

**Calendar No. 529**

103D CONGRESS  
2D SESSION  
**H. R. 4299**

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**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.

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JULY 21 (legislative day, JULY 20), 1994

Received: read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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**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”.

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

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

4           Funds are hereby authorized to be appropriated for  
5 fiscal year 1995 for the conduct of the intelligence and  
6 intelligence-related activities of the following elements of  
7 the United States Government:

8                   (1) The Central Intelligence Agency.

9                   (2) The Department of Defense.

10                  (3) The Defense Intelligence Agency.

11                  (4) The National Security Agency.

12                  (5) The National Reconnaissance Office.

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

16                  (7) The Department of State.

17                  (8) The Department of the Treasury.

18                  (9) The Department of Energy.

19                  (10) The Federal Bureau of Investigation.

20                  (11) The Drug Enforcement Administration.

21                  (12) The Central Imagery Office.

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

23           (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
24 CEILINGS.—The amounts authorized to be appropriated  
25 under section 101, and the authorized personnel ceilings

1 as of September 30, 1995, for the conduct of the intel-  
2 ligence and intelligence-related activities of the elements  
3 listed in such section, are those specified in the classified  
4 Schedule of Authorizations prepared to accompany the bill  
5 H.R. 4299 of the One Hundred Third Congress.

6 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
7 THORIZATIONS.—The Schedule of Authorizations shall be  
8 made available to the Committees on Appropriations of  
9 the Senate and House of Representatives and to the Presi-  
10 dent. The President shall provide for suitable distribution  
11 of the Schedule, or of appropriate portions of the Sched-  
12 ule, within the executive branch.

13 **SEC. 103. 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  
17 fiscal year 1995 the sum of \$91,800,000. Within such  
18 amounts authorized, funds identified in the classified  
19 Schedule of Authorizations referred to in section 102(a)  
20 for the Advanced Research and Development Committee  
21 and the Environmental Task Force shall remain avail-  
22 able until September 30, 1996.

23 (b) AUTHORIZED PERSONNEL LEVELS.—The Com-  
24 munity Management Account of the Director of Central  
25 Intelligence is authorized 209 full-time personnel as of

1 September 30, 1995. Such personnel of the Community  
2 Management Account may be permanent employees of the  
3 Community Management Account or personnel detailed  
4 from other elements of the United States Government.

5 (c) REIMBURSEMENT.—During fiscal year 1995, any  
6 officer or employee of the United States or a member of  
7 the Armed Forces who is detailed to the Community Man-  
8 agement Staff from another element of the United States  
9 Government shall be detailed on a reimbursable basis, ex-  
10 cept that any such officer, employee or member may be  
11 detailed on a nonreimbursable basis for a period of less  
12 than one year for the performance of temporary functions  
13 as required by the Director of Central Intelligence.

14 **TITLE II—CENTRAL INTEL-**  
15 **LIGENCE AGENCY RETIRE-**  
16 **MENT AND DISABILITY SYS-**  
17 **TEM**

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

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

16 **SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**  
17                   **PRODUCTS.**

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

22           (b) NOTICE REQUIREMENT.—In providing financial  
23 assistance to, or entering into any contract with, any en-  
24 tity using funds made available in this Act, the head of  
25 each agency of the Federal or District of Columbia govern-

1 ment, to the greatest extent practicable, shall provide to  
2 such entity a notice describing the statement made in sub-  
3 section (a) by the Congress.

4 **SEC. 304. DISCLOSURE OF CLASSIFIED INFORMATION BY**  
5 **MEMBERS OF CONGRESS.**

6 During the fiscal year 1995, no element of the United  
7 States Government for which funds are authorized in this  
8 Act may provide any classified information concerning or  
9 derived from the intelligence or intelligence-related activi-  
10 ties of any such element to a Member of the House of  
11 Representatives unless and until a copy of the following  
12 oath of secrecy has been signed by that Member and has  
13 been published in the Congressional Record.

14 “I do solemnly swear that I will not willfully di-  
15 rectly or indirectly disclose to any unauthorized per-  
16 son any classified information received from any de-  
17 partment of the Government funded in the Intel-  
18 ligence Authorization Act for Fiscal Year 1995 in  
19 the course of my duties as a Member of the United  
20 States House of Representatives, except pursuant to  
21 the Rules and Procedures of the House.”.

1 **SEC. 305. DISCLOSURE OF CLASSIFIED INFORMATION BY**  
2 **MEMBERS OF CONGRESS AND EXECUTIVE**  
3 **BRANCH OFFICERS AND EMPLOYEES.**

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

14 "I do solemnly swear that I will not willfully di-  
15 rectly or indirectly disclose to any unauthorized per-  
16 son any classified information received from any de-  
17 partment of the Government funded in the Intel-  
18 ligence Authorization Act for Fiscal Year 1995 in  
19 the course of my duties as a Member of Congress  
20 (except pursuant to the rules and procedures of the  
21 appropriate House of the Congress), or as an officer  
22 or employee in the executive branch of the Govern-  
23 ment, as the case may be."

24 As used in this section, the term "Member of Congress"  
25 means a Member of the Senate or a Representative in,



1 or a Delegate or Resident Commissioner to, the House of  
2 Representatives.

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

5 **SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZA-**  
6 **TION.**

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

9 (1) in subparagraph (A)—

10 (A) by striking “, not the result of vicious  
11 habits, intemperance, or misconduct on his  
12 part,”;

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

15 (C) by striking “section 10 of the Act of  
16 March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)”  
17 and inserting “section 5731 of title 5, United  
18 States Code”;

19 (D) by striking “his recovery” and insert-  
20 ing “the recovery of such officer or employee”;  
21 and

22 (E) by striking “his return to his post”  
23 and inserting “the return to the post of duty of  
24 such officer or employee”;



1 Office,” after “to the Defense Intelligence  
2 Agency” in subsection (d); and

3 (C) by inserting “and the Central Imagery  
4 Office” after “Defense Intelligence Agency” in  
5 subsection (e).

6 (3) In section 1602, by inserting “and Central  
7 Imagery Office” after “Defense Intelligence Agen-  
8 cy”.

9 (4) In section 1604—

10 (A) by inserting “and the Central Imagery  
11 Office,” after “Defense Intelligence Agency” in  
12 subsection (a)(1);

13 (B) by inserting “or the Central Imagery  
14 Office” after “Defense Intelligence Agency” in  
15 both places it occurs in the second sentence of  
16 subsection (b);

17 (C) by inserting “or the Central Imagery  
18 Office” after “Defense Intelligence Agency” in  
19 subsection (c);

20 (D) by inserting “and the Central Imagery  
21 Office” after “Defense Intelligence Agency” in  
22 subsection (d);

23 (E) by inserting “or the Central Imagery  
24 Office” after “Defense Intelligence Agency” in  
25 subsection (e)(1); and

1 (F) in subsection (e)(3)—

2 (i) by amending the first sentence to  
 3 read as follows: “The Secretary of Defense  
 4 may delegate authority under this sub-  
 5 section only to the Deputy Secretary of  
 6 Defense, the Director of the Defense Intel-  
 7 ligence Agency, the Director of the Central  
 8 Imagery Office, or all three.”; and

9 (ii) by striking “either” and inserting  
 10 “any”.

11 (b) CONFORMING CHANGE TO TITLE 10.—The items  
 12 relating to chapter 83 in the tables of chapters at the be-  
 13 ginning of subtitle A, and at the beginning of part II of  
 14 subtitle A, of title 10, United States Code, are amended  
 15 to read as follows:

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

16 (c) CHAPTER 23 OF TITLE 5.—Section  
 17 2302(a)(2)(C)(ii) of title 5, United States Code, is amend-  
 18 ed by inserting “the Central Imagery Office,” after “De-  
 19 fense Intelligence Agency,”.

20 (d) CHAPTER 31 OF TITLE 5.—Section  
 21 3132(a)(1)(B) of title 5, United States Code, is amended  
 22 by inserting “the Central Imagery Office,” after “Defense  
 23 Intelligence Agency,”.

1 (e) CHAPTER 43 OF TITLE 5.—Section  
2 4301(1)(B)(ii) of title 5, United States Code, is amended  
3 by inserting “the Central Imagery Office,” after “Defense  
4 Intelligence Agency,”.

5 (f) CHAPTER 47 OF TITLE 5.—Section  
6 4701(a)(1)(B) of title 5, United States Code, is amended  
7 by inserting “the Central Imagery Office,” after “Defense  
8 Intelligence Agency,”.

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

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

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

13 (x) and inserting “; or”; and

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

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

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

19 (1) by striking “or” at the end of subparagraph

20 (J);

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

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

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

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

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

6 (B) by redesignating subparagraph (E) as sub-  
7 paragraph (F); and

8 (C) by inserting after subparagraph (D) the fol-  
9 lowing new subparagraph (E):

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

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

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

14 (B) by redesignating subparagraph (E) as sub-  
15 paragraph (F);

16 (C) by inserting after subparagraph (D) the fol-  
17 lowing new subparagraph (E):

18 “(E) with respect to the Central Imagery  
19 Office, the Director of the Central Imagery Of-  
20 fice; and”; and

21 (D) in subparagraph (F), as redesignated by  
22 subparagraph (B) of this paragraph, by striking  
23 “paragraph (1)(E)” and inserting “paragraph  
24 (1)(F)” both places it appears.

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

3 (1) by striking “or” at the end of subparagraph  
4 (F);

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

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

8 “(H) the Central Imagery Office;”.

9 (k) CHAPTER 73 OF TITLE 5.—Section  
10 7323(b)(2)(B)(i) of title 5, United States Code, is  
11 amended—

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

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

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

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

20 (m) ETHICS IN GOVERNMENT ACT OF 1978.—Sec-  
21 tion 105(a)(1) of the Ethics in Government Act of 1978  
22 (5 U.S.C. App.) is amended by inserting “the Central Im-  
23 agery Office,” after “Defense Intelligence Agency,”.

24 (n) EMPLOYEE POLYGRAPH PROTECTION ACT OF  
25 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph

1 Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is  
2 amended by inserting “the Central Imagery Office,” after  
3 “Defense Intelligence Agency,”.

4 **SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION**  
5 **BY DEPARTMENT OF DEFENSE INTEL-**  
6 **LIGENCE PERSONNEL OUTSIDE OF THE**  
7 **UNITED STATES.**

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

11 **“§ 426. Disclosure of governmental affiliation by De-**  
12 **partment of Defense intelligence person-**  
13 **nel outside the United States**

14 “Notwithstanding section 552a(e)(3) of title 5 or any  
15 other provision of law, Department of Defense intelligence  
16 personnel shall not be required, outside the United States,  
17 to give notice of governmental affiliation to potential Unit-  
18 ed States person sources during the initial assessment  
19 contact. For the purposes of this section, the term ‘United  
20 States’ includes the Commonwealth of Puerto Rico, the  
21 Commonwealth of the Northern Mariana Islands, and any  
22 territory or possession of the United States.”.

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



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

## **TITLE VI—INSPECTORS GENERAL**

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

(a) DIA.—

(1) PURPOSES.—The purposes of this subsection are to—

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

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

(C) provide a means for keeping the Director of the Defense Intelligence Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

1 (D) in the manner prescribed by the  
2 amendments made by this subsection, ensure  
3 that the Senate Select Committee on Intel-  
4 ligence and the House Permanent Select Com-  
5 mittee on Intelligence are kept similarly in-  
6 formed of significant problems and deficiencies  
7 as well as the necessity for and the progress of  
8 corrective actions.

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

12 (A) in subsection (a)(2) by inserting after  
13 “the United States International Trade Com-  
14 mission,” the following: “the Defense Intel-  
15 ligence Agency,”; and

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

17 “(i)(1) The Inspector General of the Defense Intel-  
18 ligence Agency shall be appointed by the Director of the  
19 Defense Intelligence Agency (in this subsection referred  
20 to as the ‘Director’) without regard to political affiliation  
21 and on the basis of integrity, compliance with the security  
22 standards of the Defense Intelligence Agency, and prior  
23 experience in the field of foreign intelligence and in a Fed-  
24 eral office of Inspector General.

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

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

19       “(3) The Inspector General of the Defense Intel-  
20 ligence Agency shall take due regard for the protection  
21 of intelligence sources and methods in the preparation of  
22 all reports issued by the Office of Inspector General of  
23 the Defense Intelligence Agency, and, to the extent con-  
24 sistent with the purpose and objective of such reports, take  
25 such measures as may be appropriate to minimize the dis-

1 closure of intelligence sources and methods described in  
2 such reports.

3 “(4)(A) The Inspector General of the Defense Intel-  
4 ligence Agency shall, not later than January 31 and July  
5 31 of each year, prepare and submit to the Director a clas-  
6 sified semiannual report summarizing the activities of the  
7 Office of Inspector General of the Defense Intelligence  
8 Agency during the immediately preceding 6-month period  
9 ending December 31 (of the preceding year) and June 30,  
10 respectively. Within 30 days after receipt of such reports,  
11 the Director shall transmit such reports to the intelligence  
12 committees with any comments the Director may deem ap-  
13 propriate. Such reports shall, at a minimum, include a list  
14 of the title or subject of each inspection, investigation, or  
15 audit conducted during the reporting period and—

16 “(i) a description of significant problems,  
17 abuses, and deficiencies relating to the administra-  
18 tion of programs and operations of the Defense In-  
19 telligence Agency identified by the Office during the  
20 reporting period;

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

1           “(iii) a statement of whether corrective action  
2           has been completed on each significant recommenda-  
3           tion described in previous semiannual reports, and,  
4           in a case where corrective action has been com-  
5           pleted, a description of such corrective action;

6           “(iv) a certification that the Inspector General  
7           has had full and direct access to all information rel-  
8           evant to the performance of the functions of the In-  
9           spector General;

10           “(v) a description of all cases occurring during  
11           the reporting period where the Inspector General  
12           could not obtain documentary evidence relevant to  
13           any inspection, audit, or investigation due to the  
14           lack of authority to subpoena such information; and

15           “(vi) such recommendations as the Inspector  
16           General may wish to make concerning legislation to  
17           promote economy and efficiency in the administra-  
18           tion of programs and operations undertaken by the  
19           Defense Intelligence Agency, and to detect and  
20           eliminate fraud and abuse in such programs and op-  
21           erations.

22           “(B) The Inspector General of the Defense Intel-  
23           ligence Agency shall report immediately to the Director  
24           whenever the Inspector General becomes aware of particu-  
25           larly serious or flagrant problems, abuses, or deficiencies

1 relating to the administration of programs or operations.  
2 The Director shall transmit such report to the intelligence  
3 committees within 7 calendar days, together with any com-  
4 ments the Director considers appropriate.

5 “(C) In the event that—

6 “(i) the Inspector General of the Defense Intel-  
7 ligence Agency is unable to resolve any differences  
8 with the Director affecting the execution of the In-  
9 spector General’s duties or responsibilities; or

10 “(ii) the Inspector General, after exhausting all  
11 possible alternatives, is unable to obtain significant  
12 documentary information in the course of an inves-  
13 tigation, inspection, or audit,

14 the Inspector General shall immediately report such mat-  
15 ter to the intelligence committees.

16 “(D) Section 5 shall not apply to the Inspector Gen-  
17 eral and the Office of Inspector General of the Defense  
18 Intelligence Agency.

19 “(5) Subject to applicable law and the policies of the  
20 Director, the Inspector General of the Defense Intelligence  
21 Agency shall select, appoint, and employ such officers and  
22 employees as may be necessary to carry out the functions  
23 of the Inspector General. In making such selections, the  
24 Inspector General shall ensure that such officers and em-  
25 ployees have the requisite training and experience to en-

1 able the Inspector General to carry out the duties of the  
2 Inspector General effectively. In this regard, the Inspector  
3 General shall create within the organization of the Inspec-  
4 tor General a career cadre of sufficient size to provide ap-  
5 propriate continuity and objectivity needed for the effec-  
6 tive performance of the duties of the Inspector General.

7 “(6) Beginning with fiscal year 1996, there shall be  
8 included in the National Foreign Intelligence Program  
9 budget a separate account for the Office of Inspector Gen-  
10 eral of the Defense Intelligence Agency.

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

15 (3) IMPLEMENTATION.—The Director of the  
16 Defense Intelligence Agency shall, by not later than  
17 60 days after the date of the enactment of this Act  
18 and in accordance with the amendments made by  
19 this subsection—

20 (A) establish the Office of Inspector Gen-  
21 eral of the Defense Intelligence Agency;

22 (B) appoint the Inspector General of the  
23 Defense Intelligence Agency; and

24 (C) transfer to that Office the office of the  
25 Defense Intelligence Agency on the day before

1           the date of the enactment of this Act known as  
2           the “Office of Inspector General”.

3           (4) TRANSFER OF RESOURCES OF EXISTING OF-  
4           FICE.—The personnel, assets, liabilities, contracts,  
5           property, records, and unexpended balances of ap-  
6           propriations, authorizations, allocations, and other  
7           funds employed, held, used, arising from, or avail-  
8           able to the office in the Defense Intelligence Agency  
9           on the day before the date of the enactment of this  
10          Act known as “Office of Inspector General” are  
11          hereby transferred to the Office of Inspector General  
12          of the Defense Intelligence Agency established under  
13          the amendments made by this subsection.

14          (5) TERMINATION OF EXISTING OFFICE.—The  
15          office in the Defense Intelligence Agency on the day  
16          before the date of the enactment of this Act known  
17          as “Office of Inspector General” is terminated effec-  
18          tive on the date of the establishment of the Office  
19          of Inspector General of the Defense Intelligence  
20          Agency pursuant to the amendments made by this  
21          subsection.

22          (6) CONFORMING AMENDMENT.—The first sec-  
23          tion 8G of the Inspector General Act of 1978 (5  
24          U.S.C. App.) is amended in subsection (c) by strik-



1 ing “subsection (f)” and inserting “subsections (f)  
2 and (i)”.

3 (7) REPORTS TO INTELLIGENCE COMMIT-  
4 TEES.—

5 (A) REPORTING REQUIREMENT.—Sub-  
6 chapter I of chapter 21 of title 10, United  
7 States Code, is amended after section 426, as  
8 added by section 502 of this Act, by inserting  
9 the following new section:

10 **“§427. Reports on activities of the Office of Inspector**  
11 **General of the Defense Intelligence**  
12 **Agency**

13 “(a) REPORTING REQUIREMENT.—The Director of  
14 the Defense Intelligence Agency shall submit to the intel-  
15 ligence committees any report or findings and rec-  
16 ommendations of an inspection, investigation, or audit  
17 conducted by the Office of Inspector General of the De-  
18 fense Intelligence Agency which has been requested by the  
19 Chairman or Ranking Minority Member of either of the  
20 intelligence committees.

21 “(b) INTELLIGENCE COMMITTEES DEFINED.—In  
22 this section, the term ‘intelligence committees’ means the  
23 Permanent Select Committee on Intelligence of the House  
24 of Representatives and the Select Committee on Intel-  
25 ligence of the Senate.”.

1           (B) CLERICAL AMENDMENT.—The analysis  
2           at the beginning of subchapter I of chapter 23  
3           of title 10, United States Code, is amended by  
4           adding at the end the following:

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

5           (b) NSA.—

6           (1) PURPOSES.—The purposes of this sub-  
7           section are to—

8                   (A) create an objective and effective office,  
9                   appropriately accountable to Congress, to initi-  
10                  ate and conduct independently inspections, in-  
11                  vestigations, and audits relating to programs  
12                  and operations of the National Security Agency;

13                  (B) provide leadership and recommend  
14                  policies designed to promote economy, effi-  
15                  ciency, and effectiveness in the administration  
16                  of such programs and operations, and detect  
17                  fraud and abuse in such programs and oper-  
18                  ations;

19                  (C) provide a means for keeping the Direc-  
20                  tor of the National Security Agency fully and  
21                  currently informed about problems and defi-  
22                  ciencies relating to the administration of such  
23                  programs and operations, and the necessity for  
24                  and the progress of corrective actions; and

1 (D) in the manner prescribed by the  
2 amendments made by this subsection, ensure  
3 that the Senate Select Committee on Intel-  
4 ligence and the House Permanent Select Com-  
5 mittee on Intelligence are kept similarly in-  
6 formed of significant problems and deficiencies  
7 as well as the necessity for and the progress of  
8 corrective actions.

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

12 (A) in subsection (a)(2), as amended by  
13 subsection (a)(2) of this section, by inserting  
14 after “the Defense Intelligence Agency,” the  
15 following: “the National Security Agency,”; and

16 (B) by adding after subsection (i), as  
17 added by subsection (a)(2) of this section, the  
18 following:

19 “(j)(1) The Inspector General of the National Secu-  
20 rity Agency shall be appointed by the Director of the Na-  
21 tional Security Agency (in this subsection referred to as  
22 the ‘Director’) without regard to political affiliation and  
23 on the basis of integrity, compliance with the security  
24 standards of the National Security Agency, and prior ex-

1 perience in the field of foreign intelligence and in a Fed-  
2 eral office of Inspector General.

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

10 “(B) If the Director exercises any power under sub-  
11 paragraph (A), the Director shall submit an appropriately  
12 classified statement of the reasons for the exercise of such  
13 power within 7 days to the intelligence committees. The  
14 Director shall advise the Inspector General at the time  
15 such report is submitted, and, to the extent consistent  
16 with the protection of intelligence sources and methods,  
17 provide the Inspector General with a copy of any such re-  
18 port. In such cases, the Inspector General may submit  
19 such comments to the intelligence committees that the Di-  
20 rector considers appropriate.

21 “(3) The Inspector General of the National Security  
22 Agency shall take due regard for the protection of intel-  
23 ligence sources and methods in the preparation of all re-  
24 ports issued by the Office of Inspector General of the Na-  
25 tional Security Agency, and, to the extent consistent with

1 the purpose and objective of such reports, take such meas-  
2 ures as may be appropriate to minimize the disclosure of  
3 intelligence sources and methods described in such re-  
4 ports.

5 “(4)(A) The Inspector General of the National Secu-  
6 rity Agency shall, not later than January 31 and July 31  
7 of each year, prepare and submit to the Director a classi-  
8 fied semiannual report summarizing the activities of the  
9 Office of Inspector General of the National Security Agen-  
10 cy during the immediately preceding 6-month period end-  
11 ing December 31 (of the preceding year) and June 30,  
12 respectively. Within 30 days after receipt of such reports,  
13 the Director shall transmit such reports to the intelligence  
14 committees with any comments the Director may deem ap-  
15 propriate. Such reports shall, at a minimum, include a list  
16 of the title or subject of each inspection, investigation, or  
17 audit conducted during the reporting period and—

18 “(i) a description of significant problems,  
19 abuses, and deficiencies relating to the administra-  
20 tion of programs and operations of the National Se-  
21 curity Agency identified by the Office during the re-  
22 porting period;

23 “(ii) a description of the recommendations for  
24 corrective action made by the Office during the re-

1 reporting period with respect to significant problems,  
2 abuses, or deficiencies identified in clause (i);

3 “(iii) a statement of whether corrective action  
4 has been completed on each significant recommenda-  
5 tion described in previous semiannual reports, and,  
6 in a case where corrective action has been com-  
7 pleted, a description of such corrective action;

8 “(iv) a certification that the Inspector General  
9 has had full and direct access to all information rel-  
10 evant to the performance of the functions of the In-  
11 spector General;

12 “(v) a description of all cases occurring during  
13 the reporting period where the Inspector General  
14 could not obtain documentary evidence relevant to  
15 any inspection, audit, or investigation due to the  
16 lack of authority to subpoena such information; and

17 “(vi) such recommendations as the Inspector  
18 General may wish to make concerning legislation to  
19 promote economy and efficiency in the administra-  
20 tion of programs and operations undertaken by the  
21 National Security Agency, and to detect and elimi-  
22 nate fraud and abuse in such programs and oper-  
23 ations.

24 “(B) The Inspector General of the National Security  
25 Agency shall report immediately to the Director whenever

1 the Inspector General becomes aware of particularly seri-  
2 ous or flagrant problems, abuses, or deficiencies relating  
3 to the administration of programs or operations. The Di-  
4 rector shall transmit such report to the intelligence com-  
5 mittees within 7 calendar days, together with any com-  
6 ments the Director considers appropriate.

7 “(C) In the event that—

8 “(i) the Inspector General of the National Secu-  
9 rity Agency is unable to resolve any differences with  
10 the Director affecting the execution of the Inspector  
11 General’s duties or responsibilities; or

12 “(ii) the Inspector General, after exhausting all  
13 possible alternatives, is unable to obtain significant  
14 documentary information in the course of an inves-  
15 tigation, inspection, or audit,

16 the Inspector General shall immediately report such mat-  
17 ter to the intelligence committees.

18 “(D) Section 5 shall not apply to the Inspector Gen-  
19 eral and the Office of Inspector General of the National  
20 Security Agency.

21 “(5) Subject to applicable law and the policies of the  
22 Director, the Inspector General of the National Security  
23 Agency shall select, appoint, and employ such officers and  
24 employees as may be necessary to carry out the functions  
25 of the Inspector General. In making such selections, the

1 Inspector General shall ensure that such officers and em-  
2 ployees have the requisite training and experience to en-  
3 able the Inspector General to carry out the duties of the  
4 Inspector General effectively. In this regard, the Inspector  
5 General shall create within the organization of the Inspec-  
6 tor General a career cadre of sufficient size to provide ap-  
7 propriate continuity and objectivity needed for the effec-  
8 tive performance of the duties of the Inspector General.

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

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

17 (3) IMPLEMENTATION.—The Director of the  
18 National Security Agency shall, by not later than 60  
19 days after the date of the enactment of this Act and  
20 in accordance with the amendments made by this  
21 subsection—

22 (A) establish the Office of Inspector Gen-  
23 eral of the National Security Agency;

24 (B) appoint the Inspector General of the  
25 National Security Agency; and



1 (C) transfer to that Office the office of the  
2 National Security Agency on the day before the  
3 date of the enactment of this Act known as the  
4 “Office of Inspector General”.

5 (4) TRANSFER OF RESOURCES OF EXISTING OF-  
6 FICE.—The personnel, assets, liabilities, contracts,  
7 property, records, and unexpended balances of ap-  
8 propriations, authorizations, allocations, and other  
9 funds employed, held, used, arising from, or avail-  
10 able to the office in the National Security Agency on  
11 the day before the date of the enactment of this Act  
12 known as “Office of Inspector General” are hereby  
13 transferred to the Office of Inspector General of the  
14 National Security Agency established under the  
15 amendments made by this subsection.

16 (5) TERMINATION OF EXISTING OFFICE.—The  
17 office in the National Security Agency on the day  
18 before the date of the enactment of this Act known  
19 as “Office of Inspector General” is terminated effec-  
20 tive on the date of the establishment of the Office  
21 of Inspector General of the National Security Agen-  
22 cy pursuant to the amendments made by this sub-  
23 section.

24 (6) CONFORMING AMENDMENTS.—The first sec-  
25 tion 8G of the Inspector General Act of 1978 (5

1 U.S.C. App.) is amended in subsection (c), as  
2 amended by subsection (a)(6) of this section, by  
3 striking “subsections (f) and (i)” and inserting  
4 “subsections (f), (i), and (j)”.

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

9 “SEC. 19. (a) The Director of the National Security  
10 Agency shall submit to the intelligence committees any re-  
11 port or findings and recommendations of an inspection,  
12 investigation, or audit conducted by the Office of Inspector  
13 General of the National Security Agency which has been  
14 requested by the Chairman or Ranking Minority Member  
15 of either of the intelligence committees.

16 “(b) In this section, the term ‘intelligence commit-  
17 tees’ means the Permanent Select Committee on Intel-  
18 ligence of the House of Representatives and the Select  
19 Committee on Intelligence of the Senate.”.

20 (8) RELATIONSHIP OF INSPECTOR GENERAL OF  
21 DEPARTMENT OF DEFENSE TO THOSE OF DIA AND  
22 NSA.—Section 8 of the Inspector General Act of  
23 1978 (5 U.S.C. App.) is amended by adding at the  
24 end the following:

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

6       “(2) Upon request of the Inspector General of the  
7 Defense Intelligence Agency or the National Security  
8 Agency, the Inspector General of the Department of De-  
9 fense may provide to the Inspector General making the  
10 request such resources (including personnel) as are appro-  
11 priate to enable that Inspector General to carry out activi-  
12 ties authorized by this Act.”.

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

15               (1) in subsection (b)(1)—

16                       (A) by striking “foreign intelligence.” and  
17                       inserting “foreign intelligence and in a Federal  
18                       office of Inspector General.”;

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

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

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

24               (3) in subsection (d)(1)—

1 (A) by striking “June 30 and December  
2 31” and inserting “January 31 and July 31”;

3 (B) by striking “period.” at the end of the  
4 first sentence and inserting “periods ending De-  
5 cember 31 (of the preceding year) and June 30,  
6 respectively.”; and

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

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

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

13 (6) in subsection (e)(6)—

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

16 (B) by striking “should” and inserting  
17 “shall”.

## 18 **TITLE VII—CLASSIFICATION** 19 **MANAGEMENT**

### 20 **SEC. 701. DECLASSIFICATION PLAN.**

21 Each agency of the National Foreign Intelligence  
22 Program to which is appropriated more than \$1,000,000  
23 in the security, countermeasures, and related activities  
24 structural category for fiscal year 1995 shall allocate at  
25 least two percent of their total expenditure in this struc-

1 tural category for fiscal year 1995 to the classification  
2 management consolidated expenditure center, to be used  
3 for the following activities:

4           (1) Development of a phased plan to implement  
5           declassification guidelines contained in the executive  
6           order which replaces Executive Order 12356. Each  
7           such agency shall provide the plan to Congress with-  
8           in 90 days after the beginning of fiscal year 1995  
9           or 90 days after the publication of such replacement  
10          executive order, whichever is later. This plan shall  
11          include an accounting of the amount of archived ma-  
12          terial, levels of classification, types of storage media  
13          and locations, review methods to be employed, and  
14          estimated costs of the declassification activity itself;  
15          as well as an assessment by the agency of the appro-  
16          priate types and amounts of information to be main-  
17          tained in the future, how it will be stored, safe-  
18          guarded, and reviewed, and the projected costs of  
19          these classification management activities for the  
20          succeeding five years.

21           (2) Commencement of the process of declas-  
22          sification and reduction of the amount of archived  
23          classified documents maintained by each agency.

24           (3) Submission of a report to the Permanent  
25          Select Committee on Intelligence of the House of

1 Representatives and the Select Committee on Intel-  
2 ligence of the Senate within 90 days after the end  
3 of fiscal year 1995 on the progress made in carrying  
4 out paragraph (2), with reference to the plan re-  
5 quired by paragraph (1).

6 **SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF IN-**  
7 **FORMATION.**

8 (a) PLAN.—Not later than 90 days after the date of  
9 enactment of this Act, the President shall develop a plan,  
10 and issue an executive order for its implementation, which  
11 provides for the classification and declassification of infor-  
12 mation. It is the sense of Congress that the plan should  
13 provide for the following:

14 (1) A test for the classification of information  
15 which balances the public's right to know against  
16 identifiable harm to the national security which will  
17 result from public disclosure.

18 (2) A narrow definition of the categories of in-  
19 formation subject to classification to avoid excessive  
20 classification.

21 (3) Classification periods of reasonably short  
22 duration, and a determination of the date when or  
23 event upon which declassification of such informa-  
24 tion shall occur, with a recognition that extension of

1 such period may be required in certain cir-  
2 cumstances.

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

5 (b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

6 The plan and executive order referred to in subsection (a)  
7 may not take effect until after 30 days after the date on  
8 which such plan and proposed regulation is submitted to  
9 the Permanent Select Committee on Intelligence and the  
10 Committee on Government Operations of the House of  
11 Representatives and the Select Committee on Intelligence  
12 and the Committee on Governmental Affairs of the Sen-  
13 ate.

14 **SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICA-**  
15 **TION.**

16 Not later than 7 days after the date of the enactment  
17 of this Act, the Director of Central Intelligence shall sub-  
18 mit to the Permanent Select Committee on Intelligence of  
19 the House of Representatives and the Select Committee  
20 on Intelligence of the Senate a report (in a classified and  
21 unclassified form) which identifies the following:

22 (1) The cost of classifying documents and keep-  
23 ing information classified by each agency within the  
24 intelligence community.





1 mental functions without regard to the other provisions  
2 of this title.

3 “REGULATIONS

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

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

10 “CONSENT FOR ACCESS TO FINANCIAL INFORMATION

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

25 “(1) financial records held by a financial agency  
26 or financial institution;

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

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

6   “REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

7           “SEC. 804. (a)(1) Any authorized investigative agen-  
8           cy may request from any financial agency, financial insti-  
9           tution, or consumer credit reporting agency such financial  
10          records and consumer reports as are necessary in order  
11          to conduct any authorized law enforcement investigation,  
12          foreign counterintelligence inquiry, or security determina-  
13          tion. Any authorized investigative agency may also request  
14          records maintained by any commercial entity within the  
15          United States pertaining to travel by a person outside the  
16          United States.

17          “(2) Requests may be made under this section  
18          where—

19                 “(A) the records sought pertain to a person  
20                 who is or was an employee required, as a condition  
21                 of access to classified information, to provide con-  
22                 sent, during a background investigation, for such  
23                 time as access to the information is maintained, and  
24                 for three years thereafter, permitting access to fi-  
25                 nancial records, other financial information,  
26                 consumer reports, and travel records; and

1           “(B) there are reasonable grounds to believe,  
2           based upon specific and articulable facts available to  
3           it, that the person is, or may be, disclosing classified  
4           information in an unauthorized manner to a foreign  
5           power or agent of a foreign power, or in the course  
6           of any background investigation or reinvestigation,  
7           an issue of otherwise unexplained affluence or exces-  
8           sive indebtedness arises.

9           “(3) Each such request shall—

10           “(A) be accompanied by a written certification  
11           signed by the department or agency head or deputy  
12           department or agency head concerned and shall cer-  
13           tify that—

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

16           “(ii) the request is being made pursuant to  
17           an authorized inquiry or investigation and is  
18           authorized under this section; and

19           “(iii) the records or information to be re-  
20           viewed are records or information which the  
21           employee has previously agreed to make avail-  
22           able to the authorized investigative agency for  
23           review;

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

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

3           “(D) inform the recipient of the request of the  
4 prohibition described in subsection (b).

5           “(4) The authorized investigative agency shall  
6 promptly notify the person who is the subject of a request  
7 under this section relating to a background investigation  
8 or reinvestigation for records, reports, or other informa-  
9 tion.

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

18          “(c)(1) Notwithstanding any other provision of law  
19 except section 6103 of the Internal Revenue Code of 1986,  
20 an entity receiving a request for records or information  
21 under subsection (a) shall, if the request satisfies the re-  
22 quirements of this section, make available such records or  
23 information within 30 days for inspection or copying, as  
24 may be appropriate, by the agency requesting such records  
25 or information.

1       “(2) Any entity (including any officer, employee or  
2 agent thereof) that discloses records or information for in-  
3 spection or copying pursuant to this section in good faith  
4 reliance upon the certifications made by an agency pursu-  
5 ant to this section shall not be liable for any such disclo-  
6 sure to any person under this title, the constitution of any  
7 State, or any law or regulation of any State or any politi-  
8 cal subdivision of any State.

9       “(d) Subject to the availability of appropriations  
10 therefor, any agency requesting records or information  
11 under this section may reimburse a private entity for any  
12 cost reasonably incurred by such entity in responding to  
13 such request, including the cost of identifying, reproduc-  
14 ing, or transporting records or other data.

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

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

5 “(1) \$100, without regard to the volume of  
6 records involved;

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

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

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

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

20 “DEFINITIONS

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

22 “(1) the term ‘agency of the legislative branch’  
23 means the Office of the Architect of the Capitol, the  
24 Botanic Garden, the General Accounting Office, the  
25 Government Printing Office, the Library of Con-  
26 gress, the Office of Technology Assessment, the

1 Congressional Budget Office, and the Copyright  
2 Royalty Tribunal;

3 “(2) the term ‘authorized investigative agency’  
4 means—

5 “(A) an agency authorized by law or regu-  
6 lation to conduct foreign counterintelligence in-  
7 vestigations or investigations of persons who  
8 are proposed for access to classified information  
9 to ascertain whether such persons satisfy the  
10 criteria for obtaining and retaining access to  
11 such information;

12 “(B) in the case of the House of Rep-  
13 resentatives, an agency designated by the  
14 Speaker of the House;

15 “(C) in the case of the Senate, an agency  
16 designated by the President pro tempore of the  
17 Senate;

18 “(D) in the case of an agency of the legis-  
19 lative branch, an agency designated by the head  
20 of such agency; and

21 “(E) in the case of the judiciary, an agen-  
22 cy designated by the Director of the Adminis-  
23 trative Office of the United States Courts,  
24 under the direction of the Chief Justice of the  
25 United States;

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

7           “(4) the term ‘consumer credit reporting agen-  
8 cy’ has the meaning given such term in section 603  
9 of the Consumer Credit Protection Act (15 U.S.C.  
10 1681a));

11           “(5) the term ‘employee’ includes any person  
12 who receives a salary or compensation of any kind  
13 from the United States Government, is a contractor  
14 of the United States Government or an employee  
15 thereof, is an unpaid consultant of the United States  
16 Government, or otherwise acts for or on behalf of  
17 the United States Government;

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

22                   “(A) the Director of Non-legislative and  
23 Financial Services of the House of Representa-  
24 tives;

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



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

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

5 “(8) the term ‘State’ means any State of the  
6 United States, the District of Columbia, the Com-  
7 monwealth of Puerto Rico, the Trust Territory of  
8 the Pacific Islands, and any territory or possession  
9 of the United States.

10 “EFFECTIVE DATE

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

13 (b) CONFORMING AMENDMENT.—The table of con-  
14 tents of the National Security Act of 1947 is amended  
15 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.”.

16 **SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPI-**  
17 **ONAGE.**

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

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

21 and

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

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

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

10           “(2) leading to the arrest or conviction, in any  
11           country, of any individual or individuals for conspir-  
12           ing or attempting to commit an act of espionage  
13           against the United States; or

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

16           (b) DEFINITIONS.—Section 3077 of such title is  
17           amended—

18           (1) by striking “and” at the end of paragraph

19           (6);

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

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

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

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

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

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

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

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

10 **“CHAPTER 204—REWARDS FOR INFORMA-**  
11 **TION CONCERNING TERRORIST ACTS**  
12 **AND ESPIONAGE”.**

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

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

17 **“§ 3239. Espionage and related offenses not commit-**  
18 **ted in any district**

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

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

22           “(2) section 601 of the National Security Act of  
23 1947; or

1           “(3) subsection (b) or (c) of section 4 of the  
2           Subversive Activities Control Act of 1950,  
3 begun or committed upon the high seas or elsewhere out  
4 of the jurisdiction of any particular State or district, may  
5 be in the District of Columbia or in any other district au-  
6 thorized by law.”.

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

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

10 **SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CER-**  
11 **TAIN ESPIONAGE LAWS.**

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

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

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

21                   “(B) any of the person’s property used, or in-  
22 tended to be used, in any manner or part, to com-  
23 mit, or to facilitate the commission of, such viola-  
24 tion.

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

5       “(3) Except as provided in paragraph (4), the provi-  
6 sions of subsections (b), (c), and (e) through (p) of section  
7 413 of the Comprehensive Drug Abuse Prevention and  
8 Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)),  
9 shall apply to—

10           “(A) property subject to forfeiture under this  
11 subsection;

12           “(B) any seizure or disposition of such prop-  
13 erty; and

14           “(C) any administrative or judicial proceeding  
15 in relation to such property,

16 if not inconsistent with this subsection.

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

22       “(5) As used in this subsection, the term ‘State’  
23 means any State of the United States, the District of Co-  
24 lumbia, the Commonwealth of Puerto Rico, the Trust Ter-

1 ritory of the Pacific Islands, and any territory or posses-  
2 sion of the United States.”.

3 (b) AMENDMENTS FOR CONSISTENCY IN APPLICA-  
4 TION OF FORFEITURE UNDER TITLE 18.—(1) Section  
5 793(h)(3) of such title is amended in the matter preceding  
6 subparagraph (A) by striking out “(o)” each place it ap-  
7 pears and inserting in lieu thereof “(p)”.

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

11 (c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Sec-  
12 tion 4 of the Subversive Activities Control Act of 1950  
13 (50 U.S.C. 783) is amended by adding at the end the fol-  
14 lowing new subsection:

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

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

21 “(B) any of the person’s property used, or in-  
22 tended to be used, in any manner or part, to com-  
23 mit, or to facilitate the commission of, such viola-  
24 tion.

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

5       “(3) Except as provided in paragraph (4), the provi-  
6 sions of subsections (b), (c), and (e) through (p) of section  
7 413 of the Comprehensive Drug Abuse Prevention and  
8 Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p))  
9 shall apply to—

10           “(A) property subject to forfeiture under this  
11 subsection;

12           “(B) any seizure or disposition of such prop-  
13 erty; and

14           “(C) any administrative or judicial proceeding  
15 in relation to such property,

16 if not inconsistent with this subsection.

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

22       “(5) As used in this subsection, the term ‘State’  
23 means any State of the United States, the District of Co-  
24 lumbia, the Commonwealth of Puerto Rico, the Trust Ter-

1 ritory of the Pacific Islands, and any territory or posses-  
2 sion of the United States.”.

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

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

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

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

24 “(B) that such conviction was obtained in ac-  
25 cordance with procedures that provided the defend-



1 ant due process rights comparable to such rights  
2 provided by the United States Constitution, and  
3 such conviction was based upon evidence which  
4 would have been admissible in the courts of the  
5 United States; and

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

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

1 **SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN**  
2 **PERSONNEL WITHIN THE INTELLIGENCE**  
3 **COMPONENTS OF THE DEPARTMENT OF DE-**  
4 **FENSE.**

5 (a) CONSOLIDATION OF AUTHORITY.—

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

9 **“§ 1599. Post employment assistance regarding cer-**  
10 **tain civilian intelligence personnel**

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

20 “(1) in finding and qualifying for subsequent  
21 employment;

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

24 “(3) in providing necessary financial support  
25 during periods of unemployment.

1       “(b) Assistance may be provided under subsection (a)  
2 only if the Secretary determines that such assistance is  
3 essential to maintain the judgment and emotional stability  
4 of such employee and avoid circumstances that might lead  
5 to the unlawful disclosure of classified information to  
6 which such employee had access. Assistance provided  
7 under this section for an employee shall not be provided  
8 any longer than five years after the termination of the em-  
9 ployment of the employee.

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

13       “(d) The Secretary shall report annually to the Com-  
14 mittees on Appropriations of the Senate and House of  
15 Representatives, the Select Committee on Intelligence of  
16 the Senate, and the Permanent Select Committee on Intel-  
17 ligence of the House of Representatives with respect to  
18 any expenditure made pursuant to this section.

19       “(e) For the purposes of this section, the term ‘intel-  
20 ligence agency or component’ means the National Security  
21 Agency, the Defense Intelligence Agency, the National Re-  
22 connaissance Office, the Central Imagery Office, and the  
23 intelligence components of the military departments.”.

1           (2) The table of sections of Chapter 81 of such title  
2 is amended by adding after the item relating to section  
3 1598 the following new item:

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

4           (b) REPEAL OF DUPLICATIVE AUTHORITY.—

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

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

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

## 14           **TITLE IX—INTERDICTION OF** 15           **AERIAL DRUG TRAFFICKING**

### 16           **SEC. 901. POLICY OF THE UNITED STATES.**

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

