

104TH CONGRESS
1ST SESSION

S. 922

[Report No. 104-97]

To authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14 (legislative day, JUNE 5), 1995

Mr. SPECTER, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

JUNE 19, 1995

Referred to the Committee on Armed Services for a thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress, except that if the Committee fails to report the bill within the thirty-day limit, the Committee shall be automatically discharged from further consideration of the bill in accordance with that section

A BILL

To authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

1 That this Act may be cited as the “Intelligence Authoriza-
2 tion Act for Fiscal Year 1996”.

3 **TITLE I—INTELLIGENCE**
4 **ACTIVITIES**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are authorized to be appropriated for fiscal
7 year 1996 for the conduct of the intelligence and intel-
8 ligence-related activities of the following elements of the
9 United States Government:

10 (1) The Central Intelligence Agency.

11 (2) The Department of Defense.

12 (3) The Defense Intelligence Agency.

13 (4) The National Security Agency.

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

17 (6) The Department of State.

18 (7) The Department of Treasury.

19 (8) The Department of Energy.

20 (9) The Federal Bureau of Investigation.

21 (10) The Drug Enforcement Administration.

22 (11) The National Reconnaissance Office.

23 (12) The Central Imagery Office.

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

2 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
3 CEILINGS.—The amounts authorized to be appropriated
4 under section 101, and the authorized personnel ceilings
5 as of September 30, 1996, for the conduct of the elements
6 listed in such section, are those specified in the classified
7 Schedule of Authorizations prepared by the Committee of
8 Conference to accompany () of the One Hundred and
9 Fourth Congress.

10 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
11 THORIZATIONS.—The Schedule of Authorizations shall be
12 made available to the Committee on Appropriations of the
13 Senate and House of Representatives and to the Presi-
14 dent. The President shall provide for suitable distribution
15 of the Schedule, or of appropriate portions of the Sched-
16 ule, within the Executive Branch.

17 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

18 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
19 proval of the Director of the Office of Management and
20 Budget, the Director of Central Intelligence may authorize
21 employment of civilian personnel in excess of the number
22 authorized for fiscal year 1996 under section 102 of this
23 Act when the Director determines that such action is nec-
24 essary to the performance of important intelligence func-
25 tions, except that the number of personnel employed in
26 excess of the number authorized under such section may

1 not, for any element of the intelligence community (as de-
2 fined in section 3(4) of the National Security Act of 1947
3 (50 U.S.C. 401(4)), exceed 2 percent of the number of
4 civilian personnel authorized under such section for such
5 element.

6 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
7 Director of Central Intelligence shall notify the Permanent
8 Select Committee on Intelligence of the House of Rep-
9 resentatives and the Select Committee on Intelligence of
10 the Senate prior to exercising the authority granted by
11 this section.

12 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
13 **COUNT.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—(1)
15 There is authorized to be appropriated for the Intelligence
16 Community Management Account of the Director of
17 Central Intelligence for fiscal year 1996 the sum of
18 \$98,283,000.

19 (2) Funds made available under paragraph (1) for
20 the Advanced Research and Development Committee and
21 the Environmental Task Force shall remain available until
22 September 30, 1997.

23 (b) AUTHORIZED PERSONNEL LEVELS.—The Com-
24 munity Management Staff of the Director of Central Intel-
25 ligence is authorized 247 full-time personnel as of Septem-

1 ber 30, 1996. Such personnel of the Community Manage-
2 ment Staff may be permanent employees of the Commu-
3 nity Management Staff or personnel detailed from other
4 elements of the United States Government.

5 (c) REIMBURSEMENT.—During the fiscal year 1996,
6 any officer or employee of the United States or any mem-
7 ber of the Armed Forces who is detailed to the Community
8 Management Staff from another element of the United
9 States Government shall be detailed on a reimbursable
10 basis, except that any such officer, employee, or member
11 may be detailed on a nonreimbursable basis for a period
12 of less than one year for the performance of temporary
13 functions as required by the Director of Central Intel-
14 ligence.

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

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated for the
21 Central Intelligence Agency Retirement and Disability
22 Fund for fiscal year 1996 the sum of \$213,900,000.

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 the laws of the United States.

16 **SEC. 303. APPLICATION OF SANCTIONS TO INTELLIGENCE**
17 **ACTIVITIES.**

18 The National Security Act of 1947 (50 U.S.C.401 et
19 seq.) is amended by adding at the end thereof the follow-
20 ing new title:

1 **“TITLE VIII—APPLICATION OF**
2 **SANCTIONS LAWS TO INTEL-**
3 **LIGENCE ACTIVITIES**

4 **“SEC. 801. DELAY OF SANCTIONS.**

5 “Notwithstanding any other provision of law, the
6 President may delay the imposition of a sanction related
7 to the proliferation of weapons of mass destruction, their
8 delivery systems, or advanced conventional weapons when
9 he determines that to proceed without delay would seri-
10 ously risk the compromise of a sensitive intelligence source
11 or method or an ongoing criminal investigation. The Presi-
12 dent shall terminate any such delay as soon as it is no
13 longer necessary to that purpose.

14 **“SEC. 802. REPORTS.**

15 “Whenever the President makes the determination
16 required pursuant to section 801, the President shall
17 promptly report to the Select Committee on Intelligence
18 of the Senate and the Permanent Select Committee on In-
19 telligence of the House of Representatives the rationale
20 and circumstances that led the President to exercise the
21 authority under section 801 with respect to an intelligence
22 source or method, and to the Judiciary Committees of the
23 Senate and the House of Representatives the rationale and
24 circumstances that led the President to exercise the au-
25 thority under section 801 with respect to an ongoing

1 criminal investigation. Such report shall include a descrip-
2 tion of the efforts being made to implement the sanctions
3 as soon as possible and an estimate of the date on which
4 the sanctions will become effective.”.

5 **SEC. 304. THRIFT SAVINGS PLAN FORFEITURE.**

6 (a) IN GENERAL.—Section 8432(g) of title 5, United
7 States Code, is amended by adding at the end the follow-
8 ing new paragraph:

9 “(5) Notwithstanding any other provision of
10 law, contributions made by the Government for the
11 benefit of an employee under subsection (c), and all
12 earnings attributable to such contributions, shall be
13 forfeited if the employee’s annuity, or that of a sur-
14 vivor or beneficiary, is forfeited pursuant to sub-
15 chapter II of chapter 83 of this title.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply to offenses upon which the req-
18 uisite annuity forfeitures are based occurring on or after
19 the date of enactment of this Act.

1 **SEC. 305. AUTHORITY TO RESTORE SPOUSAL PENSION BEN-**
2 **EFITS TO SPOUSES WHO COOPERATE IN**
3 **CRIMINAL INVESTIGATIONS AND PRE-**
4 **CAUTIONS FOR NATIONAL SECURITY OF-**
5 **FENSES.**

6 Section 8312 of title 5, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(e) Notwithstanding any other provision of law, the
10 spouse of an employee whose annuity or retired pay is for-
11 feited under this section or section 8313 after the enact-
12 ment of this subsection shall be eligible for spousal pension
13 benefits if the Attorney General determines that the
14 spouse fully cooperated with Federal authorities in the
15 conduct of a criminal investigation and subsequent pros-
16 ecution of the employee.”.

17 **SEC. 306. AMENDMENT TO THE HATCH ACT REFORM**
18 **AMENDMENTS OF 1993.**

19 Section 7325 of title 5, United States Code, is
20 amended by adding after “section 7323(a)” the following:
21 “and paragraph (2) of section 7323(b)”.

22 **SEC. 307. REPORT ON PERSONNEL POLICIES.**

23 (a) REPORT REQUIRED.—Not later than three
24 months after the date of enactment of this Act, the Direc-
25 tor of Central Intelligence shall submit to the intelligence
26 committees of Congress a report describing personnel pro-

1 cedures, and recommending necessary legislation, to pro-
2 vide for mandatory retirement for expiration of time in
3 class, comparable to the applicable provisions of section
4 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007),
5 and termination based on relative performance, com-
6 parable to section 608 of the Foreign Service Act of 1980
7 (22 U.S.C. 4008), for all civilian employees of the Central
8 Intelligence Agency, the National Security Agency, the
9 Defense Intelligence Agency, and the intelligence elements
10 of the Army, Navy, Air Force, and Marine Corps.

11 (b) COORDINATION.—The preparation of the report
12 required by subsection (a) shall be coordinated as appro-
13 priate with elements of the intelligence community (as de-
14 fined in section 3(4) of the National Security Act of 1947
15 (50 U.S.C. 401(4)).

16 (c) DEFINITION.—As used in this section, the term
17 “intelligence committees of Congress” means the Select
18 Committee on Intelligence of the Senate and the Perma-
19 nent Select Committee on Intelligence of the House of
20 Representatives.

21 **SEC. 308. ASSISTANCE TO FOREIGN COUNTRIES.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, funds authorized to be appropriated by this
24 Act may be used to provide assistance to a foreign country
25 for counterterrorism efforts if—

1 (1) such assistance is provided for the purpose
2 of protecting the property of the United States Gov-
3 ernment or the life and property of any United
4 States citizen, or furthering the apprehension of any
5 individual involved in any act of terrorism against
6 such property or persons; and

7 (2) the appropriate committees of Congress are
8 notified not later than 15 days prior to the provision
9 of such assistance.

10 (b) DEFINITION.—As used in this section, the term
11 “appropriate congressional committees” means the Select
12 Committee on Intelligence of the Senate and the Perma-
13 nent Select Committee on Intelligence of the House of
14 Representatives.

15 **TITLE IV—CENTRAL** 16 **INTELLIGENCE AGENCY**

17 **SEC. 401. EXTENSION OF THE CIA VOLUNTARY SEPARATION** 18 **PAY ACT.**

19 Section 2(f) of the CIA Voluntary Separation Pay
20 Act is amended by striking out “September 30, 1997” and
21 inserting in lieu thereof “September 30, 1999”.

22 **SEC. 402. VOLUNTEER SERVICE PROGRAM.**

23 The Central Intelligence Agency Act of 1949 (50
24 U.S.C. 403a et seq.) is amended by adding at the end of
25 the following new section:

1 **“SEC. 20. VOLUNTEER SERVICE PROGRAM.**

2 “(a) Notwithstanding any other provision of law, the
3 Director of Central Intelligence is authorized to establish
4 and maintain a program during fiscal years 1996 through
5 2001 to utilize the services contributed by not more than
6 50 retired annuitants who serve without compensation as
7 volunteers in aid of the review by the Central Intelligence
8 Agency for declassification or downgrading of classified in-
9 formation under applicable Executive Orders covering the
10 classification and declassification of national security in-
11 formation and Public Law 102–526.

12 “(b) The Agency is authorized to use sums made
13 available to the Agency by appropriations or otherwise for
14 paying the costs incidental to the utilization of services
15 contributed by individuals who serve without compensation
16 as volunteers in aid of the review by the Agency of classi-
17 fied information, including, but not limited to, the costs
18 of training, transportation, lodging, subsistence, equip-
19 ment, and supplies. Agency officials may authorize either
20 direct procurement of, or reimbursement for, expenses in-
21 cidental to the effective use of volunteers, except that pro-
22 vision for such expenses or services shall be in accordance
23 with volunteer agreements made with such individuals and
24 that such sums may not exceed \$100,000.

25 “(c) Notwithstanding the provision of any other law,
26 individuals who volunteer to provide services to the Agency

1 under this section shall be covered by and subject to the
2 provisions of—

3 “(1) the Federal Employees Compensation Act;
4 and

5 “(2) chapter 11 of title 18, United States Code,
6 as if they were employees or special Government employ-
7 ees depending upon the days of expected service at the
8 time they begin their volunteer service.”.

9 **SEC. 403. AUTHORITIES OF THE INSPECTOR GENERAL OF**
10 **THE CENTRAL INTELLIGENCE AGENCY.**

11 (a) **REPORTS BY THE INSPECTOR GENERAL.**—Sec-
12 tion 17(b)(5) of the Central Intelligence Act of 1949 (50
13 U.S.C. 403q) is amended to read as follows:

14 “(5) In accordance with section 535 of title 28,
15 United States Code, the Inspector General shall re-
16 port to the Attorney General any information, alle-
17 gation, or complaint received by the Inspector Gen-
18 eral relating to violations of Federal criminal law
19 that involve a program or operation of the Agency,
20 consistent with such guidelines as may be issued by
21 the Attorney General pursuant to paragraph (2). A
22 copy of all such reports shall be furnished to the Di-
23 rector.”.

24 (b) **EXCEPTION TO NONDISCLOSURE REQUIRE-**
25 **MENT.**—Section 17(e)(3)(A) of such Act is amended by

1 inserting after “investigation” the following: “or the dis-
2 closure is made to an official of the Department of Justice
3 responsible for determining whether a prosecution should
4 be undertaken”.

5 **SEC. 404. REPORT ON LIAISON RELATIONSHIPS.**

6 (a) ANNUAL REPORT.—Section 502 of the National
7 Security Act of 1947 (50 U.S.C. 413a) is amended—

8 (1) by striking “and” at the end of paragraph
9 (1);

10 (2) by striking the period at the end of para-
11 graph (2) and inserting “; and”; and

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

13 “(3) annually submit to the intelligence com-
14 mittees a report describing all liaison relationships
15 for the preceding year, including—

16 “(A) the names of the governments and
17 entities;

18 “(B) the purpose of each relationship;

19 “(C) the resources dedicated (including
20 personnel, funds, and materiel);

21 “(D) a description of the intelligence pro-
22 vided and received, including any reports on
23 human rights violations; and

24 “(E) any significant changes anticipated.”.

1 (b) DEFINITION.—Section 606 of such Act is amend-
2 ed by adding at the end the following:

3 “(11) The term ‘liaison’ means any govern-
4 mental entity or individual with whom an intel-
5 ligence agency has established a relationship for the
6 purpose of obtaining information.”.

7 **TITLE V—DEPARTMENT OF DE-**
8 **FENSE INTELLIGENCE AC-**
9 **TIVITIES**

10 **SEC. 501. COMPARABLE OVERSEAS BENEFITS AND ALLOW-**
11 **ANCES FOR CIVILIAN AND MILITARY PER-**
12 **SONNEL ASSIGNED TO THE DEFENSE INTEL-**
13 **LIGENCE AGENCY.**

14 (a) TITLE 10.—Title 10, United States Code, is
15 amended—

16 (1) in section 1605(a), by striking “and” after
17 “Defense Attache Offices” and inserting “or”; and

18 (2) in section 1605(a), by inserting “, and De-
19 fense Intelligence Agency employees assigned to duty
20 outside the United States,” after “outside the Unit-
21 ed States,”.

22 (b) TITLE 37.—Title 37, United States Code, is
23 amended—

24 (1) in section 431(a), by striking “and” after
25 “Defense Attache Offices” and inserting “or”; and

1 (2) in section 431(a), by inserting “, and mem-
2 bers of the armed forces assigned to the Defense In-
3 telligence Agency and engaged in intelligence related
4 duties outside the United States,” after “outside the
5 United States”.

6 **SEC. 502. AUTHORITY TO CONDUCT COMMERCIAL ACTIVI-**
7 **TIES NECESSARY TO PROVIDE SECURITY FOR**
8 **AUTHORIZED INTELLIGENCE COLLECTION**
9 **ACTIVITIES ABROAD.**

10 Section 431(a) of title 10, United States Code, is
11 amended by striking “1995” and inserting “2001”.

12 **SEC. 503. MILITARY DEPARTMENTS’ CIVILIAN INTEL-**
13 **LIGENCE PERSONNEL MANAGEMENT SYS-**
14 **TEM: ACQUISITION OF CRITICAL SKILLS.**

15 (a) ESTABLISHMENT OF TRAINING PROGRAM.—
16 Chapter 81 of title 10, United States Code, is amended
17 by adding at the end thereof the following new section:

18 **“§ 1599. Financial assistance to certain employees in**
19 **acquisition of critical skills**

20 “(a) TRAINING PROGRAM.—The Secretary of De-
21 fense shall establish an undergraduate training program
22 with respect to civilian employees in the Military Depart-
23 ments’ Civilian Intelligence Personnel Management Sys-
24 tem that is similar in purpose, conditions, content, and
25 administration to the program which the Secretary of De-

1 fense established under section 16 of the National Security Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

4 “(b) FUNDING OF TRAINING PROGRAM.—Any payments made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.”.

9 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end thereof the following:

“Sec. 1599. Financial assistance to certain employees in acquisition of critical skills.”.

12 **TITLE VI—FEDERAL BUREAU OF**
13 **INVESTIGATION**

14 **SEC. 601. DISCLOSURE OF INFORMATION AND CONSUMER**
15 **REPORTS TO FBI FOR COUNTERINTEL-**
16 **LIGENCE PURPOSES.**

17 (a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623, the following new section:

20 **“§ 624. Disclosures to FBI for counterintelligence**
21 **purposes**

22 “(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the

1 Federal Bureau of Investigation the names and addresses
2 of all financial institutions (as that term is defined in sec-
3 tion 1101 of the Right to Financial Privacy Act of 1978)
4 at which a consumer maintains or has maintained an ac-
5 count, to the extent that information is in the files of the
6 agency, when presented with a written request for that
7 information, signed by the Director of the Federal Bureau
8 of Investigation, or the Director's designee, which certifies
9 compliance with this section. The Director or the Direc-
10 tor's designee may make such a certification only if the
11 Director or the Director's designee has determined in writ-
12 ing that—

13 “(1) such information is necessary for the con-
14 duct of an authorized foreign counterintelligence in-
15 vestigation; and

16 “(2) there are specific and articulable facts giv-
17 ing reason to believe that the consumer—

18 “(A) is a foreign power (as defined in sec-
19 tion 101 of the Foreign Intelligence Surveil-
20 lance Act of 1978) or a person who is not a
21 United States person (as defined in such sec-
22 tion 101) and is an official of a foreign power;
23 or

24 “(B) is an agent of a foreign power and is
25 engaging or has engaged in an act of inter-

1 national terrorism (as that term is defined in
2 section 101(c) of the Foreign Intelligence Sur-
3 veillance Act of 1978) or clandestine intel-
4 ligence activities that involve or may involve a
5 violation of criminal statutes of the United
6 States.

7 “(b) IDENTIFYING INFORMATION.—Notwithstanding
8 the provisions of section 604 or any other provision of this
9 title, a consumer reporting agency shall furnish identifying
10 information respecting a consumer, limited to name, ad-
11 dress, former addresses, places of employment, or former
12 places of employment, to the Federal Bureau of Investiga-
13 tion when presented with a written request, signed by the
14 Director or the Director’s designee, which certifies compli-
15 ance with this subsection. The Director or the Director’s
16 designee may make such a certification only if the Director
17 or the Director’s designee has determined in writing
18 that—

19 “(A) such information is necessary to the
20 conduct of an authorized counterintelligence in-
21 vestigation; and

22 “(B) there is information giving reason to
23 believe that the consumer has been, or is about
24 to be, in contact with a foreign power or an
25 agent of a foreign power (as defined in section

1 101 of the Foreign Intelligence Surveillance Act
2 of 1978).

3 “(c) COURT ORDER FOR DISCLOSURE OF CONSUMER
4 REPORTS.—Notwithstanding section 604 or any other
5 provision of this title, if requested in writing by the Direc-
6 tor of the Federal Bureau of Investigation, or a designee
7 of the Director, a court may issue an order ex parte direct-
8 ing a consumer reporting agency to furnish a consumer
9 report to the Federal Bureau of Investigation, upon a
10 showing in camera that—

11 “(1) the consumer report is necessary for the
12 conduct of an authorized foreign counterintelligence
13 investigation; and

14 “(2) there are specific and articulable facts giv-
15 ing reason to believe that the consumer whose
16 consumer report is sought—

17 “(A) is an agent of a foreign power, and

18 “(B) is engaging or has engaged in an act
19 of international terrorism (as that term is de-
20 fined in section 101(c) of the Foreign Intel-
21 ligence Surveillance Act of 1978) or clandestine
22 intelligence activities that involve or may involve
23 a violation of criminal statutes of the United
24 States.

1 The terms of an order issued under this subsection shall
2 not disclose that the order is issued for purposes of a
3 counterintelligence investigation.

4 “(d) CONFIDENTIALITY.—No consumer reporting
5 agency or officer, employee, or agent of a consumer report-
6 ing agency shall disclose to any person, other than those
7 officers, employees, or agents of a consumer reporting
8 agency necessary to fulfill the requirement to disclose in-
9 formation to the Federal Bureau of Investigation under
10 this section, that the Federal Bureau of Investigation has
11 sought or obtained the identity of financial institutions or
12 a consumer report respecting any consumer under sub-
13 section (a), (b), or (c), and no consumer reporting agency
14 or officer, employee, or agent of a consumer reporting
15 agency shall include in any consumer report any informa-
16 tion that would indicate that the Federal Bureau of Inves-
17 tigation has sought or obtained such information or a
18 consumer report.

19 “(e) PAYMENT OF FEES.—The Federal Bureau of
20 Investigation shall, subject to the availability of appropria-
21 tions, pay to the consumer reporting agency assembling
22 or providing report or information in accordance with pro-
23 cedures established under this section a fee for reimburse-
24 ment for such costs as are reasonably necessary and which
25 have been directly incurred in searching, reproducing, or

1 transporting books, papers, records, or other data required
2 or requested to be produced under this section.

3 “(f) LIMIT ON DISSEMINATION.—The Federal Bu-
4 reau of Investigation may not disseminate information ob-
5 tained pursuant to this section outside of the Federal Bu-
6 reau of Investigation, except to other Federal agencies as
7 may be necessary for the approval or conduct of a foreign
8 counterintelligence investigation, or, where the informa-
9 tion concerns a person subject to the uniform Code of Mili-
10 tary Justice, to appropriate investigative authorities with-
11 in the military department concerned as may be necessary
12 for the conduct of a joint foreign counterintelligence inves-
13 tigation.

14 “(g) RULES OF CONSTRUCTION.—Nothing in this
15 section shall be construed to prohibit information from
16 being furnished by the Federal Bureau of Investigation
17 pursuant to a subpoena or court order, in connection with
18 a judicial or administrative proceeding to enforce the pro-
19 visions of this Act. Nothing in this section shall be con-
20 strued to authorize or permit the withholding of informa-
21 tion from the Congress.

22 “(h) REPORTS TO CONGRESS.—On a semiannual
23 basis, the Attorney General shall fully inform the Perma-
24 nent Select Committee on Intelligence and the Committee
25 on Banking, Finance and Urban Affairs of the House of

1 Representatives, and the Select Committee on Intelligence
2 and the Committee on Banking, Housing, and Urban Af-
3 fairs of the Senate concerning all requests made pursuant
4 to subsections (a), (b), and (c).

5 “(i) DAMAGES.—Any agency or department of the
6 United States obtaining or disclosing any consumer re-
7 ports, records, or information contained therein in viola-
8 tion of this section is liable to the consumer to whom such
9 consumer reports, records, or information relate in an
10 amount equal to the sum of—

11 “(1) \$100, without regard to the volume of
12 consumer reports, records, or information involved;

13 “(2) any actual damages sustained by the
14 consumer as a result of the disclosure;

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

18 “(4) in the case of any successful action to en-
19 force liability under this subsection, the costs of the
20 action, together with reasonable attorney fees, as de-
21 termined by the court.

22 “(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a
23 court determines that any agency or department of the
24 United States has violated any provision of this section
25 and the court finds that the circumstances surrounding

1 the violation raise questions of whether or not an officer
2 or employee of the agency or department acted willfully
3 or intentionally with respect to the violation, the agency
4 or department shall promptly initiate a proceeding to de-
5 termine whether or not disciplinary action is warranted
6 against the officer or employee who was responsible for
7 the violation.

8 “(k) GOOD-FAITH EXCEPTION.—Notwithstanding
9 any other provision of this title, any consumer reporting
10 agency or agent or employee thereof making disclosure of
11 consumer reports or identifying information pursuant to
12 this subsection in good-faith reliance upon a certification
13 of the Federal Bureau of Investigation pursuant to provi-
14 sions of this section shall not be liable to any person for
15 such disclosure under this title, the constitution of any
16 State, or any law or regulation of any State or any politi-
17 cal subdivision of any State.

18 “(l) LIMITATION OF REMEDIES.—Notwithstanding
19 any other provision of this title, the remedies and sanc-
20 tions set forth in this section shall be the only judicial
21 remedies and sanctions for violation of this section.

22 “(m) INJUNCTIVE RELIEF.—In addition to any other
23 remedy contained in this section, injunctive relief shall be
24 available to require compliance with the procedures of this
25 section. In the event of any successful action under this

1 subsection, costs together with reasonable attorney fees,
2 as determined by the court, may be recovered.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of the Fair Credit Reporting Act (15
5 U.S.C. 1681 et seq.) is amended by adding after the item
6 relating to section 624 the following:

“624. Disclosures to FBI for counterintelligence purposes.”.

7 **TITLE VII—TECHNICAL**
8 **CORRECTIONS**

9 **SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DI-**
10 **RECTOR OR DEPUTY DIRECTOR OF CENTRAL**
11 **INTELLIGENCE APPOINTED FROM COMMIS-**
12 **SIONED OFFICERS OF THE ARMED FORCES.**

13 Section 102(c)(3)(C) of the National Security Act of
14 1947 (50 U.S.C. 403(c)(3)(C)) is amended—

15 (1) by striking “A” before “commissioned” and
16 inserting “An active duty”;

17 (2) by striking out “(including retired pay)”;

18 (3) by inserting “an active duty” after “payable
19 to”; and

20 (4) by striking “a” before “commissioned”.

21 **SEC. 702. CHANGE OF OFFICE DESIGNATION IN CIA INFOR-**
22 **MATION ACT.**

23 Section 701(b)(3) of the CIA Information Act of
24 1984 (50 U.S.C. 431(b)(3)) is amended by striking “Of-

1 fice of Security’ and inserting ‘Office of Personnel Secu-
2 rity’.

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