(d) Subject to the availability of appropriations
4 therefor, any agency requesting records or information
5 under this section may reimburse a private entity for any
6 cost reasonably incurred by such entity in responding to
7 such request, including the cost of identifying, reproduc-
8 ing, or transporting records or other data.

9 “(e) An agency receiving records or information pur-
10 suant to a request under this section may disseminate the
11 records or information obtained pursuant to such request
12 outside the agency only to the agency employing the
13 employee who is the subject of the records or information,
14 to the Department of Justice for law enforcement or for-
15 eign counterintelligence purposes, or, with respect to dis-
16 semination to an agency of the United States, only if such
17 information is clearly relevant to the authorized respon-
18 sibilities of such agency relating to security determina-
19 tions, law enforcement, or counterintelligence.

20 “(f) Any agency that discloses records or information
21 received pursuant to a request under this section in viola-
22 tion of subsection (e) shall be liable to the person to whom
23 the records relate in an amount equal to the sum of—

24 “(1) \$100, without regard to the volume of
25 records involved;

1 “(2) any actual damages sustained by the per-
2 son as a result of the disclosure;

3 “(3) if the violation is found to have been will-
4 ful or intentional, such punitive damages as the
5 court may allow; and

6 “(4) in the case of any successful action to en-
7 force liability, the costs of the action, together with
8 reasonable attorney fees, as determined by the court.

9 “(g) Nothing in this section shall affect the authority
10 of an investigative agency to obtain information pursuant
11 to the Right to Financial Privacy Act (12 U.S.C. 3401
12 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681
13 et seq.).

14 “DEFINITIONS

15 “SEC. 805. For purposes of this title—

16 “(1) the term ‘agency of the legislative branch’
17 means the Office of the Architect of the Capitol, the
18 Botanic Garden, the General Accounting Office, the
19 Government Printing Office, the Library of Con-
20 gress, the Office of Technology Assessment, the
21 Congressional Budget Office, and the Copyright
22 Royalty Tribunal;

23 “(2) the term ‘authorized investigative agency’
24 means—

25 “(A) an agency authorized by law or regu-
26 lation to conduct foreign counterintelligence in-

1 vestigations or investigations of persons who
2 are proposed for access to classified information
3 to ascertain whether such persons satisfy the
4 criteria for obtaining and retaining access to
5 such information;

6 “(B) in the case of the House of Rep-
7 resentatives, an agency designated by the
8 Speaker of the House;

9 “(C) in the case of the Senate, an agency
10 designated by the President pro tempore of the
11 Senate;

12 “(D) in the case of an agency of the legis-
13 lative branch, an agency designated by the head
14 of such agency; and

15 “(E) in the case of the judiciary, an agen-
16 cy designated by the Director of the Adminis-
17 trative Office of the United States Courts,
18 under the direction of the Chief Justice of the
19 United States;

20 “(3) the term ‘classified information’ means
21 any information that has been determined pursuant
22 to Executive Order No. 12356 of April 2, 1982, or
23 successor orders, or the Atomic Energy Act of 1954,
24 to require protection against unauthorized disclosure
25 and that is so designated;

1 “(4) the term ‘consumer credit reporting agen-
2 cy’ has the meaning given such term in section 603
3 of the Consumer Credit Protection Act (15 U.S.C.
4 1681a));

5 “(5) the term ‘employee’ includes any person
6 who receives a salary or compensation of any kind
7 from the United States Government, is a contractor
8 of the United States Government or an employee
9 thereof, is an unpaid consultant of the United States
10 Government, or otherwise acts for or on behalf of
11 the United States Government;

12 “(6) the term ‘employee of the legislative
13 branch’ means an individual (other than a Member
14 of, and a Resident Commissioner or Delegate to, the
15 Congress) whose salary is paid by—

16 “(A) the Director of Non-legislative and
17 Financial Services of the House of Representa-
18 tives;

19 “(B) the Secretary of the Senate; or

20 “(C) an agency of the legislative branch;

21 “(7) the terms ‘financial agency’ and ‘financial
22 institution’ have the meaning given such terms in
23 section 5312 of title 31, United States Code; and

24 “(8) the term ‘State’ means any State of the
25 United States, the District of Columbia, the Com-

1 monwealth of Puerto Rico, the Trust Territory of
 2 the Pacific Islands, and any territory or possession
 3 of the United States.

4 “EFFECTIVE DATE

5 “SEC. 806. This title shall take effect upon the issu-
 6 ance of a final regulation pursuant to section 802.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
 8 tents of the National Security Act of 1947 is amended
 9 by adding at the end the following:

“TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

“Sec. 801. Rule of application.

“Sec. 802. Regulations.

“Sec. 803. Consent for access to financial information.

“Sec. 804. Requests by authorized investigative agencies.

“Sec. 805. Definitions.

“Sec. 806. Effective date.”.

10 **SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPI-**
 11 **ONAGE.**

12 (a) REWARDS.—Section 3071 of title 18, United
 13 States Code, is amended—

14 (1) by inserting “(a)” before “With respect to”;

15 and

16 (2) by adding at the end the following new sub-
 17 section:

18 “(b) With respect to acts of espionage involving or
 19 directed at the United States, the Attorney General may
 20 reward any individual who furnishes information—

1 “(1) leading to the arrest or conviction, in any
2 country, of any individual or individuals for commis-
3 sion of an act of espionage against the United
4 States;

5 “(2) leading to the arrest or conviction, in any
6 country, of any individual or individuals for conspir-
7 ing or attempting to commit an act of espionage
8 against the United States; or

9 “(3) leading to the prevention or frustration of
10 an act of espionage against the United States.”.

11 (b) DEFINITIONS.—Section 3077 of such title is
12 amended—

13 (1) by striking “and” at the end of paragraph
14 (6);

15 (2) by striking the period at the end of para-
16 graph (7) and inserting “; and”; and

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

19 “(8) ‘act of espionage’ means an activity that is
20 a violation of—

21 “(A) section 793, 794, or 798 of title 18,
22 United States Code; or

23 “(B) section 4 of the Subversive Activities
24 Control Act of 1950.”.

1 (c) CLERICAL AMENDMENTS.—(1) The item relating
 2 to chapter 204 in the table of chapters for part II of such
 3 title is amended to read as follows:

**“204. Rewards for information concerning terrorist acts
 and espionage 3071”.**

4 (2) The heading for chapter 204 of such title is
 5 amended to read as follows:

6 **“CHAPTER 204—REWARDS FOR INFORMA-**
 7 **TION CONCERNING TERRORIST ACTS**
 8 **AND ESPIONAGE”.**

9 **SEC. 803. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.**

10 (a) IN GENERAL.—Chapter 211 of title 18, United
 11 States Code, is amended by inserting after section 3238
 12 the following new section:

13 **“§ 3239. Espionage and related offenses not commit-**
 14 **ted in any district**

15 “The trial for any offense involving a violation of—

16 “(1) section 793, 794, 798, 952, or 1030(a)(1)
 17 of this title;

18 “(2) section 601 of the National Security Act of
 19 1947; or

20 “(3) subsection (b) or (c) of section 4 of the
 21 Subversive Activities Control Act of 1950,

22 begun or committed upon the high seas or elsewhere out
 23 of the jurisdiction of any particular State or district, may

1 be in the District of Columbia or in any other district au-
2 thorized by law.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 211 of such title is amended by inserting after
5 the item relating to section 3238 the following:

“3239. Espionage and related offenses not committed in any district.”.

6 **SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CER-**
7 **TAIN ESPIONAGE LAWS.**

8 (a) IN GENERAL.—Section 798 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing new subsection:

11 “(d)(1) Any person convicted of a violation of this
12 section shall forfeit to the United States irrespective of
13 any provision of State law—

14 “(A) any property constituting, or derived from,
15 any proceeds the person obtained, directly or indi-
16 rectly, as the result of such violation; and

17 “(B) any of the person’s property used, or in-
18 tended to be used, in any manner or part, to com-
19 mit, or to facilitate the commission of, such viola-
20 tion.

21 “(2) The court, in imposing sentence on a defendant
22 for a conviction of a violation of this section, shall order
23 that the defendant forfeit to the United States all property
24 described in paragraph (1).

1 “(3) Except as provided in paragraph (4), the provi-
2 sions of subsections (b), (c), and (e) through (p) of section
3 413 of the Comprehensive Drug Abuse Prevention and
4 Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)),
5 shall apply to—

6 “(A) property subject to forfeiture under this
7 subsection;

8 “(B) any seizure or disposition of such prop-
9 erty; and

10 “(C) any administrative or judicial proceeding
11 in relation to such property,
12 if not inconsistent with this subsection.

13 “(4) Notwithstanding section 524(c) of title 28, there
14 shall be deposited in the Crime Victims Fund in the Treas-
15 ury all amounts from the forfeiture of property under this
16 subsection remaining after the payment of expenses for
17 forfeiture and sale authorized by law.

18 “(5) As used in this subsection, the term ‘State’
19 means any State of the United States, the District of Co-
20 lumbia, the Commonwealth of Puerto Rico, the Trust Ter-
21 ritory of the Pacific Islands, and any territory or posses-
22 sion of the United States.”.

23 (b) AMENDMENTS FOR CONSISTENCY IN APPLICA-
24 TION OF FORFEITURE UNDER TITLE 18.—(1) Section
25 793(h)(3) of such title is amended in the matter preceding

1 subparagraph (A) by striking out “(o)” each place it ap-
2 pears and inserting in lieu thereof “(p)”.

3 (2) Section 794(d)(3) of such title is amended in the
4 matter preceding subparagraph (A) by striking out “(o)”
5 each place it appears and inserting in lieu thereof “(p)”.

6 (c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Sec-
7 tion 4 of the Subversive Activities Control Act of 1950
8 (50 U.S.C. 783) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(e)(1) Any person convicted of a violation of this
11 section shall forfeit to the United States irrespective of
12 any provision of State law—

13 “(A) any property constituting, or derived from,
14 any proceeds the person obtained, directly or indi-
15 rectly, as the result of such violation; and

16 “(B) any of the person’s property used, or in-
17 tended to be used, in any manner or part, to com-
18 mit, or to facilitate the commission of, such viola-
19 tion.

20 “(2) The court, in imposing sentence on a defendant
21 for a conviction of a violation of this section, shall order
22 that the defendant forfeit to the United States all property
23 described in paragraph (1).

24 “(3) Except as provided in paragraph (4), the provi-
25 sions of subsections (b), (c), and (e) through (p) of section

1 413 of the Comprehensive Drug Abuse Prevention and
2 Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p))
3 shall apply to—

4 “(A) property subject to forfeiture under this
5 subsection;

6 “(B) any seizure or disposition of such prop-
7 erty; and

8 “(C) any administrative or judicial proceeding
9 in relation to such property,

10 if not inconsistent with this subsection.

11 “(4) Notwithstanding section 524(c) of title 28, there
12 shall be deposited in the Crime Victims Fund in the Treas-
13 ury all amounts from the forfeiture of property under this
14 subsection remaining after the payment of expenses for
15 forfeiture and sale authorized by law.

16 “(5) As used in this subsection, the term ‘State’
17 means any State of the United States, the District of Co-
18 lumbia, the Commonwealth of Puerto Rico, the Trust Ter-
19 ritory of the Pacific Islands, and any territory or posses-
20 sion of the United States.”.

1 **SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PER-**
2 **SONS CONVICTED OF ESPIONAGE IN FOR-**
3 **EIGN COURTS INVOLVING UNITED STATES IN-**
4 **FORMATION.**

5 Section 8312 of title 5, United States Code, is
6 amended by adding at the end thereof the following new
7 subsection:

8 “(d)(1) For purposes of subsections (b)(1) and
9 (c)(1), an offense within the meaning of such subsections
10 is established if the Attorney General of the United States
11 certifies to the agency administering the annuity or retired
12 pay concerned—

13 “(A) that an individual subject to this chapter
14 has been convicted by an impartial court of appro-
15 priate jurisdiction within a foreign country in cir-
16 cumstances in which the conduct violates the provi-
17 sions of law enumerated in subsections (b)(1) and
18 (c)(1), or would violate such provisions had such
19 conduct taken place within the United States, and
20 that such conviction is not being appealed or that
21 final action has been taken on such appeal;

22 “(B) that such conviction was obtained in ac-
23 cordance with procedures that provided the defend-
24 ant due process rights comparable to such rights
25 provided by the United States Constitution, and
26 such conviction was based upon evidence which

1 would have been admissible in the courts of the
2 United States; and

3 “(C) that such conviction occurred after the
4 date of enactment of this subsection.

5 “(2) Any certification made pursuant to this sub-
6 section shall be subject to review by the United States
7 Court of Claims based upon the application of the individ-
8 ual concerned, or his or her attorney, alleging that any
9 of the conditions set forth in subparagraphs (A), (B), or
10 (C) of paragraph (1), as certified by the Attorney General,
11 have not been satisfied in his or her particular cir-
12 cumstances. Should the court determine that any of these
13 conditions has not been satisfied in such case, the court
14 shall order any annuity or retirement benefit to which the
15 person concerned is entitled to be restored and shall order
16 that any payments which may have been previously denied
17 or withheld to be paid by the department or agency con-
18 cerned.”.

19 **SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN**
20 **PERSONNEL WITHIN THE INTELLIGENCE**
21 **COMPONENTS OF THE DEPARTMENT OF DE-**
22 **FENSE.**

23 (a) CONSOLIDATION OF AUTHORITY.—

1 (1) IN GENERAL.—Chapter 81 of title 10,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 1599. Post employment assistance regarding cer-**
5 **tain civilian intelligence personnel**

6 “(a) Notwithstanding any other provision of law, the
7 Secretary of Defense may use appropriated funds to assist
8 a civilian employee who has been in a sensitive position
9 in an intelligence agency or component of the Department
10 of Defense and who is found to be ineligible for continued
11 access to Sensitive Compartmented Information and em-
12 ployment with the intelligence agency or component, or
13 whose employment with the intelligence agency or compo-
14 nent has been terminated—

15 “(1) in finding and qualifying for subsequent
16 employment;

17 “(2) in receiving treatment of medical or psy-
18 chological disabilities; and

19 “(3) in providing necessary financial support
20 during periods of unemployment.

21 “(b) Assistance may be provided under subsection (a)
22 only if the Secretary determines that such assistance is
23 essential to maintain the judgment and emotional stability
24 of such employee and avoid circumstances that might lead
25 to the unlawful disclosure of classified information to

1 which such employee had access. Assistance provided
2 under this section for an employee shall not be provided
3 any longer than five years after the termination of the em-
4 ployment of the employee.

5 “(c) The Secretary may, to the extent and in the
6 manner determined by the Secretary to appropriate, dele-
7 gate the authority to provide assistance under this section.

8 “(d) The Secretary shall report annually to the Com-
9 mittees on Appropriations of the Senate and House of
10 Representatives, the Select Committee on Intelligence of
11 the Senate, and the Permanent Select Committee on Intel-
12 ligence of the House of Representatives with respect to
13 any expenditure made pursuant to this section.

14 “(e) For the purposes of this section, the term ‘intel-
15 ligence agency or component’ means the National Security
16 Agency, the Defense Intelligence Agency, the National Re-
17 connaissance Office, the Central Imagery Office, and the
18 intelligence components of the military departments.”.

19 (2) The table of sections of Chapter 81 of such title
20 is amended by adding after the item relating to section
21 1598 the following new item:

“1599. Post employment assistance regarding certain civilian intelligence per-
sonnel.”.

22 (b) REPEAL OF DUPLICATIVE AUTHORITY.—

1 (1) DEFENSE INTELLIGENCE AGENCY.—Para-
2 graph (4) of Section 1604(e) of title 10, United
3 States Code, is repealed.

4 (2) NATIONAL SECURITY AGENCY.—Section 17
5 of the National Security Agency Act of 1959 (50
6 U.S.C. 402 note) is repealed.

7 (c) SAVINGS PROVISION.—The repeals made by sub-
8 section (b) do not affect rights and duties that matured
9 before the date of enactment of this section.

10 **TITLE IX—INTERDICTION OF** 11 **AERIAL DRUG TRAFFICKING**

12 **SEC. 901. POLICY OF THE UNITED STATES.**

13 It is the policy of the United States to provide intel-
14 ligence assistance to foreign governments to support ef-
15 forts by them to interdict aerial drug trafficking. The
16 United States does not condone the intentional damage
17 or destruction of aircraft in violation of international law,
18 and provides assistance to foreign governments for pur-
19 poses other than facilitating the intentional damage or de-
20 struction of aircraft in violation of international law.

21 **SEC. 902. SENSE OF CONGRESS.**

22 The Congress urges the President to review in light
23 of this title all interpretations within the Executive branch
24 of law relevant to the provision of assistance to foreign
25 governments for aerial drug interdiction, with an eye to

1 affirming that continued provision by the United States
2 of such assistance conforms fully with United States and
3 international law.

Passed the House of Representatives July 20, 1994.

Attest:

Clerk.

103D CONGRESS
2D SESSION

H. R. 4299

AN ACT

To authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.