

Calendar No. 74

105TH CONGRESS
1ST Session

S. 858

[Report No. 105-24]

A BILL

To authorize appropriations for fiscal year 1998 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.

JUNE 9, 1997

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

JUNE 9, 1997

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

A BILL

To authorize appropriations for fiscal year 1998 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 1998”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
 Sec. 102. Classified schedule of authorizations.
 Sec. 103. Personnel ceiling adjustments.
 Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
 Sec. 302. Restriction on conduct of intelligence activities.
 Sec. 303. Detail of intelligence community personnel.
 Sec. 304. Extension of application of sanctions laws to intelligence activities.
 Sec. 305. Administrative location of the Office of the Director of Central Intel-
 ligence.
 Sec. 306. Encouragement of disclosure of certain information to Congress.
 Sec. 307. Provision of information on violent crimes against United States citi-
 zens abroad to victims and victims' families.
 Sec. 308. Standards for spelling of foreign names and places and for use of ge-
 ographic coordinates.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Multiyear leasing authority.
 Sec. 402. Subpoena authority for the Inspector General of the Central Intel-
 ligence Agency.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Academic degrees in intelligence.
 Sec. 502. Funding for infrastructure and quality of life improvements at
 Menwith Hill and Bad Aibling stations.
 Sec. 503. Misuse of National Reconnaissance Office name, initials, or seal.

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

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

6 Funds are hereby authorized to be appropriated for
 7 fiscal year 1998 for the conduct of the intelligence and

1 intelligence-related activities of the following elements of
2 the United States Government:

3 (1) The Central Intelligence Agency.

4 (2) The Department of Defense.

5 (3) The Defense Intelligence Agency.

6 (4) The National Security Agency.

7 (5) The Department of the Army, the Depart-
8 ment of the Navy, and the Department of the Air
9 Force.

10 (6) The Department of State.

11 (7) The Department of the Treasury.

12 (8) The Department of Energy.

13 (9) The Federal Bureau of Investigation.

14 (10) The Drug Enforcement Administration.

15 (11) The National Reconnaissance Office.

16 (12) The National Imagery and Mapping
17 Agency.

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

19 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
20 CEILINGS.—The amounts authorized to be appropriated
21 under section 101, and the authorized personnel ceilings
22 as of September 30, 1998, for the conduct of the intel-
23 ligence and intelligence-related activities of the elements
24 listed in such section, are those specified in the classified
25 Schedule of Authorizations prepared to accompany the

1 conference report on the bill ____ of the One Hundred
2 Fifth Congress.

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

10 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

11 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
12 proval of the Director of the Office of Management and
13 Budget, the Director of Central Intelligence may authorize
14 employment of civilian personnel in excess of the number
15 authorized for fiscal year 1998 under section 102 when
16 the Director of Central Intelligence determines that such
17 action is necessary to the performance of important intel-
18 ligence functions, except that the number of personnel em-
19 ployed in excess of the number authorized under such sec-
20 tion may not, for any element of the intelligence commu-
21 nity, exceed two percent of the number of civilian person-
22 nel authorized under such section for such element.

23 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
24 Director of Central Intelligence shall promptly notify the
25 Permanent Select Committee on Intelligence of the House

1 of Representatives and the Select Committee on Intel-
2 ligence of the Senate whenever the Director exercises the
3 authority granted by this section.

4 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) AUTHORIZATION.—There is authorized to
7 be appropriated for the Community Management
8 Account of the Director of Central Intelligence for
9 fiscal year 1998 the sum of \$90,580,000.

10 (2) AVAILABILITY OF CERTAIN FUNDS.—Within
11 such amount, funds identified in the classified
12 Schedule of Authorizations referred to in section
13 102(a) for the Advanced Research and Development
14 Committee and the Environmental Intelligence and
15 Applications Program shall remain available until
16 September 30, 1999.

17 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
18 ments within the Community Management Account of the
19 Director of Central Intelligence are authorized a total of
20 278 full-time personnel as of September 30, 1998. Person-
21 nel serving in such elements may be permanent employees
22 of the Community Management Account element or per-
23 sonnel detailed from other elements of the United States
24 Government.

25 (c) CLASSIFIED AUTHORIZATIONS.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to amounts authorized to be appropriated
3 for the Community Management Account by sub-
4 section (a), there is also authorized to be appro-
5 priated for the Community Management Account for
6 fiscal year 1998 such additional amounts as are
7 specified in the classified Schedule of Authorizations
8 referred to in section 102(a).

9 (2) AUTHORIZATION OF PERSONNEL.—In addi-
10 tion to the personnel authorized by subsection (b)
11 for elements of the Community Management Ac-
12 count as of September 30, 1998, there is hereby au-
13 thORIZED such additional personnel for such elements
14 as of that date as is specified in the classified Sched-
15 ule of Authorizations.

16 (3) CONSTRUCTION.—Authorizations in the
17 classified Schedule of Authorizations may not be
18 construed to increase authorizations of appropria-
19 tions or personnel for the Community Management
20 Account except to the extent specified in the applica-
21 ble paragraph of this subsection.

22 (d) REIMBURSEMENT.—During fiscal year 1998, any
23 officer or employee of the United States or member of the
24 Armed Forces who is detailed to the staff of an element
25 within the Community Management Account from another

1 element of the United States Government shall be detailed
2 on a reimbursable basis, except that any such officer, em-
3 ployee, or member may be detailed on a non-reimbursable
4 basis for a period of less than one year for the perform-
5 ance of temporary functions as required by the Director
6 of Central Intelligence.

7 **TITLE II—CENTRAL INTEL-**
8 **LIGENCE AGENCY RETIRE-**
9 **MENT AND DISABILITY SYS-**
10 **TEM**

11 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for the
13 Central Intelligence Agency Retirement and Disability
14 Fund for fiscal year 1998 the sum of \$196,900,000.

15 **TITLE III—GENERAL**
16 **PROVISIONS**

17 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
18 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
2 **ACTIVITIES.**

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

7 **SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSON-**
8 **NEL.**

9 (a) **DETAIL.**—

10 (1) **IN GENERAL.**—Notwithstanding any other
11 provision of law, the head of a department or agency
12 having jurisdiction over an element in the intel-
13 ligence community or the head of an element of the
14 intelligence community may detail any employee of
15 the department, agency, or element to serve in any
16 position in the Intelligence Community Assignment
17 Program.

18 (2) **BASIS OF DETAIL.**—

19 (A) **IN GENERAL.**—Personnel may be de-
20 tailed under paragraph (1) on a reimbursable
21 or nonreimbursable basis.

22 (B) **PERIOD OF NONREIMBURSABLE DE-**
23 **TAIL.**—Personnel detailed on a nonreimbursable
24 basis shall be detailed for such periods not to
25 exceed three years as are agreed upon between
26 the heads of the departments or agencies con-

1 cerned. However, the heads of the departments
2 or agencies may provide for the extension of a
3 detail for not to exceed one year if the extension
4 is in the public interest.

5 (b) BENEFITS, ALLOWANCES, AND INCENTIVES.—

6 The department, agency, or element detailing personnel
7 to the Intelligence Community Assignment Program under
8 subsection (a) on a non-reimbursable basis may provide
9 such personnel any salary, pay, retirement, or other bene-
10 fits, allowances (including travel allowances), or incentives
11 as are provided to other personnel of the department,
12 agency, or element.

13 (c) EFFECTIVE DATE.—This section shall take effect
14 on June 1, 1997.

15 **SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS**

16 **LAWS TO INTELLIGENCE ACTIVITIES.**

17 Section 905 of the National Security Act of 1947 (50
18 U.S.C. 441d) is amended by striking out “January 6,
19 1998” and inserting in lieu thereof “January 6, 2001”.

20 **SEC. 305. ADMINISTRATIVE LOCATION OF THE OFFICE OF**

21 **THE DIRECTOR OF CENTRAL INTELLIGENCE.**

22 Section 102(e) of the National Security Act of 1947
23 (50 U.S.C. 403(e)) is amended by adding at the end the
24 following:

1 “(4) The Office of the Director of Central Intel-
2 ligence shall, for administrative purposes, be within the
3 Central Intelligence Agency.”.

4 **SEC. 306. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN**
5 **INFORMATION TO CONGRESS.**

6 (a) ENCOURAGEMENT.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date of enactment of this Act, the President
9 shall take appropriate actions to inform the employ-
10 ees of the executive branch, and employees of con-
11 tractors carrying out activities under classified con-
12 tracts, that the disclosure of information described
13 in paragraph (2) to the committee of Congress hav-
14 ing oversight responsibility for the department,
15 agency, or element to which such information re-
16 lates, or to the Members of Congress who represent
17 such employees, is not prohibited by law, executive
18 order, or regulation or otherwise contrary to public
19 policy.

20 (2) COVERED INFORMATION.—Paragraph (1)
21 applies to information, including classified informa-
22 tion, that an employee reasonably believes to evi-
23 dence—

24 (A) a violation of any law, rule, or regula-
25 tion;

1 (B) a false statement to Congress on an
2 issue of material fact; or

3 (C) gross mismanagement, a gross waste
4 of funds, an abuse of authority, or a substantial
5 and specific danger to public health or safety.

6 (b) REPORT.—On the date that is 30 days after the
7 date of enactment of this Act, the President shall submit
8 to Congress a report on the actions taken under subsection
9 (a).

10 **SEC. 307. PROVISION OF INFORMATION ON VIOLENT**
11 **CRIMES AGAINST UNITED STATES CITIZENS**
12 **ABROAD TO VICTIMS AND VICTIMS' FAMI-**
13 **LIES.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) it is in the national interests of the United
17 States to provide information regarding the murder
18 or kidnapping of United States citizens abroad to
19 the victims, or the families of victims, of such
20 crimes; and

21 (2) the provision of such information is suffi-
22 ciently important that the discharge of the respon-
23 sibility for identifying and disseminating such infor-
24 mation should be vested in a cabinet-level officer of
25 the United States Government.

1 (b) RESPONSIBILITY.—The Secretary of State shall
2 take appropriate actions to ensure that the United States
3 Government takes all appropriate actions to—

4 (1) identify promptly information (including
5 classified information) in the possession of the de-
6 partments and agencies of the United States Gov-
7 ernment regarding the murder or kidnapping of
8 United States citizens abroad; and

9 (2) subject to subsection (c), make such infor-
10 mation available to the victims or, where appro-
11 priate, the families of victims of such crimes.

12 (c) CLASSIFIED INFORMATION.—The Secretary shall
13 work with the Director of Central Intelligence to ensure
14 that classified information relevant to a crime covered by
15 subsection (b) is promptly reviewed and, to the maximum
16 extent practicable without jeopardizing sensitive sources
17 and methods or other vital national security interests,
18 made available under that subsection.

19 **SEC. 308. STANDARDS FOR SPELLING OF FOREIGN NAMES**
20 **AND PLACES AND FOR USE OF GEOGRAPHIC**
21 **COORDINATES.**

22 (a) SURVEY OF CURRENT STANDARDS.—

23 (1) SURVEY.—The Director of Central Intel-
24 ligence shall carry out a survey of current standards
25 for the spelling of foreign names and places, and the

1 use of geographic coordinates for such places, among
2 the elements of the intelligence community.

3 (2) REPORT.—Not later than 90 days after the
4 date of enactment of this Act the Director shall sub-
5 mit to the congressional intelligence committees a
6 report on the survey carried out under paragraph
7 (1).

8 (b) GUIDELINES.—

9 (1) ISSUANCE.—Not later than 180 days after
10 the date of enactment of this Act, the Director shall
11 issue guidelines to ensure the use of uniform spelling
12 of foreign names and places and the uniform use of
13 geographic coordinates for such places. The guide-
14 lines shall apply to all intelligence reports, intel-
15 ligence products, and intelligence databases prepared
16 and utilized by the elements of the intelligence com-
17 munity.

18 (2) BASIS.—The guidelines under paragraph
19 (1) shall, to the maximum extent practicable, be
20 based on current United States Government stand-
21 ards for the transliteration of foreign names, stand-
22 ards for foreign place names developed by the Board
23 on Geographic Names, and a standard set of geo-
24 graphic coordinates.

1 (3) SUBMITTAL TO CONGRESS.—The Director
2 shall submit a copy of the guidelines to the congress-
3 sional intelligence committees.

4 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
5 DEFINED.—In this section, the term “congressional intel-
6 ligence committees” means the following:

7 (1) The Select Committee on Intelligence of the
8 Senate.

9 (2) The Permanent Select Committee on Intel-
10 ligence of the House of Representatives.

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

13 **SEC. 401. MULTIYEAR LEASING AUTHORITY.**

14 Section 5 of the Central Intelligence Agency Act of
15 1949 (50 U.S.C. 403f) is amended—

16 (1) in paragraph (e), by striking out “without
17 regard” and all that follows through the end and in-
18 serting in lieu thereof a semicolon;

19 (2) by redesignating paragraph (f) as para-
20 graph (g); and

21 (3) by inserting after paragraph (e) the follow-
22 ing new paragraph (f):

23 “(f) Notwithstanding section 1341(a)(1) of title
24 31, United States Code, enter into multiyear leases

1 for lease terms of not to exceed 15 years, except
2 that—

3 “(1) any such lease shall be subject to the
4 availability of appropriations in an amount nec-
5 essary to cover—

6 “(A) rental payments over the entire
7 term of the lease; or

8 “(B) rental payments over the first 12
9 months of the term of the lease and the
10 penalty, if any, payable in the event of the
11 termination of the lease at the end of the
12 first 12 months of the term; and

13 “(2) if the Agency enters into a lease using
14 the authority in subparagraph (1)(B)—

15 “(A) the lease shall include a clause
16 that provides that the lease shall be termi-
17 nated if specific appropriations available
18 for the rental payments are not provided in
19 advance of the obligation to make the rent-
20 al payments;

21 “(B) notwithstanding section 1552 of
22 title 31, United States Code, amounts obli-
23 gated for paying costs associated with ter-
24 minating the lease shall remain available
25 until such costs are paid;

1 “(C) amounts obligated for payment
2 of costs associated with terminating the
3 lease may be used instead to make rental
4 payments under the lease, but only to the
5 extent that such amounts are not required
6 to pay such costs; and

7 “(D) amounts available in a fiscal
8 year to make rental payments under the
9 lease shall be available for that purpose for
10 not more than 12 months commencing at
11 any time during the fiscal year; and”.

12 **SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR**
13 **GENERAL OF THE CENTRAL INTELLIGENCE**
14 **AGENCY.**

15 (a) **AUTHORITY.**—Subsection (e) of section 17 of the
16 Central Intelligence Agency Act of 1949 (50 U.S.C. 403q)
17 is amended—

18 (1) by redesignating paragraphs (5) through
19 (7) as paragraphs (6) through (8), respectively; and

20 (2) by inserting after paragraph (4) the follow-
21 ing new paragraph (5):

22 “(5)(A) Except as provided in subparagraph (B), the
23 Inspector General is authorized to require by subpoena the
24 production of all information, documents, reports, an-
25 swers, records, accounts, papers, and other data and docu-

1 mentary evidence necessary in the performance of the du-
2 ties and responsibilities of the Inspector General.

3 “(B) In the case of Government agencies, the Inspec-
4 tor General shall obtain information, documents, reports,
5 answers, records, accounts, papers, and other data and
6 evidence for the purpose specified in subparagraph (A)
7 using procedures other than subpoenas.

8 “(C) The Inspector General may not issue a subpoena
9 for or on behalf of any other element or component of the
10 Agency.

11 “(D) In the case of contumacy or refusal to obey a
12 subpoena issued under this paragraph, the subpoena shall
13 be enforceable by order of any appropriate district court
14 of the United States.

15 “(E) Not later than January 31 and July 31 of each
16 year, the Inspector General shall submit to the Select
17 Committee on Intelligence of the Senate and the Perma-
18 nent Select Committee on Intelligence of the House of
19 Representatives a report of the Inspector General’s exer-
20 cise of authority under this paragraph during the preced-
21 ing six months.”.

22 (b) LIMITATION ON AUTHORITY FOR PROTECTION OF
23 NATIONAL SECURITY.—Subsection (b)(3) of that section
24 is amended by inserting “, or from issuing any subpoena,
25 after the Inspector General has decided to initiate, carry

1 out, or complete such audit, inspection, or investigation
 2 or to issue such subpoena,” after “or investigation”.

3 **TITLE V—DEPARTMENT OF DE-**
 4 **FENSE INTELLIGENCE AC-**
 5 **TIVITIES**

6 **SEC. 501. ACADEMIC DEGREES IN INTELLIGENCE.**

7 (a) IN GENERAL.—Section 2161 of title 10, United
 8 States Code, is amended to read as follows:

9 **“§ 2161. Joint Military Intelligence College: master of**
 10 **science in strategic intelligence; bachelor**
 11 **of science in intelligence**

12 “Under regulations prescribed by the Secretary of
 13 Defense, the President of the Joint Military Intelligence
 14 College may, upon recommendation by the faculty of the
 15 college, confer the degree of master of science in strategic
 16 intelligence and the degree of bachelor of science in intel-
 17 ligence upon the graduates of the college who have fulfilled
 18 the requirements for such degree.”.

19 (b) CONFORMING AMENDMENT.—The item relating
 20 to section 2161 in the table of sections at the beginning
 21 of chapter 108 of such title is amended to read as follows:

“2161. Joint Military Intelligence College: master of science in strategic intel-
 ligence; bachelor of science in intelligence.”.

1 **SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY**
 2 **OF LIFE IMPROVEMENTS AT MENWITH HILL**
 3 **AND BAD AIBLING STATIONS.**

4 Section 506(b) of the Intelligence Authorization Act
 5 for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974)
 6 is amended by striking out “for fiscal years 1996 and
 7 1997” and inserting in lieu thereof “for fiscal years 1998
 8 and 1999”.

9 **SEC. 503. MISUSE OF NATIONAL RECONNAISSANCE OFFICE**
 10 **NAME, INITIALS, OR SEAL.**

11 (a) IN GENERAL.—Subchapter I of chapter 21 of title
 12 10, United States Code, is amended by adding at the end
 13 the following:

14 **“§ 426. Unauthorized use of National Reconnaissance**
 15 **Office name, initials, or seal**

16 “(a) PROHIBITED ACTS.—Except with the joint writ-
 17 ten permission of the Secretary of Defense and the Direc-
 18 tor of Central Intelligence, no person may knowingly use,
 19 in connection with any merchandise, retail product, imper-
 20 sonation, solicitation, or commercial activity, in a manner
 21 reasonably calculated to convey the impression that such
 22 use is approved, endorsed, or authorized by the Secretary
 23 or the Director, any of the following:

24 “(1) The words ‘National Reconnaissance Of-
 25 fice’ or the initials ‘NRO’.

1 “(2) The seal of the National Reconnaissance
2 Office.

3 “(3) Any colorable imitation of such words, ini-
4 tials, or seal.

5 “(b) INJUNCTION.—(1) Whenever it appears to the
6 Attorney General that any person is engaged or is about
7 to engage in an act or practice which constitutes or will
8 constitute conduct prohibited by subsection (a), the Attor-
9 ney General may initiate a civil proceeding in a district
10 court of the United States to enjoin such act or practice.

11 “(2) Such court shall proceed as soon as practicable
12 to the hearing and determination of such action and may,
13 at any time before final determination, enter such re-
14 straining orders or prohibitions, or take such other action
15 as is warranted, to prevent injury to the United States
16 or to any person or class of persons for whose protection
17 the action is brought.”

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of that subchapter is amended by adding
20 at the end the following:

“426. Unauthorized use of National Reconnaissance Office name, initials, or
seal.”.