

Union Calendar No. 285

104TH CONGRESS
2D SESSION

H. R. 3259

[Report No. 104-578, Part I]

A BILL

To authorize appropriations for fiscal year 1997 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.

MAY 16, 1996

Committee on National Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1996

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

MAY 15, 1996

Reported from the Permanent Select Committee on Intelligence with an amendment and referred to the Committee on National Security for a period ending not later than May 16, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

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

MAY 16, 1996

Committee on National Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 17, 1996]

A BILL

To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Ac-

count, 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 1997”.*

6 **TITLE I—INTELLIGENCE
7 ACTIVITIES**

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

9 *Funds are hereby authorized to be appropriated for fis-
10 cal year 1997 for the conduct of the intelligence and intel-
11 ligence-related activities of the following elements of the
12 United States Government:*

13 *(1) The Central Intelligence Agency.*

14 *(2) The Department of Defense.*

15 *(3) The Defense Intelligence Agency.*

16 *(4) The National Security Agency.*

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

20 *(6) The Department of State.*

21 *(7) The Department of the Treasury.*

22 *(8) The Department of Energy.*

23 *(9) The Federal Bureau of Investigation.*

24 *(10) The Drug Enforcement Administration.*

1 (11) *The National Reconnaissance Office.*

2 (12) *The Central Imagery Office.*

3 SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

4 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL

5 CEILINGS.—*The amounts authorized to be appropriated*

6 under section 101, and the authorized personnel ceilings as

7 of September 30, 1997, for the conduct of the intelligence

8 and intelligence-related activities of the elements listed in

9 such section, are those specified in the Classified Schedule

10 of Authorizations prepared to accompany the bill H.R. 3259

11 of the 104th Congress.

12 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-

13 THORIZATIONS.—*The Schedule of Authorizations shall be*

14 made available to the Committees on Appropriations of the

15 *Senate and House of Representatives and to the President.*

16 *The President shall provide for suitable distribution of the*

17 Schedule, or of appropriate portions of the Schedule, within

18 *the executive branch.*

19 SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

20 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-

21 *proval of the Director of the Office of Management and*

22 Budget, the Director of Central Intelligence may authorize

23 employment of civilian personnel in excess of the number

24 authorized for fiscal year 1997 under section 102 when the

25 Director of Central Intelligence determines that such action

1 *is necessary to the performance of important intelligence*
2 *functions, except that the number of personnel employed in*
3 *excess of the number authorized under such section may not,*
4 *for any element of the intelligence community, exceed two*
5 *percent of the number of civilian personnel authorized*
6 *under such section for such element.*

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

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

14 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
15 *authorized to be appropriated for the Intelligence Commu-*
16 *nity Management Account of the Director of Central Intel-*
17 *ligence for fiscal year 1997 the sum of \$93,616,000. Within*
18 *such amounts authorized, funds identified in the classified*
19 *Schedule of Authorizations referred to in section 102(a) for*
20 *the Advanced Research and Development Committee shall*
21 *remain available until September 30, 1998.*

22 (b) *AUTHORIZED PERSONNEL LEVELS.—The Commu-*
23 *nity Management Staff of the Director of Central Intel-*
24 *ligence is authorized 273 full-time personnel as of Septem-*
25 *ber 30, 1997. Such personnel of the Community Manage-*

1 ment Staff may be permanent employees of the Community
2 Management Staff or personnel detailed from other elements
3 of the United States Government.

4 (c) *REIMBURSEMENT*.—During fiscal year 1997, any
5 officer or employee of the United States or a member of the
6 Armed Forces who is detailed to the Community Manage-
7 ment Staff from another element of the United States Gov-
8 ernment shall be detailed on a reimbursable basis, except
9 that any such officer, employee or member may be detailed
10 on a nonreimbursable basis for a period of less than one
11 year for the performance of temporary functions as required
12 by the Director of Central Intelligence.

13 (d) *DECLASSIFICATION*.—In addition to amounts oth-
14 erwise authorized to be appropriated by this Act, there is
15 authorized to be appropriated \$25,000,000 for the National
16 Foreign Intelligence Program for the purposes of carrying
17 out the provisions of section 3.4 of Executive Order 12958,
18 dated April 17, 1995.

19 (e) *NATIONAL DRUG INTELLIGENCE CENTER*.—In ad-
20 dition to amounts otherwise authorized to be appropriated
21 by this Act, there is authorized to be appropriated
22 \$32,076,000 for the National Drug Intelligence Center lo-
23 cated in Johnstown, Pennsylvania. Amounts appropriated
24 for such center may not be used in contravention of the pro-
25 visions of section 103(d)(1) of the National Security Act

1 of 1947 (50 U.S.C. 403-3(d)(1)). The National Drug Intel-
2 ligence Center is authorized 35 full-time personnel as of
3 September 30, 1997.

4 (f) ENVIRONMENTAL PROGRAMS.—In addition to
5 amounts otherwise authorized to be appropriated by this
6 Act, there is authorized to be appropriated \$6,000,000 for
7 the Environmental Intelligence and Applications Program,
8 formerly known as the Environmental Task Force, to re-
9 main available until September 30, 1998.

10 **TITLE II—CENTRAL INTEL-**
11 **LIGENCE AGENCY RETIRE-**
12 **MENT AND DISABILITY SYS-**
13 **TEM**

14 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated for the Central
16 Intelligence Agency Retirement and Disability Fund for fis-
17 cal year 1997 the sum of \$194,400,000.

18 **TITLE III—GENERAL**
19 **PROVISIONS**

20 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
21 **BENEFITS AUTHORIZED BY LAW.**

22 Appropriations authorized by this Act for salary, pay,
23 retirement, and other benefits for Federal employees may
24 be increased by such additional or supplemental amounts

1 as may be necessary for increases in such compensation or
2 benefits authorized by law.

3 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**

4 **ACTIVITIES.**

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

9 **SEC. 303. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **AUTOMATIC DECLASSIFICATION OF RECORDS**
11 **OVER 25 YEARS OLD.**

12 Section 307 of the Intelligence Authorization Act for
13 Fiscal Year 1996 (109 Stat. 966) is amended by striking
14 out “fiscal year 1996 by this Act” in subsection (a) and
15 inserting in lieu thereof “any of the fiscal years 1996
16 through 2000”.

17 **SEC. 304. APPLICATION OF SANCTIONS LAWS TO INTEL-**
18 **LIGENCE ACTIVITIES.**

19 (a) **EXTENSION.**—Section 905 of the National Security
20 Act of 1947 (50 U.S.C. 441d) is amended by striking out
21 “on the date which is one year after the date of the enact-
22 ment of this title” and inserting in lieu thereof “on Janu-
23 ary 6, 1998”.

24 (b) **FORMAT AMENDMENTS.**—Section 904 of such Act
25 (50 U.S.C. 441c) is amended by striking out “required to

1 *be imposed by*" and all that follows and inserting in lieu
2 thereof "required to be imposed by any of the following pro-
3 visions of law:

4 “(1) *The Chemical and Biological Weapons Con-*
5 *trol and Warfare Elimination Act of 1991* (title III
6 *of Public Law 102–182).*

7 “(2) *The Nuclear Proliferation Prevention Act of*
8 *1994* (title VIII of Public Law 103–236).

9 “(3) *Section 11B of the Export Administration*
10 *Act of 1979* (50 U.S.C. App. 2410b).

11 “(4) *Chapter 7 of the Arms Export Control Act*
12 *(22 U.S.C. 2797 et seq.).*

13 “(5) *The Iran-Iraq Arms Non-Proliferation Act*
14 *of 1992* (title XVI of Public Law 102–484).

15 “(6) *The following provisions of annual appro-*
16 *priations Acts:*

17 “(A) *Section 573 of the Foreign Operations,*
18 *Export Financing, and Related Programs Ap-*
19 *propriations Act, 1994* (Public Law 103–87; 107
20 *Stat. 972).*

21 “(B) *Section 563 of the Foreign Operations,*
22 *Export Financing, and Related Programs Ap-*
23 *propriations Act, 1995* (Public Law 103–306;
24 *108 Stat. 1649).*

1 “(C) *Section 552 of the Foreign Operations,*
2 *Export Financing, and Related Programs Ap-*
3 *propriations Act, 1996 (Public Law 104–107;*
4 *110 Stat. 741).*

5 “(7) *Comparable provisions.*.”.

6 **SEC. 305. EXPEDITED NATURALIZATION.**

7 (a) *IN GENERAL.—With the approval of the Director*
8 *of Central Intelligence, the Attorney General, and the Com-*
9 *missioner of Immigration and Naturalization, an appli-*
10 *cant described in subsection (b) and otherwise eligible for*
11 *naturalization may be naturalized without regard to the*
12 *residence and physical presence requirements of section*
13 *316(a) of the Immigration and Nationality Act, or to the*
14 *prohibitions of section 313 of such Act, and no residence*
15 *within a particular State or district of the Immigration*
16 *and Naturalization Service in the United States shall be*
17 *required: Provided, That the applicant has resided continu-*
18 *ously, after being lawfully admitted for permanent resi-*
19 *dence, within the United States for at least one year prior*
20 *to naturalization: Provided further, That the provisions of*
21 *this section shall not apply to any alien described in sub-*
22 *paragraphs (A) through (D) of section 243(h)(2) of such*
23 *Act.*

24 (b) *ELIGIBLE APPLICANT.—An applicant eligible for*
25 *naturalization under this section is the spouse or child of*

1 *a deceased alien whose death resulted from the intentional*
2 *and unauthorized disclosure of classified information re-*
3 *garding the alien's participation in the conduct of United*
4 *States intelligence activities.*

5 (c) *ADMINISTRATION OF OATH.*—*An applicant for nat-*
6 *uralization under this section may be administered the oath*
7 *of allegiance under section 337(a) of the Immigration and*
8 *Nationality Act by the Attorney General or any district*
9 *court of the United States, without regard to the residence*
10 *of the applicant. Proceedings under this subsection shall be*
11 *conducted in a manner consistent with the protection of in-*
12 *telligence sources, methods, and activities.*

13 (d) *DEFINITIONS.*—*For purposes of this section—*

14 (1) *the term “child” means a child as defined in*
15 *subparagraphs (A) through (E) of section 101(b)(1) of*
16 *the Immigration and Nationality Act, without regard*
17 *to age or marital status; and*

18 (2) *the term “spouse” means the wife or husband*
19 *of a deceased alien referred to in subsection (b) who*
20 *was married to such alien during the time the alien*
21 *participated in the conduct of United States intel-*
22 *ligence activities.*

1 **TITLE IV—CENTRAL**
2 **INTELLIGENCE AGENCY**

3 **SEC. 401. MULTIYEAR LEASING AUTHORITY.**

4 *Section 5(e) of the Central Intelligence Agency Act of
5 1949 (50 U.S.C. 403f(e)) is amended to read as follows:*

6 *“(e) Make alterations, improvements, and repairs on
7 premises rented by the Agency and, for the purpose of fur-
8 thering the cost-efficient acquisition of Agency facilities,
9 enter into multiyear leases for up to 15 years that are not
10 otherwise authorized pursuant to section 8 of this Act; and”.*

11 **SEC. 402. REPEAL OF ADDITIONAL SURCHARGE RELATING**
12 **TO EMPLOYEES WHO RETIRE OR RESIGN IN**
13 **FISCAL YEARS 1998 OR 1999 AND WHO RE-**
14 **CEIVE VOLUNTARY SEPARATION INCENTIVE**
15 **PAYMENTS.**

16 *Section 2 of the Central Intelligence Agency Voluntary
17 Separation Pay Act (50 U.S.C. 403–4 note) is amended by
18 striking out subsection (i).*

19 **SEC. 403. IMPLEMENTATION OF INTELLIGENCE COMMU-**
20 **NITY PERSONNEL REFORMS.**

21 *None of the amounts authorized to be appropriated by
22 this Act may be used to implement any Intelligence Com-
23 munity personnel reform until the Permanent Select Com-
24 mittee on Intelligence of the House of Representatives and*

1 the Select Committee on Intelligence of the Senate are fully
2 briefed on such personnel reform.

3 **TITLE V—DEPARTMENT OF DE-**
4 **FENSE INTELLIGENCE ACTIVI-**
5 **TIES**

6 **SEC. 501. STANDARDIZATION FOR CERTAIN DEPARTMENT**
7 **OF DEFENSE INTELLIGENCE AGENCIES OF**
8 **EXEMPTIONS FROM DISCLOSURE OF ORGANI-**
9 **ZATIONAL AND PERSONNEL INFORMATION.**

10 (a) *CONSOLIDATION AND STANDARDIZATION.*—Chapter
11 21 of title 10, United States Code, is amended by strik-
12 ing out sections 424 and 425 and inserting in lieu thereof
13 the following:

14 “**§424. Disclosure of organizational and personnel in-**
15 **formation: exemption for the Defense In-**
16 **telligence Agency and National Recon-**
17 **naissance Office**

18 “(a) *EXEMPTION FROM DISCLOSURE.*—Except as re-
19 quired by the President or as provided in subsection (b),
20 no provision of law shall be construed to require the disclo-
21 sure of—

22 “(1) the organization or any function of the De-
23 fense Intelligence Agency or the National Reconnaiss-
24 ance Office; or

1 “(2) the number of persons employed by or as-
2 signed or detailed to that Agency or Office or the
3 name, official title, occupational series, grade, or sal-
4 ary of any such person.

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

8 (b) *CLERICAL AMENDMENT.*—The table of sections at
9 the beginning of subchapter I of such chapter is amended
10 by striking out the items relating to sections 424 and 425
11 and inserting in lieu thereof the following:

“424. *Disclosure of organizational and personnel information: exemption for the Defense Intelligence Agency and National Reconnaissance Office.*”.